

**SELECT COMMITTEE INTO THE  
FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
MONDAY, 24 JULY 2000**

**Members**

**Hon Ken Travers (Chairman)  
Hon G.T. Giffard  
Hon Ray Halligan**

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- (a) constitute a contempt of the Legislative Council; and**
- (b) mean that the publication or disclosure of the relevant material is not subject to parliamentary privilege.**

**Committee met at 10.27 am**

**WALKER, MR PATRICK,  
Commissioner for Fair Trading,  
219 St Georges Terrace,  
Perth, examined:**

**NEWCOMBE, MR GARY,  
Director, Projects, Ministry of Justice,  
219, St Georges Terrace,  
Perth, examined:**

**The CHAIRMAN:** Welcome to today's meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**The WITNESSES:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing. A transcript of your evidence will be provided to you. Even though this is a private hearing, I advise you that the committee may make your evidence public at the time of its reporting to the Legislative Council. If the committee does decide to make your evidence public, it will first inform you of its determination. You should not disclose your evidence to any other person.

**Mr Walker:** I arranged for a letter to be prepared in relation to the summonses of 20 July and 11 July. Today, we have produced about eight boxes of documents. We believe they satisfy the requirements of parts 2 and 5, which were outstanding matters from the earlier summons of 11 July. We have also produced the documents requested in the summons of 20 July.

**The CHAIRMAN:** Your letter raises a number of questions. Last week, we issued you a summons to present documents today. Are all the documents the committee asked for included in the documents you are tabling today?

**Mr Newcombe:** That is correct. The documents are identified on that schedule. Two of the files are lists rather than documents. We have also provided the files in which the monthly investigator reports are found. Those files also contain other documents.

**The CHAIRMAN:** The letter contains some comments about the timing. We agree that you be allowed to provide the documents as they become available. We realise that you are also providing documents that were requested in the earlier summons. Obviously, if further documents are required, the committee will ask you to provide them as soon as possible.

**Mr Walker:** Given the relatively tight time line identified in the summonses, it is difficult to distinguish between policy and administrative matters. On this occasion we have provided all the documents; however, I understand that neither Mr Newcombe nor I should comment on or

provide policy-type documents. I flag that issue because I am conscious that we have simply bundled up and presented eight boxes of files and that this inquiry is likely to be ongoing. I imagine that the committee will request further files - probably hundreds. I am conscious of my obligations to the Minister for Fair Trading to ensure that policy-type issues are more appropriately dealt with by him.

**The CHAIRMAN:** The committee's term of reference No 4 states -

The committee have power to send for persons, papers and records and to move from place to place.

Standing Order No 331 relates to the evidence of public servants and states -

Where a committee examines a public servant, questions of policy shall not be asked of that person but shall be directed to the responsible Minister. A public servant is entitled to decline to answer any question on a matter of policy.

If the committee asks you a question about policy, you are entitled to decline to answer it. However, if it seeks documents that are in your possession or control, you are required to provide them if they are relevant to this inquiry, whether they relate to policy issues or another matter. Obviously, such matters go to the House for final determination. You may want to seek your own independent legal advice on that. However, as the chairman of this committee, I intend to proceed on the basis that you have the right to refuse to answer questions on policy but not to decline to provide policy-related documents. You may need to seek your own legal advice on that.

**Mr Walker:** We may follow up on it. It is useful to know. All the required documents have been provided for today's proceedings.

**The CHAIRMAN:** The committee has received a copy of your letter about legal opinions. When did you receive the instruction from the minister to not provide the documents to the committee?

**Mr Walker:** Yes, I can. Prior to the receipt of the summons and after the select committee was established, the minister indicated that he wished to be kept informed of all the issues associated with this inquiry and that all issues should be referred to him prior to any responses being made. On the basis of that, I approached the minister's office when we received a summons and I sought advice in relation to that. The instruction I received prior to attending the last select committee hearing was that I should not provide those instructions. That advice was in the terms set out in the subsequent written advice dated 17 July, which was forwarded to the committee.

**The CHAIRMAN:** The document has a time of 16:40 on it. Is that the approximate time it was received?

**Mr Walker:** Yes, the document would have been received in the late afternoon. I have no doubt to question that. The minister was attending a cabinet meeting in Kalgoorlie.

**The CHAIRMAN:** Were any other instructions given by the minister other than the legal

opinions about the provision of documents or anything else?

**Mr Walker:** No, other than that general indication which I referred to earlier; that is, that the issues associated with the select committee should be referred to the minister's office and that the minister should be kept fully informed about requests of us and information provided to this committee.

**The CHAIRMAN:** Are you providing the minister with briefing notes on a regular basis?

**Mr Walker:** Not at this stage. I have not provided any written briefing notes. We have sought some information from him.

**Hon G.T. GIFFARD:** If I understood you correctly, was the document which you have tabled from minister Shave the subsequent advice you received?

**Mr Walker:** No, that was the confirmation -

**Hon G.T. GIFFARD:** Confirmation, sorry, that you subsequently received?

**Mr Walker:** That is correct.

**Hon G.T. GIFFARD:** Can you tell the committee when you first received confirmation of that advice.

**Mr Walker:** Sorry, the written or the verbal advice?

**Hon G.T. GIFFARD:** The advice was verbal was it?

**Mr Walker:** Yes, the advice I received from the minister was verbal. It would have been not long after the summons was received and prior to my appearing before the select committee on the last occasion.

**Hon G.T. GIFFARD:** Was that verbal advice from the minister?

**Mr Walker:** It was relayed by the chief of staff of the minister who had received it directly from the minister.

**Hon G.T. GIFFARD:** Who is the chief of staff?

**Mr Walker:** Annabelle Gomez.

**Hon G.T. GIFFARD:** Did the verbal advice from Ms Gomez relate to the instructions requesting those legal opinions? I notice in this confirmation that point one refers to legal opinions and the instructions requesting those opinions. Is that a confirmation of the earlier advice or was it new advice?

**Mr Walker:** No, the earlier advice was that anything to do with legal professional privilege

should be accommodated. Members will recall that at our last meeting I was asked a question about instructions etc. I undertook to clarify that because at that stage I was not 100 per cent sure whether that was captured under the notion of legal professional privilege, but it was subsequently confirmed to me that that is the case.

**Hon G.T. GIFFARD:** I agree with you that that is what was asked. Prior to this confirmation of advice, what had your view been?

**Mr Walker:** My understanding was that I thought it was captured by legal professional privilege, but at that stage I was not certain. Therefore, that is why I gave the undertaking to the select committee to inquire into it and get back to the committee later in the day, which I subsequently did.

**The CHAIRMAN:** The letter from the minister states the legal opinions which are held by and for me. Who has the legal opinion at the moment? Is the minister inferring that they are physically at his office or are they at the ministry? When the minister refers to the documents being held by him, is it in a notional sense as the responsible minister?

**Mr Walker:** The documents are currently within the physical possession of the ministry. To the best of my knowledge, the documents are within files within the ministry itself. However, the minister is indicating that the ownership of those documents rests with the Government.

**The CHAIRMAN:** As the responsible minister of the ministry. I wanted to clarify that point within this letter.

**Hon G.T. GIFFARD:** I have been over the transcripts and am unable to confirm whether we are talking about two legal opinions. Is that right?

**Mr Walker:** No. It relates to all of the legal opinions.

**Hon G.T. GIFFARD:** Are there two or more than two?

**Mr Newcombe:** The summons directs to legal opinions on a range of matters. The terms of the summons covers every legal opinion which we have received. In an attempt to find it, the summons would need to be refined as to which legal opinions the committee is after, but the response is in relation to all legal opinions which might fall within the ambit of the summons.

**The CHAIRMAN:** Do you have any idea how many legal opinions that involves?

**Mr Newcombe:** No. The ministry gets legal opinions as a matter of course, internal and external, on its administration of a range of Acts - certainly on land brokers and land valuers. There would be quite a few.

**The CHAIRMAN:** In respect to finance broking?

**Mr Newcombe:** Yes, going back to 1988. The summons also refers to land valuers. We queried the terms of the summons because it creates some difficulty for us. However, item 6 of

the summons of 11 July is the original of any legal opinions in the instructions in relation to the interpretation of the Finance Brokers Control Act, the Australian Securities and Investments Commission Act, related acts, and any inquiry or investigation of finance brokers or land valuers; it is pretty broad.

**Hon G.T. GIFFARD:** Would the request for legal opinion on a particular matter not be referred to the minister? Would a legal opinion that related to an inquiry stay within the ministry?

**Mr Walker:** That is correct.

**Hon G.T. GIFFARD:** If you were to receive a legal opinion that was broader - about roles and responsibilities within the finance broking industry - would that as a matter of course be referred to the minister, or would it also remain within the ministry? Are any legal opinions referred to the minister?

**Mr Walker:** It would be unusual for a legal opinion to find its way to a minister. It is more likely that briefing notes or other issues of significant importance would capture that. It would not be normal practice, certainly in my time, for routine legal opinions to be automatically copied and forwarded to the minister.

**Mr Newcombe:** Some matters would be if they related to the administration of legislation, advice from the Crown Solicitor's Office and so on which are relevant to the provision of information to the minister or relevant to the way in which the minister might act. Under several pieces of legislation, the minister has discretion or a power, and advice on that would be provided or, as I said, it would be summarised.

**Hon G.T. GIFFARD:** Mr Walker, would you have an idea how many times since you have been at the ministry that legal opinions would have been referred to the minister?

**Mr Walker:** No, I would be guessing.

**Hon G.T. GIFFARD:** I am just trying to get a sense of whether it is common.

**Mr Walker:** In the course of the Gunning inquiry, we worked out that I sign about 5 000 pieces of correspondence a year, including 20 briefing notes a day. In the context of the volume of correspondence that goes through my office, it is not a lot..

**Hon G.T. GIFFARD:** Does it happen?

**Mr Walker:** I believe it would.

**Hon G.T. GIFFARD:** Do you know what the numbers are?

**Mr Walker:** No, but it certainly happens and it depends on the issue at the time. It is unlikely that it would come before the minister if it were a routine Ministry of Fair Trading prosecution or anything like that. However, if it were a more strategic policy issue or something that is contentious, controversial or the subject of parliamentary consideration, some reference to it

would be made in briefing notes.

**The CHAIRMAN:** You raised the matter of staff gaining access to the documents. I have no problems with that. Jan, are you able to give us any advice whether that would be a problem?

**Committee Clerk (Jan Paniperis):** I am not sure what you mean.

**The CHAIRMAN:** The Ministry of Fair Trading was not able to make working copies of the files and wants to access them while they are in the possession of the committee.

**Committee Clerk:** How would that happen? Would someone come here and look through them?

**Mr NEWCOMBE:** We do not necessarily want to copy entire files. However, a number of the files contain correspondence from members of the public, who often refer back to those documents. We need to see that correspondence to be able to respond appropriately or to advise the minister. In those circumstances, we are seeking access to the files and, if required, to be able to copy individual documents. We have provided the committee with files that are current, so it is necessary for us to be able to continue to service the public.

**The CHAIRMAN:** I understand that issue and am sympathetic to it.

**Mr NEWCOMBE:** We are happy for the files to stay in the committee's possession. The officers would attend the office, examine the documents and, if necessary, take a copy.

**The CHAIRMAN:** We will confirm that with a legal officer before you leave. You made comments about privacy. Have you identified the documents you believe need to be kept private?

**Mr NEWCOMBE:** Many of the files are correspondence files; therefore, we regard almost every document as reflecting something private about a member of the public. Members of the public who have written to the Ministry of Fair Trading have stated matters about their private financial position. In one case, 23 volumes of correspondence files exist and almost all the documents within that would contain some confidential information. Many of the documents contain information about the activities of supervisors and liquidators, and could possibly impact on them. The need for privacy is relatively apparent on the face of each document and the committee should see that. However, the exercise of identifying them is impossible, as about 80 per cent of the documents would contain some form of information that a member of the public or other people involved in legal action would not necessarily expect to be made public.

**The CHAIRMAN:** That probably covers the next two items in your letter. What is your interpretation of the relationship between the ministry and the Finance Brokers Supervisory Board and who has responsibility for various functions? I have difficulty with that because it seems to change every time I talk with someone about it. What is the ministry's perspective on the relationship between the two?

**Mr Nnewcombe:** In general terms, the Finance Brokers Supervisory Board has the legal authority under the Finance Brokers Control Act to administer that Act. In doing so, it is

supported by some officeholders, particularly the registrars. However, it is not an employing authority and does not have the capacity to employ its own staff. The ministry provides the board with staff and administrative, legal and investigative support. The board has put in place some operating procedures, which the chairman explained to the Gunning inquiry. The board does not seek to become involved in the day-to-day investigation of matters. It has that policy because of concern about breaches of the rules of natural justice, such as board members becoming biased through exposure to information before it is presented to an inquiry. The board sees itself as responsible for the Act, and conducts the inquiries and supervises the investigations. However, those investigations are conducted by ministry officers. The ministry provides all the policy support and advises the minister. The board is able to comment on policy matters, and does from time to time; however, most of that falls within the ministry's responsibility. The ministry has appointed registrars to the boards, who are also managers of particular branches and as such, have broader responsibilities. They look after a particular branch and are responsible for finance broking matters that do not necessarily come within the terms of the Act. One issue that springs to mind is the definition of finance broking; that is, the definition within the Act stops once the loan is negotiated and does not cover the management of mortgages. The ministry deals with matters that might, in a general sense, impact on finance broking but do not specifically come under the Act. I do not know whether it is clear. The ministry is hoping to impose a stricter delineation of what is dealt with by one or the other. Essentially, the ministry does most of the investigative and policy work and carries out the investigations on behalf of the board, and the board's role is to supervise that and conduct inquiries.

**Mr Walker:** It is apparent from some of the evidence given before the Gunning inquiry that there is a misunderstanding about the respective relationships, even by some of the officers. Some of the staff on the ministry's payroll are officers of the board and subject to the direction and supervision of the board. In practice, there has been a blurring and misunderstanding of that function, by not only the board but also, based on evidence given before the Gunning inquiry, by some of the office-bearers of the board. On occasion, they do not seem to have been sure whether they are acting as a ministry official or an officer of the board. Your committee may come across some of that confusion. I do not think it is deliberate, but rather it is genuine confusion about the way the board has been administered and the ministry arrangements. I believe that any review of the current regulatory framework should seek to impose far greater clarity about the respective roles and responsibilities of the staff.

**The CHAIRMAN:** Is this a recent phenomenon or has the ministry been aware of it for some time?

**Mr Walker:** I commenced employment at the Ministry of Fair Trading in June 1998. Although I became generally aware of the situation, it took longer than normal because of the confidentiality provisions of the board. My statutory role is Commissioner of Fair Trading and the chief executive officer of the Ministry of Fair Trading. There is a much clearer definition of roles and responsibilities in the general operations of the ministry, which account for 95 per cent of matters other than finance broking. Issues are channelled up through the normal organisational structures and I am made aware of them. However, the various boards within the ministry tended to be like silos and operated independently. The information flow did not exist. It was something that became apparent over time and is the subject of our submission to the Gunning committee of inquiry.



**The CHAIRMAN:** Do you remember what brought it to your attention in the first instance? Was there a specific event?

**Mr Walker:** When I commenced employment at the ministry, I took the opportunity to talk with the chairman of the various boards. I had an interest in doing that, as I have a local government background and was used to servicing councils, committees and community groups and organisations. I was not able to devote a good deal of my time to it early on as a restructure was under way, and we were responding to the Auditor General's performance examination of the ministry. However, I and others in the ministry became aware of it over time as we looked at the various issues. I cannot recall a particular month or time when it became apparent to me. It occurred over time and was the subject of some comments and suggestions in the submission the ministry has made to the Gunning committee of inquiry.

**The CHAIRMAN:** You say the board supervises the investigations. What does that mean?

**Mr Newcombe:** According to the evidence given to the Gunning inquiry, the registrar or the Finance Brokers Supervisory Board issues the direction for the investigation, which is the legal starting point for the investigation. The board also receives monthly reports on those investigations - which is one of the files the committee requested. I understand that the investigative officers attend the board meetings and brief the board on the progress of the investigation. In that sense, the board is kept informed and knows what is happening with the investigations, and can issue directions. However, the chairman of the board has said that, as a matter of policy, he does not believe it should be involved in the day-to-day detail of the matters being investigated because, as he has put it, there is a concern that information might come through in the investigation process upon which the board would ultimately have to rule. Again, this is restating his position but, when he appeared before the Gunning inquiry, he was very strongly of the view that it would be inappropriate for the board to be involved in the day-to-day matters.

**The CHAIRMAN:** I am asking for the ministry's perspective. How do you see that supervision occurring? What would happen to a complaint that came into the Ministry of Fair Trading? An investor cannot ring the Finance Brokers Supervisory Board in the first instance. He must ring the ministry.

**Mr Newcombe:** Or he might ring the registrar, who is part of the board in a legal sense. A complaint would be made either by telephone or in writing and an investigative officer would be allocated to look into it. That officer's actions are subject to the day-to-day control of the manager of the branch, who also happens to be the registrar. The investigation is managed by the investigator and the manager of the branch.

**The CHAIRMAN:** Does the investigation reach a certain point before the investigator notifies the board?

**Mr Newcombe:** No, all matters are brought to the board's attention. The evidence to the Gunning inquiry indicated that matters were brought to the attention of the board within a couple of weeks of receipt of the complaint. A file is made up and the complaint is put on the list that goes to the board. The board is made aware of the complaint early on in the process.

**The CHAIRMAN:** Is the board made aware at the time of taking formal statements or after the initial telephone call?

**Mr NEWCOMBE:** The board is made aware at the time a complaint is received and a file made up. As I understand it, once a complaint file is made up, it is put on the list. I am not involved in the day-to-day operations of this matter and am advising the committee based only on the evidence I have heard given to the Gunning inquiry and from what I have seen. However, the documents I have seen reflect that. Files are quickly added to the list that goes before the board, and the date of the file indicates the date on which it was created. The files remain on the monthly reports and before they are investigated, the investigator completes a report, which is the subject of consideration by a legal officer and the manager of the area. A decision is then made on whether it is a matter that should go before the board for inquiry or whether further direction by the board is required. The files then go to the board. The committee should bear in mind that the investigators attend the board meetings on a monthly basis and are subject to questioning by the board about progress on particular matters.

**The CHAIRMAN:** Has that always been the case?

**Mr Newcombe:** That is my understanding. The monthly reports go back a fair way and the evidence given to the Gunning inquiry comes from people including Mr Wallace, who was there before 1993.

**The CHAIRMAN:** Where does the Minister for Fair Trading fit within that process? He can direct or be kept informed of the operations of the Ministry of Fair Trading. Is he able to be or has he been kept informed of the operations of the board? If so, is that the role of the ministry or the board?

**Mr Newcombe:** The minister is responsible for the Finance Brokers Control Act and the board. He is unable to direct the board, as the Act contains no specific authority for the minister to issue directions to the board. The board may contact the minister directly and occasionally reports directly to him on matters of policy and administration. However, the minister rarely requests specific details about investigations. The confidentiality provisions have had some impact; however, recent Crown Solicitor's advice indicates that the minister is entitled to be advised by the board and/or the ministry for the performance of ministerial duties. Those duties include answering questions in Parliament, and it makes sense that the board advise him on such matters. The briefing is usually done by a combination of ministry and board officials. The ministry might provide substantive parts of the briefing, or it might be provided by the registrar in his capacity as an officer of the board, depending on the matter.

**The CHAIRMAN:** I understand that investigations are conducted by ministry officers rather than officers of the board.

**Mr Newcombe:** An investigator acts as an officer of both the board and the ministry. Although it sounds confusing, it is done because an investigation may concern an issue specifically under the Finance Brokers Control Act, or it might involve other legislative or general fair trading matters. The investigators who investigate finance broking matters are appointed officers of the board and have the authority to act in relation to complaints under that Act, but they are also officers of the ministry. In general terms, the officers act under both hats.

**The CHAIRMAN:** The board's view is that it should not involve itself in the day-to-day inquiries. Would the person conducting an investigation then act as an officer of the ministry and not of the board?

**Mr Newcombe:** I do not believe that argument flows. The fact that the board does not ask for the details of the investigation does not mean that the investigator does not act as an officer of the board. It is simply that the board chooses not to obtain the detailed statements or other reports until the matter comes to the board for inquiry. The officers still act as officers of the board.

**Mr Walker:** They would report to the registrar of the board.

**The CHAIRMAN:** If the minister wanted one of his staff to attend with an investigator, would he do that with an investigator of the board or an investigator of the ministry?

**Mr Newcombe:** I cannot really answer that question. All I can say is that when an investigator is investigating finance broking matters, he or she is usually wearing both hats.

**The CHAIRMAN:** The committee has no further questions. Thank you for your attendance today.

**Mr Walker:** Can we crave your indulgence? We are very keen to do everything correctly regarding evidence before the committee. We are conscious that from time to time registrars, either from the Land Valuers Licensing Board and Finance Broking Supervisory Board in Mr Milford and Mr Johnson, may attend the select committee hearings. We are keen in our day-to-day activities not to act in contravention regarding evidence and such issues. It can be somewhat difficult, given that both of those gentleman are substantive managers within the ministry. I am not sure whether the committee has specific examples -

**Mr Newcombe:** In terms of discussing evidence, an issue concerning document production is that we must discuss with individual officers at the ministry that we need documents, why they are required and such things. Circumstances will arise in which we will not necessarily discuss the detail of the questioning, but we need in broad terms to discuss with other officers of the ministry matters as they will provide the documents. We need to get them to search for documents and to know what they are looking for. The broad direction is that we cannot in any circumstances discuss the evidence, which may, in a practical sense, make it impossible to respond to requests for information.

**The CHAIRMAN:** The simple answer is that if an officer has access to a document which we have requested from the chief executive officer, he has the ability to direct that officer to provide him with that document. Obviously, you would need to provide that officer with sufficient detail to identify the document. It goes to the question of parliamentary privilege, and you may want to seek your private legal advice on that matter. My view is that you can ask an officer to provide you with documents, but you cannot discuss the evidence given before this committee. If it had been a public hearing, you could have done so. It is a private hearing so you are not in a position to discuss proceedings. When dealing with a summons, which is a public document, you are entitled to request. The clarification you received from the committee assists you to fulfil that

summons; therefore, you could request the particulars of the documents to make it clear to the officer. That is my impression. However, that is as far as you can go. The other discussions we have had are not to be mentioned. I received the sense from reading the letters we received from the Land Valuers Licensing Board, the Finance Brokers Supervisory Board and the ministry prior to the last hearing that the response was a collaborative effort.

**Mr Newcombe:** That is correct. That reflects the fact that the documents almost in all circumstances are in the possession of the ministry. As a matter of course, it is necessary to discuss with the registrars of those boards where those documents are, who has them, and what the response will be. It reflects the fact that the boards do not effectively have their own staff - they are all ministry staff.

**The CHAIRMAN:** I advise you to be cautious in that area. Certainly, you can determine who has the documents and indicate that those documents are being provided by A or B. If we have asked the documents from the same people, we do that following requests from you and the board to avoid confusion or the need to determine who is responsible. One needs to determine who has that document, and the other person needs to say that the document is provided by the ministry, rather than providing a joint answer. That goes to matters of privilege, upon which you may want to get your own advice.

**Mr Newcombe:** The only other issue is whether the committee has given some consideration to the ministry's request to be present during public hearings and to take notes.

**The CHAIRMAN:** We have. Our standing orders are very clear in that only accredited members of the media can take notes. You can certainly attend. We are sympathetic to your position, but our standing orders make no provision for anyone other than accredited members of the media to take notes.

**Mr Walker:** Is that likely to be reviewed by the Legislative Council? I must say, as a CEO invited to appear before a select committee, it is an unusual situation in which journalists are treated better than people who have statutory and other obligations before the committee.

**Hon G.T. GIFFARD:** I do not think it is unusual.

**The CHAIRMAN:** The same rules apply in the House I might add. People in the public gallery are not allowed to take notes or records, but members of the media may do so. I take your point. It may be worth considering as an ancillary matter when we report. Maybe there should be provision for such inquiries for public servants to be accredited for the purposes of providing reports. I have some sympathy for the view. Obviously, it is a matter for the House to determine.

**Mr Walker:** You can only work within the current rules.

**The CHAIRMAN:** We will just check on the issue about providing you with copies of documents.

**Committee Clerk:** I have checked with Mia: You can copy whole files rather just sections. In that way you will eventually [inaudible].

**Mr Walker:** We hope it is over before then.

**The CHAIRMAN:** You can liaise with the clerk on those matters. We release you for now, but the summons stands for the matters not dealt with.

**Mr Newcombe:** On that basis, I assume that the committee will give some consideration to the information provided and identify. Our view is that we think we have provided what falls within our understanding of the summons. If there are still documents from which you seek particulars, will the committee indicate what it requires?

**The CHAIRMAN:** Our view is that some documents should have been provided by now. The ones which jump out are the legal opinions.

**Mr Newcombe:** Sure.

**The CHAIRMAN:** We need to consider how we will proceed with those. If there are any other documents we believe should be provided that fall within the summons, we will certainly notify you. In a sense, if you have not provided them, the breach of parliamentary privilege will already have occurred. The committee may want to have you back for more formal evidence procedures for questions about operations at a later stage.

**Committee adjourned at 11.19 am.**