JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

THE USE OF PUBLIC HEARINGS BY THE CORRUPTION AND CRIME COMMISSION

TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 22 FEBRUARY 2012

SESSION TWO

Members

Hon Nick Goiran (Chairman)
Mr John Hyde (Deputy Chairman)
Mr Frank Alban
Hon Matt Benson-Lidholm

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Hearing commenced at 11.01 am

GRILL, HON JULIAN FLETCHER, examined:

The CHAIRMAN: The purpose of this hearing is for the committee to speak with Mr Julian Grill for the purpose of gathering evidence in aid of the committee's inquiry into the use of public examinations by the Corruption and Crime Commission. Mr Grill has previously appeared before public examinations conducted by the Corruption and Crime Commission and he provided a submission to the committee in aid of this inquiry earlier this year. I take this opportunity introduce myself as the Chair of the committee; to my left is Mr John Hyde, MLA, the Deputy Chair and member for Perth; to his left is Hon Matt Benson-Lidholm, MLC, member for the Agricultural Region; to my right is Mr Frank Alban, MLA, member for Swan Hills. The Joint Standing Committee on the Corruption and Crime Commission is a committee of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to proceedings in the houses themselves. Even though the committee is not asking you to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings. If you refer to any document during your evidence, it would assist Hansard if you could provide the full title for the record. Before we proceed to the questions we have for you today, I do need to ask you series of preliminary ones. Firstly, have you completed the "Details of Witness" form?

Mr Grill: Yes, I have.

The CHAIRMAN: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Mr Grill: Yes, I do.

The CHAIRMAN: Did you receive and read the "Information for Witnesses" briefing sheet provided in advance of today's hearing?

Mr Grill: Yes, I have.

The CHAIRMAN: Do you have any questions in relation to being a witness at today's hearing?

Mr Grill: I have not.

The CHAIRMAN: We have a series of questions to ask today, but before we do so, would you like to make an opening statement?

Mr Grill: Yes, thank you very much. I submitted a paper to your committee some months ago now. I endorse and adopt that paper. I would like to talk briefly to some of the elements of that particular paper. The paper essentially deals with a whole range of elements of publicity of public hearings, which I believe very badly distorted the process and in the final analysis allowed for significant injustice to be brought about. The tools for that situation were essentially a surveillance campaign, which in the case of my wife and myself was very, very intensive indeed. I will not go into the details now but it was very, very intrusive and there is still really no end to it in the sense that we have never been advised formally that the various listening devices have been removed, which worries my wife considerably. Secondly, and you have touched on it in the previous hearing with the Chief Justice, there is what I call the egregiously unfair and distorted way in which the public hearings themselves were held—the fact that procedural fairness was either denied completely or suspended almost totally. I was well represented at the various private hearings and public hearings, but I can say to you that my counsel there, although eminent counsel—in one case Jeremy Allanson, now a Supreme Court judge, in the other case, Steven Penglis, who is a senior partner with

Freehills—never were able at any stage to make any substantial submission, or any submission at all, on my behalf, nor was I allowed to give evidence outside of the questions that were presented to me by the commission. I could not present evidence in my own right; I could not ask for witnesses to be called. We were not able to cross-examine, and I think worse than anything, witnesses were taken by surprise.

The CHAIRMAN: Do you mind me asking Mr Grill: in which case was there any point in having legal counsel in those circumstances?

Mr Grill: Certainly Jeremy Allanson told me that he did not believe that it was necessary to be there. He was there; I paid him, but I think he felt a bit embarrassed about the whole process, and he said as much to me.

A third factor, a third tool was, I think, and we do not have details of this, you might have more details than I do, but what I suspect was a very well staffed public relations unit operating for the CCC. I think it was overactive. A very senior journalist working for *The West* at that time told me that that public relations office was in contact with him every day during the height of the royal commission and that led me to believe that it was overactive and distorted the situation very, very badly indeed.

Mr J.N. HYDE: Sorry, Mr Grill, not during the royal commission —

Mr Grill: Did I say royal commission?

Mr J.N. HYDE: Yes.

Mr Grill: I meant the CCC hearing.

Mr J.N. HYDE: Okay, great.

Mr Grill: I also made the submission at the beginning of my paper indicating that I do not believe that this CCC hearing was other than a wide-ranging inquiry into the business affairs of Brian Burke and myself. To the extent that public servants or public officers were involved, if it were a movie, they would not have been star players, they would not have been feature players, they would not have been bit players, they would have been props. The inquiries really revolved around the affairs of myself and Mr Burke. For instance, when my home and my home office at 53 Mount Street were searched, over 20 boxes of material were taken away. That included material in respect to at least 50 clients. Now, I cannot imagine that the CCC had complaints in respect to 50 matters or more. I must come to the conclusion that it was a fishing trip into the affairs of myself and Mr Burke, and if you couple that up with the nature of the surveillance and other matters at the time, it is a conclusion that I really find very, very hard to escape. There has been a mention here this morning of private evidence; certainly I gave private evidence early on in 2006. As it turned out, and I do not know whether I can disclose the private evidence, so I will not, but I can say this: the private evidence that I gave bore no resemblance in terms of the interrogation and questions to what I was finally examined about publicly. So, if that is some sort of a safeguard, it certainly was not a safeguard in my case. I went to the trouble of going back to the CCC to have a look at the notes when I gave firsthand evidence in private. That was useless too because, as I have mentioned, the series of questions that came out when I was examined publicly bore no resemblance to the private interrogation. And, later of course we had a senior investigator in both the Smiths Beach matter and the lobbying affairs matter on two occasions giving sworn evidence to the effect that they were endeavouring to take myself, Brian Burke and others by surprise. If you look at the publicity that surrounded the CCC investigation—I will deal with some of these in order—if you look at *The West Australian* newspaper, which was the first big newspaper article to come out in respect to that inquiry on 24 October 2006, there was a large photograph of Sarah Burke, and Sean Cowan writes under the headline "Council paid $50 000 by lobbyist". You gain the clear implication that graft was involved. That was a very, very dramatic start to the inquiry and it gave the inquiry a huge amount of impetus. In the final analysis, that matter was dropped entirely. It sank like a stone, never

to be seen again, and yet it set the whole scene for that inquiry, and that scene and the environment that was set at that time lingers on to this day. Then on 25 October, the next day, we have Sean Cowan in *The West* saying straight out, "Burke the broker in payment to council." In other words, the implication was that Burke had been involved in graft. In the same paper Sean Cowan had another article under the headline "Fishy smell lingers over Canal Rocks". Once again, it links those people involved in Canal Rocks—Brian Burke, myself and others—with payments that amount to graft. Then on 26 October, Sean Cowan writes for *The West Australian*, "Minister enmeshed in CCC inquiry". He is referring to Norm Marlborough and really, if you examine it all, Marlborough's great sin was simply being a friend of Brian Burke. It does not really go beyond that. I have had a very, very close look—I would say a forensic look—at the evidence in the CCC inquiry concerning Mr Marlborough. I cannot see any evidence at all at any stage of either any impropriety or of any illicit behaviour or improper behaviour. I will go into that little bit further. But those sorts of headlines brought Norm Marlborough very, very close to suicide. I can give you details about it; I will not, it would probably be overdramatic. But just let me assure you that he came within a whisker of committing suicide in what would have been quite horrendous circumstances. Then on 26 October a further article in *The West Australian* by Sean Cowan, "See no evil, hear no evil; but what to say?" Once again, there was the allegation or the alleged allegation of nefarious and other payments, which amount to graft. On 1 November Daniel Emerson and Sean Cowan write under the headline: "Minister 'lobbied for project'". Once again he refers to Norm Marlborough. The headline is misleading because first Norm Marlborough was not a minister when he lobbied for the project and second there is nothing wrong with a member of Parliament lobbying for a particular project; it is not against the law. On 2 November we have a further headline, "Secret deal Burke's idea, probe told …" It then links Brian Burke with secret and corrupt payments. In almost all of these cases, gentlemen, I would like to indicate that these allegations are never followed through; they disappear into the ether. They are not the basis of findings and no charges emanate from them. They are simply made, they set the scene, they set the environment, they linger on in that sense, but they are never dealt with by the commission. They are never ever withdrawn; they are never ever followed through.

[11.15 am]

The CHAIRMAN: Are you saying, then, Mr Grill, that basically it is an exercise in throwing as much mud as possible in the hope that some of it sticks?

Mr Grill: I suppose, putting it crudely, that is the case. I do not think that is a process that semi-judicial officers should go through. I think there needs to be a better process than that.

The CHAIRMAN: I can understand that in a sense. When I read your submission, that was the impression that I got.

Mr Grill: Yes.

The CHAIRMAN: But I imagine there would be some observers in Western Australia who would then ask the question: if that was so, why, then, did Mr Marlborough lose his ministerial position and why, then, did he elect to resign from Parliament?

Mr Grill: You have got to remember that he really resigned out of shame. He was shamed by the public hearing—a public hearing at which he was denied procedural fairness, a public hearing where he had no opportunity at all to clear his name and where he felt absolutely hopelessly out of his depth and incapable of responding. That is what happened. If you forensically—I have taken some time to do this—go through the various allegations that were made by him and look at the evidence that might support it, you will find at the end of the day that there is no evidence. In fact, there is considerable evidence to the contrary, and I deal with that further down in my paper. I hope I have answered your question.

On 2 November, there was another headline in *The West*, this time by Tim Treadgold, "Greed can appear in many guises". That is a defamation of the people behind Canal Rocks and David McKenzie, the person who had management of it. These are people that are entirely honest, completely innocent and of considerable reputation, yet they are defamed very, very badly as a result of this process.

On 3 November, "Yet another Cabinet crisis for Carpenter". We talk again about a $5 000 payment, an implied allegation of graft, one that was headlines throughout Australia. In the end, there was a very, very reasonable explanation of what happened in that event. There was a mistake made in head office of the ALP. It had nothing to do with Norm Marlborough. There was no allegation of graft that could be followed through. The allegation was never followed through. Once again, it was one of those allegations that dropped like a stone. All of that was determinable, in my view, by the CCC well prior to the time when this public accusation was aired. There was never any basis to it, yet it had tremendous effect on the witnesses. This particular $5 000 allegation was the main allegation that drove Mr Marlborough to resign and nearly drove him to suicide—that particular allegation. It has never been withdrawn; it just disappears off into the ether. No-one hears about it again; people forget it. Then on 3 November, in paragraph 10, "When will the Premier ever learn?", we have a story by Robert Taylor about the lack of judgement by the Premier and once again about the appointment of Norm Marlborough and then he relates it to John D'Orazio —

> It's a bad look and one Mr Carpenter was warned about, just like he was warned about John D'Orazio, and once again raises serious questions about the Premier's judgment.

If you go back to the evidence in respect to John D'Orazio and examine that forensically, there is no evidence of impropriety. There is no evidence of illegality. They were all dropped—gone. Yet you have this highly defamatory statement being made—emanating out of the public hearings of the CCC—prominently in *The West* of 3 November.

The CHAIRMAN: Can I just ask you, then, in that case would you say the same thing—that that was a person who lost their position out of shame due to the lack of procedural fairness that was afforded to them?

Mr Grill: Yes, I would. And I would add to that that you could put these people in the same category. Apart from Norm Marlborough and John D'Orazio, you could say Tony McRae, where allegations against him were made simply by the CCC on the basis of the civil standard of proof, not on the criminal standard of proof, and where he lost his whole career; and Shelley Archer, where the charges were dropped. I might say with Tony McRae, if there were serious allegations against him, they should have been made as such so he could have defended them or he could have defended them in court by way of a charge. They were never made. There was John Bowler, whom I refer to in my notes, who was demoted in cabinet well before he gave any evidence, well before anything came out in respect to anything that he may or may not have done, but simply because of his relationship with Brian Burke himself. So, I would place D'Orazio, McRae, Archer, Marlborough, Fels and John Bowler all in the same category. Some have fared worse than others, but in each case I think that procedural fairness was denied them and, as a result, they were very badly dealt with. There is a whole range of public servants, too. I was not going to name them, but I think it is probably worthwhile.

The CHAIRMAN: Can I just ask you, then, essentially the concern is if you hold public hearings there are consequences for doing so?

Mr Grill: Absolutely.

The CHAIRMAN: And with the list of people that you have named, there have obviously been consequences for those individuals. But is the consequence that they have had to, if I can use the phrase, "suffer" as a result of the lack of procedural fairness that is alleged to have been afforded to them, or is it because of the choices that individuals have made or leadership at the time? For

example, when we talk about people losing their portfolio, and you are saying there was no justification for them to do that, is that a consequence of a poor leadership decision or is that a consequence of lack of procedural fairness?

Mr Grill: I think it is mainly a process of lack of procedural fairness, but the other element that you mention is also important. We need to bear in mind that all parliamentarians in Western Australia are governed to some degree or another by public perceptions. If public perceptions become entrenched in respect to a particular matter, and I am saying to you that they did in this particular case, most of them were false public perceptions or they were confections or they were public perceptions about matters which were ultimately dropped or not proceeded with. I think we need to be very, very careful about that.

The CHAIRMAN: Would you hold the view, then, Mr Grill, that when it comes to members of Parliament, they should not be subject to the CCC and they should be subject only to the Procedure and Privileges Committee of the Parliament? Perhaps you will want to take that on notice.

Mr Grill: I have thought about the issue, and I think there is a real concern that members of Parliament who have a supervisory role in respect to the CCC can be intimidated. Now, I think that is something you need to bear in mind. I do not have any definite conclusions about that, but I do think it is a real factor. We have seen it happen in other jurisdictions. I mention a notable case which has come up recently of the FBI in America. But these things do happen. Everyone, including members of Parliament, has some skeletons in their closets, and concern about those skeletons being revealed, I think, is always a factor. So. If I could return to my paper.

The CHAIRMAN: Yes, please.

Mr Grill: I have dealt with the $5 000. As I said, that allegation of graft was just quietly dropped; it never went any further, but did a lot of damage. I dealt with D'Orazio.

On 9 November in *The West Australian* you have got a story by Sean Cowan and Daniel Emerson under the headline "CCC probe spreads to public servants". Then there is a quote, I think, from Stephen Hall —

> The Corruption and Crime Commission inquiry into the funding of Busselton council candidates was widened into a massive investigation into several senior public servants yesterday amid allegations that they had seriously abused their positions.

That statement was made before the inquiry had begun—before anyone had given evidence. It was a broadbrush smear on everyone who gave evidence at that particular time or who had the potential to give evidence. It was a statement that I think was highly injudicious and should not have been made by a judicial officer, and I was shocked to see it made. It was highly prejudicial, even before the inquiry had begun. I would say it was a serious abuse of his position and the position of the commission. As it later transpired, when Malcolm McCusker made inquiries into all of these matters, not one of the allegations put before the disciplinary committees held up—not one of them. So how can you be saying before the hearing that public servants had seriously abused their positions and then when the matters are actually examined forensically and go before disciplinary committees, you find that not one of them stands up? They just did not eventuate.

On 9 October in *The West Australian* the headline from Robert Taylor was "Premier risked Cabinet integrity". Now, the story was written in the light of Norm Marlborough's sacking as minister and his resignation as a member of Parliament, something we have dealt with. This is, I think, a very, very serious allegation. It is an implied allegation which came from the CCC that the integrity of cabinet had been compromised. It said as much in the article. There was never ever any evidence that suggested that cabinet integrity had been compromised, and I will go into that later. But how can a semi-judicial officer make those statements before the inquiry commences, prejudicing the inquiry and the people involved in it to that extent? The integrity of cabinet is a very important matter, as I have said. If it were breached, I think the whole CCC inquiry was probably justified.

But the CCC knew, because they had access to all of the transcript evidence, that that had not happened. Why was it made?

The CHAIRMAN: Mr Grill, in that paragraph you mention that there are particular reasons that you are aware of as to why Norm Marlborough and Brian Burke used the phone. You said you would not go into the reasons here, and I am not asking you to do so now because obviously time does not permit us; nor is it really in the purview of the committee's inquiry. But it is relevant to the perception of people in the public about the use of public hearings for the CCC. There was certainly, I think it is fair to say, a school of thought in the Western Australian community that the discovery that a minister could have a so-called secret phone was a concern. But if I read your submission correctly, you are saying that it is nice at a superficial level to have that concern, but if you analyse it a bit deeper, there was not misuse of the phone. I am paraphrasing.

Mr Grill: Yes. Firstly, we know that there was no misuse of the phone for certain, because the CCC had access to every one of the transcripts of the conversations on that phone and they did not raise one of them in that context. So we know the answer to that question. In respect to your other question about why this private phone was used, there were two essential reasons. Firstly, Norm Marlborough was impossible to get through on his telephone, and in many instances just never answered it. So the suggestion, I think, came from Brian that he should have a private telephone which he would answer from time to time.

[11.30 am]

The CHAIRMAN: What—for one person?

Mr Grill: Yes, for one person. But, secondly, I think he was concerned—I think they were both concerned—about the Freedom of Information Act. A public phone being paid for publicly by Parliament was subject to freedom of information purview. A private phone was not public in that sense and could not be used by an opposition to embarrass the government in Parliament. But I think the real test is: what was the phone used for? The CCC know exactly what the phone was used for because they have a transcript of every telephone conversation, and it is clear from their actions that there was nothing in those telephone calls which indicated that the phone was being used improperly.

The CHAIRMAN: So is it not fair that the people of Western Australia should know by way of a public hearing that there were, or there could be, ministers that are trying to circumvent the Freedom of Information Act? Is that not something that would be in the public interest, which would have never been discovered but for the public hearing?

Mr Grill: I suppose you could argue that, but we all—I do not see it as circumventing the Freedom of Information Act; I just see it as a way of one individual talking to another individual in circumstances where he would not have been able to. Quite frankly, I tried to get through on Norm's phone. You could never get through. Anyhow, I hope I have answered your question.

The CHAIRMAN: It is an intriguing line of inquiry, but, as I say, we are digressing —

Mr Grill: Yes.

The CHAIRMAN: — and I do note the time, so I suggest we try to conclude, and members may have further questions.

Mr Grill: I go through a whole range of headlines, which really follow a theme. Perhaps, for the sake of time, I will not go any further down that track. They are all there in the notes and they can be looked at at your leisure.

There was rarely any respite from that particular onslaught. I think that the public environment became absolutely toxic—absolutely poisonous—in respect of certain individuals, and those individuals had no chance of clearing their names in a public sense. I did say earlier on that I might mention some of the public servants. Michael Allen, Paul Frewer, Keiran McNamara, Wally Cox,

Nathan Hondros, Gary Stokes, Mark Brabazon, Jim Sharp, Tim Wallster and Simon Corrigan are people that come to mind; all innocent parties, in my view—there may be some question, because a matter has not been resolved about Gary Stokes—but all good public servants; all innocent, as far as I can see; all exonerated by the disciplinary committees that they came before; but all have suffered terribly at the hands of this set of hearings.

The CHAIRMAN: Perhaps then, Mr Grill, again noting that time, it would be of assistance to the committee if you could indicate your opinion as to whether the CCC should retain its discretion to hold public hearings. I want to acknowledge the detailed submission that you have given and clearly the strain and the stress which you have indicated there. So, clearly, this has been—again, if I can paraphrase for you—a very bad experience, to put it lightly. Nevertheless, do you hold the view that the CCC should have a discretion to hold public hearings or that they should only have closed hearings?

Mr Grill: Thank you for the question. The only other matter I would draw your attention to would be the matter of Adele Farina, which I think was a particularly egregious matter which did not go anywhere and, quite frankly, I think was completely unnecessary. But, in answer to your question, I have made some submissions at the end of my paper. Those submissions are that public hearings in the hands of a body like the CCC are open to grave manipulation—I stand by that—and they can be a source of serious injustice, and I stand by that. Public hearings without any form of procedural fairness are even more likely to damage innocent parties. I then go on to say that public hearings should only be sanctioned in exceptional circumstances, and then I go on to say that public hearings should only be allowed after independent approval by a judicial body. Then I suggest there should be a role for the parliamentary inspector.

Those suggestions are all made as a result of my experience. I have listened to what the Chief Justice said in here today and it makes a lot of sense. The big difference between what happened in respect of the scenario outlined by the Chief Justice and the scenario in which myself and others were involved recently was that in the Chief Justice's case, procedural fairness was taken as a given and I think he was advocating a greater use of procedural fairness. In our cases, the procedural fairness provisions that would normally play under common law were completely suspended or denied. I can see where you are going. You have two sets of evidence before you by eminent counsel—people that you respect—and at the end of the day you have got to make a decision. I would simply say that if you look at the history of the CCC hearings in relation to Smiths Beach and to the lobbying matters, then you would probably tend to come down on the side of including a discretion in the hands of the commissioner, but in some ways indicating that that discretion should only be exercised sparingly.

The CHAIRMAN: In a narrow sense.

Mr Grill: In a narrow sense, yes.

The CHAIRMAN: Any questions, members?

Mr F.A. ALBAN: Just one, Mr Chairman. Mr Grill, a lot of your accusations start with the reference to the media—the story in the media.

Mr Grill: Yes.

Mr F.A. ALBAN: I think all of us are at the mercy of the media in their interpretation of facts, but it is their legitimate right to report to the public. How much do you think that the media is responsible for some of the outcomes?

Mr Grill: You will note that my paper is not critical of the media. I am not critical of the media because I appreciate that the media will always endeavour to spice up a story, and in this particular instance they were given a spiced-up story on a plate. Most of the allegations made in the Smiths Beach term of reference, as I have said, were fallacious or not proceeded with. But I do not blame the media for that. I think you deal with the media; they are a constant. The difference in this

particular case was the way in which the hearings were heard, with a complete suspension of the normal civil rights that would apply; the fact that I believe on some evidence, but not a lot of evidence—but on some evidence—that there was a large and overactive media contingent working with the journalists out of the CCC office and that there were elements within the CCC—I do not think the CCC in any extent was a homogenous body—I think there were different elements within the CCC itself with different motives, different goals, expecting different outcomes, and I think there were real tensions—from what I can make out, real tensions—within the CCC in respect to a number of the matters that are being discussed here today. How do you have a commissioner resigning after he has heard all of the evidence in respect to two really important terms of reference and having written the report, at least in one case—that is, the Smiths Beach case—and at least partially, if not completely, written the report in respect to the other case, and then resigning before bringing it down? It is like a judge hearing a case and allowing somebody else to bring down the verdict. Judge Hammond resigned on the basis he wanted to spend more time with his wife and family. I looked up the reference last night. The truth was, as soon as he resigned, he went down, he looked after the list at the Supreme Court. He did not resign from public service at all. I believe there were tensions within the CCC which brought about his resignation. I believe there were tensions within the CCC that brought about the resignation of Len Roberts-Smith. I think there are tensions within the CCC which have ensured that Ms Archer, the deputy, and the other deputy did not carry on their positions. I think there are tensions there that are well known within the legal profession which made it so difficult for a new commissioner to be engaged for the position. So I do not see the CCC as a homogenous body.

But in respect to the publicity, could I just lastly refer to the press release that came out at the time of the release of the report into the CCC hearing into Smiths Beach? The second paragraph of that press release, and it was a two-page press release and it was put out by Mr Silverstone on the steps of Parliament House, said this —

> Also, in the Commission's view lobbyists (former Premier, Mr Brian Burke and his partner, former Minister, Julian Grill) acting as agents for Canal Rocks Pty Ltd and its representative, Mr David McKenzie, influenced or attempted to influence public officers to engage in misconduct.

Now, the CCC has jurisdiction in respect of public officers. We were not public officers. If—I would contend to you—the CCC found evidence that private people of this nature were in fact breaking the law, their responsibility would have passed on to the police force. That did not happen. What actually happened was that we were mentioned, front and centre, in the media statement that came out on that particular day, even though we were not public officers. Did it detail which public officers we had supposedly influenced, in what way it had happened, when it had happened, how it had happened? Was there any way in which we could defend ourselves against such an allegation? I think if you examine the facts you will find the answer is no; we had no ability to do that. And yet here we are, named in a press release put out by a member of the CCC PR corps, Owen Cole, on that day, delivered by Mr Silverstone, where we are made examples, front and centre. Now, that all fits in with the proposition, the theory, I have put before you that the publicity in relation to these particular matters just got right out of control, created a toxic environment, and it was in the interests of certain people to promote that environment.

Hon MATT BENSON-LIDHOLM: Can I just ask —

The CHAIRMAN: You can ask one final question.

Hon MATT BENSON-LIDHOLM: — one last question, Mr Grill, and I thank you very much for your significant contribution in terms of the document that you provided us with. I am particularly interested to look at your final submission here, where you make five points. I certainly take on board especially the information about procedural fairness, but given the lack of time that we have, I would like to focus just briefly on the last one. You make the point that public hearings should not

in any way be supervised by the parliamentary inspector. I think I can understand exactly where you are coming from there, but I would just like you, for the purposes of clarification, to give us a few ideas about how you believe the parliamentary inspector should be given the power to intervene to rectify the faults in the process. Can you just give us a little bit of an insight into what is behind that and how you would see that playing itself out? I think it is a point worth teasing out, if you have just got a minute or so.

Mr Grill: Well, Mr Benson, as you probably would have guessed, I have made a number of complaints to the parliamentary inspectors, and what I have found by and large is—and, of course, the correspondence is confidential—that the parliamentary inspectors, generally speaking, come back to you and say, "Yes, I agree with your complaint. However, I've got no power to remedy it. There's no way in which I can change these events, and I've got no power over the CCC." I know that others have grappled with this particular question, and I do not have a particular answer, but if there was some way in which the commissioner could seek the advice of the parliamentary inspector on various points—possibly contentious or potentially contentious points—during the course of the hearing, then I think we would have probably get some better outcomes. And, as the Chief Justice is indicating, these issues are unresolved between the parliamentary inspector and the commission. But I do not think that any of us could rest easy in knowing that the CCC, given the current state of the law, should be allowed to simply carry on in the way they have carried on in the Smiths Beach inquiry or lobbyists' term of reference. So some collaboration, I would hope, between those two parties might be of help.

Hon MATT BENSON-LIDHOLM: Thanks for that.

The CHAIRMAN: Mr Grill, I had to conclude today's hearing at this time, and I will mention something about a supplementary submission, should you be interested, in a moment. Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the consideration of the committee when you return your corrected transcript of evidence.

Mr Grill: Thank you very much.

Hearing concluded at 11.47 am