



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

SELECT COMMITTEE ON PRIVILEGES

Members:

**MR M MULCAHY (The Chair)
MR M GENTLEMAN (The Deputy Chair)
MRS V DUNNE**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 13 AUGUST 2008

**Secretary to the committee:
Mr T Duncan (Ph: 6205 50191)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

WITNESSES

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency
Services **1**

The committee met at 2.32 pm.

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency Services

THE CHAIR: I thank the attorney for making himself available. Minister, there is a privilege statement there which I am sure you are familiar with.

Mr Corbell: Yes, I am.

THE CHAIR: You acknowledge that you are familiar with it.

Mr Corbell: Yes, I am.

THE CHAIR: Before we see if anyone on the committee has any questions—and I note that there are some new standing orders that apply to the conduct of these particular proceedings which the Clerk has been good enough to inform members of the committee about—would you like to make a statement on your position?

Mr Corbell: No, I do not think so. I have provided a brief written submission outlining the relevant documentation and I am happy to answer questions on that or any other associated matter.

THE CHAIR: I believe that you are available until 3 o'clock.

Mr Corbell: That is correct, yes.

THE CHAIR: Mr Stefaniak contends in his submission to this committee that he believed that the documents had been requested but not supplied to the committee. Is this your recollection? Had the documents previously been requested by the committee or Mr Stefaniak?

Mr Corbell: It is difficult to recollect without reading the *Hansard* transcript in detail. I can certainly recollect that one of the items of evidence that was requested subsequently by Mr Stefaniak was requested, I think by Mr Pratt, in a public hearing. There may be some confusion around. For me—and I am just trying to recollect in my own mind—I am unsure as to whether that amounts to a request by the committee or a request by Mr Pratt. As far as I am aware, Mr Pratt is not a member of the committee that is conducting the inquiry. It is one of those situations where perhaps a member may have requested a document but, given that they were not a member of the committee, it is unclear as to whether or not the committee as a whole was requesting that document or whether it was just an ambit claim by a visiting member.

The only document I can recollect where the document may have been requested was the Stuart Ellis report. I think I previously indicated to Mr Pratt, when he asked that question, that I was not intending to make that documentation available because it had been used for consideration by government, by cabinet, so I was effectively claiming executive privilege for that document. But, as I say, without reading the transcript in detail, it is difficult for me to recollect exactly which documents were requested and by whom. I would just say that my general impression was that it may have been

raised in questioning but I did not take that as a formal request by the committee.

THE CHAIR: My second question has probably been responded to already but I will just raise it with you. If there had been a previous request, are you of the view that all the documents had been requested, or only certain documents? And are you suggesting, from what you said earlier, that you believe that not all these documents had been previously requested—only some?

Mr Corbell: There were two letters sent to me by the committee. I will just see if I can refer to those. There was a letter sent to me by Mr Stefaniak on 16 June which forms the basis for this matter that the committee has been established to look at. There was also another letter sent earlier in the course of the proceedings, and there was some duplication between the two letters. I replied to Mr Stefaniak, as the chair of the committee, providing a response on both of those matters. I refer you to my letter of 19 June where I chose to reply to both of those letters in that single piece of correspondence. In that letter, I indicated that, in response to the documents that were requested, I was happy to provide the committee with a copy of the report written by Mr Tim McGuffog as Deputy Chief Officer of the Rural Fire Service. The committee requested exit interviews. From my recollection, that was the first time the committee had formally requested those documents.

THE CHAIR: Before you go on, could I assist you by showing you a letter that Mr Seselja sent on 7 February. I assume you have a copy of Mr Stefaniak's letter. Do you want to have a copy of that?

Mr Corbell: Which one?

THE CHAIR: The 16 June letter.

Mr Corbell: Yes, I do.

THE CHAIR: Possibly officials could just show you Mr Seselja's letter. It might assist you in formally responding to my question as to whether they sought all the same documents or just some in one letter and some in another.

Mr Corbell: Again I would have to check the record, but I am confident that I responded to this letter from Mr Seselja, as the chair at the time.

MRS DUNNE: If I might interpose, a minute ago you said that in your letter of 19 June you chose to respond to both those letters.

Mr Corbell: No; I was referring to an earlier letter from Mr Stefaniak, not the letter from Mr Seselja of 7 February. All of this document—let me just look through it. The documents requested by Mr Seselja on 7 February relate to a costing study undertaken by the ESA. I think I indicated to the committee that that was a cabinet-in-confidence document. Equally, information prepared by the ACT Treasury was cabinet in confidence, as was the report by Mr Ellis. The Dobbin Consulting report I provided to the committee.

MRS DUNNE: And the AIIMS report?

Mr Corbell: That is the AIIMS report.

THE CHAIR: I think there is additional documentation that was requested by Mr Stefaniak that went beyond that earlier letter. Is that not correct?

Mr Corbell: Yes. He asked for additional documentation. That is correct.

THE CHAIR: That is what I am just trying to get clear on the record.

Mr Corbell: Yes, he did. He asked for additional documentation. My concern was that, in the letter of 16 June, Mr Stefaniak made a fairly unequivocal request. He said:

The Standing Committee ... requests that you bring to the hearing the following documents ...

Then he outlined what those documents were. On my reading of it, I took that as basically a call for papers. We can get into a semantic argument about “request” versus “demand”, but it was a brief and succinct letter where I felt that I was being put on notice that I was expected to appear with these documents and if I did not the committee would have something to say about the matter.

THE CHAIR: Do you now believe that he was operating independently of the committee in requesting these documents?

Mr Corbell: From what I can tell, there is no doubt that he was. Indeed, when I raised the matter with Mr Stefaniak at the hearing he did not deny that the request had been made of his own volition and without reference to the committee. He indicated effectively that the committee had dealt with the matter retrospectively after I had received and responded to the letter. That was the matter of concern to me. When you read that letter of 16 June, it makes it very clear:

The ... committee ... confirms the further public hearing on Friday, 20 June ... and requests that you bring to the hearing the following documents ... Thank you for your willingness to appear.

It is a fairly clear and unequivocal request and, in my view, amounted to a demand. That is what made me frustrated at the time and is why I raised the matter in the hearing and subsequently in the Assembly.

Mr Stefaniak was demanding some fairly sensitive documents, including one that had been previously requested and that I had indicated I was not going to release. I assumed that, because I had already said no, the committee was not taking no for an answer in relation to at least one of those documents, the Stuart Ellis report, and that this amounted to a call for documents. I treated it as such and gave the detailed reasoning as to why I did not believe that some of those documents should be released. Indeed, in my letter to Mr Stefaniak on 19 June, I draw your attention to the fact that I said to him in relation to the Stuart Ellis report: “Further to my advice to you on 17 March 2008, this document is classified cabinet in confidence and has not been made public.”

So I had previously advised the committee, on 17 March, that I considered the document to be an executive document, and subject to certain protections, and that in the circumstances I did not believe that I could make it available to the committee. I think that underlines my point that effectively the committee was pushing me for those documents. I certainly took that as basically a demand for documents.

THE CHAIR: Turning to the conversation with Ms MacDonald, could you detail for the committee the nature of your discussion with the member when you indicated to her that you would be providing some of the requested documents but not others.

Mr Corbell: Yes, certainly.

THE CHAIR: And, specifically, did Ms MacDonald indicate to you that she had been unaware of the committee letter requesting the documents?

Mr Corbell: Yes, she did. What occurred was that I was in a conversation with Ms MacDonald on 19 June. On that day, I indicated to her, because I knew the public hearing was coming up the next day and she was a member of the committee, that the matter of the committee's request for documents was causing me some concern, because a number of those documents had been previously requested, and I had indicated that they could not be released, for the reasons I have outlined earlier. I indicated to her which documents I felt I was able to release and which ones I was not. At that point, she was surprised about that but she did not go into any detail with me about it. Later that day, she made contact with me and advised me that she had made some inquiries and she had ascertained that the committee had not formally resolved to write to me on that matter.

THE CHAIR: She was unaware of the request when you had raised it and then she made inquiries and then confirmed that it had not in fact been authorised?

Mr Corbell: That is right. She indicated to me that the committee had not resolved to write to me to request those documents.

THE CHAIR: Did she reveal the internal workings of the committee in discussions or do you believe there is potential that Ms MacDonald has herself breached privilege?

Mr Corbell: I do not believe she has. The reason is that she has disclosed something that did not happen. I think that if she had disclosed that the committee had deliberated on the matter and had decided to do X, Y or Z, yes, that would be a breach of privilege. Basically, she indicated to me that a certain course of action had not occurred. Now, whether or not you consider that to be a breach of privilege I guess is a matter for this committee to make a recommendation to the Assembly on, but in my view, simply indicating that the committee had not resolved to request those documents of me did not breach privilege.

THE CHAIR: My last question, attorney, is: do you believe that there is any possible breach of standing orders by yourself in taking this matter to the Speaker?

Mr Corbell: I do not believe so. My concern was that Mr Stefaniak acted without the

authority of the committee. In considering the matter, whilst obviously the Speaker does not make any substantive decision about whether or not there has been a breach of privilege, the Speaker considered it to be a serious enough allegation for it to warrant precedence in the Assembly. How else am I meant to raise my concern about the conduct of the chair except through the Assembly, which is what I did?

MR GENTLEMAN: I want to go to the point you have raised there—that you feel that Mr Stefaniak has operated without the authority of the committee. Has anything occurred since the correspondence that indicates to you that there was any authority from the committee?

Mr Corbell: From what I can determine—and I have seen the correspondence that Mr Stefaniak has provided to you, and thank you for providing me with a copy of those documents—and from what I can see in that evidence now, what occurred was that the committee was concerned that Mr Stefaniak had made those requests without the committee’s authority and acted to retrospectively approve his action. To me, that indicates that Mr Stefaniak did act without the committee’s authority.

I do not think it is reasonable to say, “These are just routine administrative matters where the committee chair writes on behalf of the committee.” Mr Stefaniak effectively demanded a document from me on which I had already provided an answer to the committee, as well as through a range of other documents that had not previously been requested of me.

These were not just minor documents; some of these are quite sensitive documents: the exit interviews of staff that have left the RFS over a period of time, which are personnel-in-confidence; and a cabinet-in-confidence document that I had previously declined to provide, on the basis that it was an executive document and it attracted a level of privilege in that regard. When I saw those requests being made again, I feel it was reasonable for me to assume that the committee was pushing me to release them, despite my previous advice. I took it to be a ramping-up of the push for those documents.

MR GENTLEMAN: You felt there was no indication in the letter that was written to you from Mr Stefaniak on the 16th that it was from his own hand and not that of representing the committee?

Mr Corbell: No, because it was quite clear that he wrote it as chair of the committee under the committee’s letterhead, signed as the chair of the committee. So there was no doubt in my mind that it was made by him as the committee chair.

MR GENTLEMAN: Has the committee secretary ever advised you that this letter did not come without the authority of the committee? Has the committee advised you at all?

Mr Corbell: No, the committee has at no point advised me of that matter. I can only deduce from Mr Stefaniak’s protestations at the public hearing, when I raised the matter with him at the public hearing, what I think is effectively confirmed by his letter to yourselves.

THE CHAIR: Attorney, would your view of Mr Stefaniak's actions change in any way if you had formed the view that the committee secretary had not circulated the letter sent, which was normal practice?

Mr Corbell: I am sorry, I do not quite understand your question, Mr Mulcahy.

THE CHAIR: Would you have a different view about Mr Stefaniak's conduct? The direction of the question is—

Mr Corbell: If it was an error on the part of the committee secretary.

THE CHAIR: if it was an error on the part of the committee secretary, as opposed to Mr Stefaniak.

MRS DUNNE: Also, the implication of much of what Mr Corbell is saying is that Mr Stefaniak somehow had acted in a way that was, although on the committee's letterhead, completely separate from the committee. But, in fact, the evidence provided—and I presume that you have seen the evidence from the committee secretary as well, Mr Corbell—is that that letter was drafted by the Committee Office and dealt with in a fairly normal way, except that it was not circulated to members, presumably because of the constraints on the office at the time. With that in mind, do you have a slightly different view of Mr Stefaniak's conduct?

THE CHAIR: I suppose you are being asked whether you will ultimately form a view as to whether you believe that the chair acted in good faith and that the responsibility for this issue rests with the committee secretary or whether you believe that the chair took these actions for possibly other purposes and should have accepted responsibility to ensure that certain processes were carried through?

Mr Corbell: What I would say in response to that is that the fact that the committee secretary prepared the correspondence would reinforce my view that Mr Stefaniak sought to make the request on behalf of the committee in that he utilised the resources of the committee—the secretariat—to prepare the correspondence. It also reinforces my view that Mr Stefaniak did not have proper regard for the seriousness of the request that he was making. He should have known, and indeed the committee did know, that I had previously refused to provide one of those documents, the Stuart Ellis report. And probably the most contentious document in all of the committee hearings is that document. So it is at the heart of the committee hearings because that document has been used to inform a range of government decisions around ESA governance and operational activities.

It was a document that was at the heart of much of the discussion in the public hearings, and certainly in all of the evidence that my officials and I gave. So when Mr Stefaniak again requested that, despite being told that it was not a document I was prepared to release, I would have thought he should have raised the matter with his committee members so that he had the imprimatur of the committee to again push the issue and request the documentation.

It was not as though it was just a routine request. I think it is wrong to portray it as a routine request. In fact, it was at least the second time that that request was made,

despite an answer already having been given on that matter. I would have thought, given the significance of the document and the significance of the request, that Mr Stefaniak should have sought the agreement of the other members of the committee prior to making such a serious request. I certainly treated it, as I say, as a ratcheting-up of the stakes, when it came to the provision of that documentation.

I am sorry; it is a bit of a longwinded answer. Whether or not the committee secretary made an error in not providing this documentation to other members I think is beside the point. The point is that the request was made by the chair without proper regard for the implications of that request and perhaps the importance of seeking other members' agreement to that course of action.

THE CHAIR: Minister, one of the things this committee has to form a view on is with respect to the provisions of the standing orders—and I am referring particularly to 278 (c) (i)—which say “knowingly committed that act”, in terms of criteria to be taken into account when dealing with matters of contempt. I ask for your comment and then I will hand over to Mrs Dunne. Do you believe that he has knowingly committed the act of writing in this capacity to you?

Mr Corbell: I find that a difficult question to answer because I do not know what his state of mind was. I can only assume that Mr Stefaniak saw some political benefit in pushing the issue in relation to those documents and he did so without the authority of the committee.

MRS DUNNE: I have a process question. I have been in this place for a fair while but my recollection is not perfect. Mr Corbell, I know you have been on committees; have you ever been the chairman of a committee?

Mr Corbell: I have chaired a select committee on estimates but I have not chaired a standing committee.

MRS DUNNE: I do not want to go into Mr Stefaniak's state of mind when he wrote the letter, but do you draw any inference from the fact—and I go back to the question that Mr Mulcahy asked—that, in doing this, he did not act alone? I think it is quite clear in the evidence from Mr Stefaniak and from the committee secretary that he did not act alone; he actually asked that this letter be compiled. If this was considered to be such a high-level request, a ramping-up of the request, as you interpreted it, do you think that it would be the case that an experienced committee secretary may have counselled the chairman of the committee to act in a different way?

Mr Corbell: It is certainly possible that a committee secretary would have done that.

MRS DUNNE: Given the experience of the committee secretary and that that did not happen, do you think that it is a reasonable interpretation that this committee might come to that it was not considered the ramping-up that you project it to be?

Mr Corbell: No, I do not think so. As I say, the demand was for some quite exceptional documents. It was not a request just for some routine documentation. The demand was for some quite exceptional documents. The two most obvious ones are the Stuart Ellis report, a cabinet-in-confidence document, and exit interviews of

personnel from the ESA. I can't recall ever, in all of my time as a member of this Assembly, a committee requesting personnel files, effectively. So I considered it to be quite an exceptional request.

MRS DUNNE: Do you understand the circumstances as to how a committee may actually deal with those—that the forwarding of those materials, if you had chosen to provide them, does not necessarily mean they would be published? Would it have crossed your mind or that of your officials who advised you about the appropriateness of releasing those documents, to provide them in a way where there was advice to the committee about the sensitivity of those matters, to alert the committee to the fact that the simple publication of those matters may not be appropriate? Were those things considered?

Mr Corbell: Absolutely. I am aware of the ability of committees to not publish certain evidence, or authorise for publication certain evidence, but I think it is important to stress that, from an executive perspective, there can be no guarantees that it will not be published and, indeed, the standing orders, I think, say as much. As a rule, unless there can be agreement about such documents, you tend to err on the side of caution on those matters, depending on the sensitivity of the document. But, again, that may be the case in relation to personnel matters. It is an entirely different quantum of things, again, when you are dealing with cabinet-in-confidence documents.

MR GENTLEMAN: Minister, you said that documents had been requested at various times during the inquiry, and in fact Mr Stefaniak says that in his submission as well. He says, "My recollection had been referred to on a number of occasions and indeed requested at various times during the inquiry." I am just trying to get a gist of this. If these documents had been requested, had you decided not to bring them to the committee?

Mr Corbell: As I have indicated previously, the main document in contention was the Stuart Ellis report. A number of other documents were requested over time, and you can see that in the correspondence. A number of those related to documents that informed cabinet decision making and, consistent with the practice of most governments in this place, I sought to not release those on the basis that they were cabinet-in-confidence documents. But I did, for example, release the Dobbin Consulting report on AIIMS training in the ESA. I did release the Yellow Edge report, the report written by Mr McGuffog, and version 2 of the strategic bushfire management plan, as much as it has been completed. It is a working document at this stage, but I did provide that to the committee as well. So I provided a range of documentation to the committee in response to their requests.

MR GENTLEMAN: So when you received the letter from Mr Stefaniak after you had provided these documents from those requests, did you then find it odd to receive that letter if you had supplied those documents?

Mr Corbell: Yes. As I said, I was concerned that effectively the committee was pushing the boundaries with me, in the sort of tussle that you would expect between the executive and the legislature through its committees, and I assumed that the committee was not taking no for an answer and that it was effectively saying, "Bring the document or else." That was essentially the message I got from the letter: you

must bring the document.

THE CHAIR: I am conscious of time.

Mr Corbell: I have got a bit more time, Mr Mulcahy.

MRS DUNNE: I am conscious of time too. Minister, I am now a little confused. There had been over a period of time a request for a number of documents.

Mr Corbell: Yes.

MRS DUNNE: When Mr Stefaniak wrote to you on 16 June and asked for the report written by Tim McGuffog, the exit interviews, version 2 of the strategic bushfire management plan, the Yellow Edge report and the Stuart Ellis report, which of those reports had you previously provided to the committee—the ones that were specifically outlined, those five reports? Had you provided any of those previously?

Mr Corbell: From what I can recall, none of those documents had been requested previously, except the Stuart Ellis report—from my recollection. I do not have the documentation in front of me so I just put that waiver there, but from my recollection.

MRS DUNNE: Could you check your recollection and get back to the committee?

Mr Corbell: Absolutely. I am very happy to do so.

MRS DUNNE: Had the Tim McGuffog report been requested?

Mr Corbell: No. The committee changed its mind about what documentation it wanted from Mr McGuffog. It previously referred to a letter written by Mr McGuffog and then changed its request to a report prepared by Mr McGuffog. I assumed from that that the committee no longer wished to have the letter and instead was seeking a report, and I provided the report.

MRS DUNNE: So there is a letter and a report?

Mr Corbell: Yes, there is.

MRS DUNNE: There is a letter and a report and you eventually provided one in response to Mr Stefaniak's letter of 16 June. You had not provided that previously.

Mr Corbell: The McGuffog report?

MRS DUNNE: Either of the McGuffog pieces of paper.

Mr Corbell: No, I had not, but the McGuffog report had not been previously formally requested of me, from my recollection.

MRS DUNNE: Could you check that?

Mr Corbell: Yes.

MRS DUNNE: Thank you.

MR GENTLEMAN: Mr Stefaniak said in his submission, “Members of the select committee can also see that as early as 7 February the legal affairs committee requested the Stuart Ellis report and as late as the morning of 20 June demanded that document, to no avail.” So with that sentence in your mind, does that make it any clearer whether he acted on behalf of the committee when he wrote?

Mr Corbell: He may have intended to act on behalf of the committee but he did not have the authority of the committee at the time to make that request, in my view. I draw your attention, Mr Gentleman, to my letter to Mr Stefaniak on 19 June where I indicate that I had previously advised him on 17 March that “In relation to the Stuart Ellis report this document is classified cabinet-in-confidence and has not been made public; therefore, I am unable to release this document.” I had previously advised him earlier in the year that I was not going to release that document, for the reasons outlined, so I was surprised to see it requested again. I thought that matter had been settled and I assumed, I think not unreasonably, that the chair was demanding that document, calling for it.

MRS DUNNE: I am not sure – and I will take advice from the Clerk—whether it is possible for the committee to receive a copy of that letter either from the minister or—

THE CHAIR: Which letter?

MRS DUNNE: The letter that the minister says he wrote on 17 March.

THE CHAIR: It is here. We have it.

MRS DUNNE: Yes, of course it is. I have a couple of questions. As to the other documents that we were talking about, the Ellis report we have done to death. The Yellow Edge report, when was that asked for first?

Mr Corbell: I remember seeing it when I received the letter. From my recollection, that was the first time I was aware the committee wanted that document.

THE CHAIR: It is not contained in the 7 February letter.

MRS DUNNE: Was it contained at any other time?

Mr Corbell: Not that I am aware of, no.

MRS DUNNE: And version 2 of the strategic bushfire management plan?

Mr Corbell: The matter had been raised in public hearings but it had not, to the best of my recollection, been a formal request as such.

MRS DUNNE: And the exit interviews? My recollection, as I heard that raised in a public hearing—

Mr Corbell: It was raised but, again, I felt I had answered the question at the time when I indicated that it was not normal practice to provide those documents.

THE CHAIR: I have a question on timing. How is your time, Minister?

Mr Corbell: I can go till 3.30, Mr Mulcahy.

MRS DUNNE: Apart from the two conversations with Ms MacDonald that you said that you had on, I think, 19 June, the one where you said you were unhappy and the one where Ms MacDonald came back and talked about the letter, did you have any other conversation with Ms MacDonald about the process that we are talking about today?

Mr Corbell: No.

MRS DUNNE: Thank you. What inference do you draw, Mr Corbell, from the fact that—I think it was 20 June, before the committee opened for public hearings—the committee essentially ratified the letter that Mr Stefaniak wrote to you?

Mr Corbell: The inference I draw from that is that it was effectively a retrospective approval.

MRS DUNNE: And it is not disapproval. Did their actions—

Mr Corbell: No, it is not disapproval—they agreed.

MRS DUNNE: They agreed.

Mr Corbell: But the difficulty for me was that I had already answered the letter and provided the material to the committee. So if the committee had not agreed to Mr Stefaniak's requests, the documentation was already in the hands of the committee.

MRS DUNNE: But the thing about it is that—

Mr Corbell: That is my concern about it and that is why I felt I was misled. I had to give serious consideration as to which documents should and should not be released following this demanding letter from the committee and I answered it and basically I had to decide then and there: how am I going to handle this matter, what fight am I prepared to have with the committee about this or not, and to what extent am I prepared to release documents? I did all of that under a misapprehension. Yes, that may have been, it would appear from the record, retrospectively corrected —

MRS DUNNE: It could have been retrospectively not corrected.

Mr Corbell: It could have been retrospectively not corrected and that would have been an even bigger problem for me because I would have been even more seriously misled in that I would have provided documents that the committee did not want or did not demand. That is what annoyed me more than anything, that—

MRS DUNNE: So it is all about whether you were annoyed.

Mr Corbell: No, it is not. It is about whether or not I was acting under a misapprehension and whether or not I had been misled by the committee chair. I feel that I was misled by the committee chair because the letter says, “The committee requests that you do certain things” and—

MRS DUNNE: The letter does not say, “In accordance with the standing orders the committee is calling for documents.”

Mr Corbell: No, it does not say that, but you have to understand the context in which the request was made, and it was a repeated request.

MRS DUNNE: There was a repeated request for one of those documents.

Mr Corbell: Yes, the most contentious of them and the one that was clearly going to cause the most heat, if you like, in the political context. You cannot just ignore the context. The context was one where repeated demands effectively were being made of me to release that document and I would have felt, given the seriousness of that action—and it was a serious action on the part of Mr Stefaniak—that it would have had the endorsement of the committee prior to it being made.

THE CHAIR: Minister, as I best understand it, the custom and practice is that the committee secretary liaises with the DLO in a minister’s office on various matters. Now, you responded fairly rapidly to Mr Stefaniak’s letter of 16 June on 19 June. Was there any effort made on the part of the Committee Office to notify your DLO that in fact the request was unauthorised? Was this ever brought to light before it was again revisited by the committee, to your knowledge?

Mr Corbell: Not that I am aware of, no. It certainly was not brought to my attention or the attention of my staff—my political staff—and, as far as I am aware, my DLO did not have any unusual exchanges of information in that regard.

MR GENTLEMAN: Mr Corbell, I just want to go back to Mrs Dunne’s question about the authorisation of this letter retrospectively by the committee. You said you were on a committee. Was it estimates? You were not the chair of—

Mr Corbell: I have been on many committees, Mr Gentleman, but the only committee I have chaired in my time as a non-executive member is a select committee on estimates.

MR GENTLEMAN: Are you aware of any previous times where correspondence or documentation has been authorised after the event?

Mr Corbell: A select committee on estimates processes are a somewhat different process in that requests are made during hearings and effectively are all taken on notice during that time. That can occur during standing committee business as well. Different committees do it differently, I think is my answer. It has been a while now since I sat on an Assembly committee but, from my recollection, some committees simply note the correspondence that has been generated by the chair in response to decisions of the committee. Others seek approval prior to making certain decisions to

request documents or request information of ministers. Requesting information of ministers is and can be a politically sensitive matter and, certainly in my experience, the committee usually discusses those matters before making a decision.

THE CHAIR: Mrs Dunne, any more questions?

MRS DUNNE: No, Mr Chairman.

THE CHAIR: Mr Gentleman?

MR GENTLEMAN: No.

THE CHAIR: Thank you, minister, for your time. We will now adjourn these proceedings.

The committee adjourned at 3.15 pm.