- 1 APR 2010

Mr Richard Willis  
Secretary  
Standing Committee on Finance and Public Administration  
Parliament House  
EAST MELBOURNE VIC 3002

Dear Mr Willis,

INQUIRY INTO VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES

Please see attached, for the Standing Committee’s information, a copy of two letters which I have sent to RSM Bird Cameron and PricewaterhouseCoopers about their appearance before the Committee on 6 April 2010.

Yours sincerely,

[Signature]

ROB HULLS MP  
Attorney-General
Mr Stephen Marks  
Director, Probit Services  
RSM Bird Cameron  
525 Collins Street  
MELBOURNE VIC 3000

Dear Mr Marks

INQUIRY INTO VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES

I understand that you have accepted an invitation to appear before the Standing Committee on Finance and Public Administration at a public hearing on 6 April 2010 to give evidence in relation to the probity report undertaken by your organisation for the Windsor Hotel redevelopment. I also understand that you have sought advice from the Government about whether any matters that could be raised in your evidence would give rise to questions of Executive privilege.

The Government asserts Executive privilege in circumstances where (amongst others) the disclosure of information or documents would reveal the high-level confidential deliberative processes of Government or would otherwise genuinely jeopardise the necessary relationship of confidentiality between Minister and a Government officer. These considerations are reflected in paragraph 18 of the parliamentary committee guidelines for the rights and responsibilities of witnesses (which the Committee will have provided to you).

In the course of preparing your probity report, I understand that you have obtained access to material of the nature referred to above, at least in your review of the advice to the Minister dated 17 March 2010. In the circumstances, and given that you were engaged by the Government and obtained the relevant information in the course of that engagement, it is the Government’s my view that, should the Committee ask you to disclose such information (including the contents of the advice to the Minister), you are obliged to take the question on notice so that the Government can determine whether to make a formal claim of Executive privilege. Please inform me if you intend to take a different course.
To be clear, given that your report has been made public and that you are not a Government officer, no claim of Executive privilege would be made in relation to your professional opinion on the probity of the advice to the Minister or the probity of any other documents or processes that you have reviewed in the course of providing that advice.

I will provide a copy of this letter to the Standing Committee.

Yours sincerely

[Signature]

ROB HULLS MP
Attorney-General
Mr Jason Agnoletto  
Partner  
PricewaterhouseCoopers  
2 Southbank Boulevard  
SOUTHBANK VIC 3006

Dear Mr Agnoletto

INQUIRY INTO VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES

I understand that you and Mr Tony Peake have accepted an invitation to appear before the Standing Committee on Finance and Public Administration at a public hearing on 6 April 2010 to give evidence in relation to the internal audit undertaken by your firm for the Windsor Hotel redevelopment proposal. I also understand that you have sought advice from the Government about whether any matters that could be raised in your evidence would give rise to questions of Executive privilege.

The Government asserts Executive privilege in circumstances where (amongst others) the disclosure of information or documents would reveal the high-level confidential deliberative processes of Government or would otherwise genuinely jeopardise the necessary relationship of confidentiality between Minister and a Government officer. These considerations are reflected in paragraph 18 of the parliamentary committee guidelines for the rights and responsibilities of witnesses (which the Committee will have provided to you).

In the course of conducting your internal audit, I understand that you may have obtained access to material of the nature referred to above. In the circumstances, and given that you were engaged by the Government and obtained the relevant information in the course of that engagement, it is the Government’s view that, should the Committee ask you to disclose such information, you are obliged to take the question on notice so that the Government can determine whether to make a formal claim of Executive privilege. Please inform me if you intend to take a different course.
To be clear, given that the findings of your internal audit have been made public and that neither you nor Mr Peake are Government officers, no claim of Executive privilege would be made in relation to your professional opinion on the whether there has been compliance with the prescribed processes (including those under legislation).

I will provide a copy of this letter to the Standing Committee.

Yours sincerely

[Signature]

ROB HULLS MP
Attorney-General