

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN
AND THE POLICE INTEGRITY COMMISSION**

**SEVENTH GENERAL MEETING WITH
THE INSPECTOR OF THE POLICE INTEGRITY COMMISSION**

At Sydney on Wednesday 31 August 2005

The Committee met at 11.40 a.m.

PRESENT

Mr P. G. Lynch (Chair)

Legislative Council
The Hon. P. J. Breen

Legislative Assembly
Mr G. Corrigan
Mr M. J. Kerr

MORRIS DAVID IRELAND, Inspector of the Police Integrity Commission, PO Box 5215, Sydney, 2001, sworn and examined:

CHAIR: Thank you for coming. We circulated some questions to you. Do you have a written response?

Mr IRELAND: I do not have a written response to the questions but I will take the opportunity to answer them orally now, if that is satisfactory to you.

CHAIR: Certainly. Do you want to make an opening statement?

Mr IRELAND: No, I do not, thank you. There is a matter I would like to raise by way of statement at the end of these questions. That relates to my successor, Justice Wood.

CHAIR: You can certainly do that.

Mr IRELAND: The first question relates to page 9 of my annual report and is a reference to part of my monitoring duties and regular meetings with the Commissioner of the Police Integrity Commission, Mr Terry Griffin, and the Executive Officer, Mr James Slater. The question asks how often these meetings occur. The answer is the meetings occur on a weekly basis.

Question 2 once again relates to page 9 of my annual report and these meetings. It is indicated that representative samples of operational files are reviewed. The question is how these representative samples of operational files are selected. The answer is the files which are briefly reviewed at the meetings with the Commissioner and the Executive Officer are those operations in which the Commission has issued notices or summons, or sought listening device or telephone intercept, warrants during the previous week. In addition to the above reviews, of course, which are necessarily brief, I review routinely and sequentially all operational matters by accessing the Commission's operational records on the matrix system.

Question 3 states: You indicate that your examination of operational records is retrospective. Generally what period of time has elapsed since the operational records were created by the time your examination occurs? For example, how long after a warrant is issued in an operation would your examination usually occur? The answer is within a maximum of seven days and, in cases where the access is in response to a complaint, the period may be shorter.

Question 4 relates to complaints and it raises an issue on a matter that is presently operational. I should like to deal with question 4 in camera.

CHAIR: Certainly.

Mr IRELAND: Question 5 asks: Are there any significant trends in complaints that you have noticed during this reporting period or during your tenure as Inspector? The answer is, first, the tendency to confuse the role of the Inspector of

the PIC with functions of the Commission by complaining about alleged police misconduct. This is a continuing trend, which is readily dealt with by forwarding to would-be complainants a copy of the brochure *Making a Complaint to the Inspector*. Second is the tendency of persons unfavourably mentioned in reports by the PIC to, in effect, seek to mount an appeal from the outcome of the operational inquiry in the guise of a complaint. Such complaints are reflective of misunderstanding, and complainants are usually satisfied by an explanation of the statutory role and function of the inspectorate.

Question 6 relates to the section of the annual report under the heading Extending Jurisdiction and includes my most recent correspondence to the Minister for Police, dated 2 May 2005, at pages 22-23. The question is: Has there been any response by the minister to your report of discussions between yourself, the Commissioner of the PIC and the Commissioner of the ICAC? The answer is there has been no response to date.

Question 7 is in these terms: On page 11 of your annual report, in the section titled Assessment of Procedures, you note that the PIC has issued a code of conduct which sets out the standards of behaviour all commission staff are to observe. Were you consulted during the development of this code? The answer is that my predecessor, Hon Mervyn Finlay QC, was kept apprised of the status of the Commission's code of conduct as it was being developed, through regular meetings with the Commissioner. A draft of the code was provided to Mr Finlay prior to the formal adoption of the code.

Question 8 says: Page 10 of your annual report notes that you have had ongoing discussions with the Commissioner focusing on the question of timeliness and of the adoption of procedures likely to achieve the best and most balanced outcome of the Commission's investigations. Timeliness has been a theme of Inspector's Annual Reports from those of the previous inspector, Mr Mervyn Finlay, onwards. What measures have been taken by the PIC to address the issue of timeliness in their investigations? The answer is that the theme of timeliness is one of the important aspects of the inspectorate. The fact that the theme continues to warrant emphasis is as it should be, but the routine reference to it should not be interpreted as indicating tardiness.

The aim is to keep the theme in the forefront of the commission and the commission's senior officers as well as subordinate officers. One measure adopted in addressing this issue was to introduce a classification system of particular matters as preliminary investigations. When so classified, the particular matters are routinely reviewed by the operations advisory group [OAG], which meets fortnightly. The status of all active investigations is put before the OAG for regular review and management. The relevant case officer prepares a detailed report for consideration by the OAG. The procedure adopted for recommendation three from the June 2003 report on the practices and procedures of the Police Integrity Commission conducted by this inspectorate makes that recommendation.

Question 9 is: What procedures and measures has the PIC taken to achieve the best and most balanced outcome for their investigations? The answer is the balance sought to be struck is centred upon achieving the best investigation result in

fulfilment of the commission's statutory functions on one hand and the judicious expenditure of its available resources on the other. Given the fluid nature of investigations, the changing priorities in and between investigations conducted, management of its investigations requires regular and detailed review of the status of each investigation. The commission's primary procedure for ensuring this is to review each investigation in detail in the forum of the OAG.

Question 10 (a) is: What is your view of the appropriate relationship between the Commissioner or Acting Commissioner and Counsel Assisting in an inquiry and hearing conducted by the PIC? The answer is that it is not possible to furnish an answer which is both short and adequate to do justice to that question. In the current winter 2005 edition of the *Bar News*, which is published by the New South Wales Bar Association, there is a published paper delivered by Justice Peter Hall of the New South Wales Supreme Court entitled "The Role of Counsel Assisting in Commissions of Inquiry". Prior to his recent elevation to the bench of the Supreme Court, Justice Hall published a comprehensive text book entitled "Corruption and Misconduct in Public Office: Commission of Inquiry Powers and Procedures". That was the proposed title of the book. I have not actually seen the book itself but I assume that that proposed title reflects the title pretty substantially.

CHAIR: It does indeed, according to my law book 2004 edition.

Mr IRELAND: It is correct, is it? You are more up-to-date than I am.

CHAIR: I as always benefit from the secretariat's work.

Mr IRELAND: Now I understand.

The Hon. PETER BREEN: I read the chapter which you are speaking about, about the relationship between Counsel Assisting and the Commission. Peter Hall has a moderate view of it; others would have a stronger view, I suggest.

Mr IRELAND: Yes, thank you. I have brought with me a copy of that published paper in the Bar Association news, and I will leave that with your secretariat. I do not believe it is a breach of copyright to disseminate it to members of this Committee. It only runs to seven pages but it certainly gives Peter Hall's view and I have great respect for him in every aspect of his career as a lawyer. I would respectfully agree with the matters that he has put here which I have looked at. The comprehensive text exceeds 600 pages and I think chapter 5, as Mr Breen notes, is the one that is devoted to the Police Integrity Commission, not necessarily of course to that relationship alone, with four other chapters containing segments and references to PIC powers, procedures and other aspects.

In the paper I have mentioned, published in the *Bar News*, which occupies some seven pages, the learned author addresses the role of counsel assisting in commissions of inquiry under the following headings: first, the management and administration of inquiry processes and procedures; secondly, the development of investigation strategies and investigation programs; thirdly, the proper and effective conduct of commission hearings (in public or, as appropriate, in private); and, fourthly, the report writing phase of the inquiry and the constraints that operate in

that respect. I commend the paper to the Committee members and, as I say, I have a copy with me. I respectfully concur with the views that he in there expresses but I am sure you will appreciate that there is no short answer to the question that I have been asked.

Question 10 (b) is: Has this "appropriate relationship" been the relationship in fact during your period as Inspector? The answer is I believe so. The commission appoints counsel to assist by means of a letter of appointment which sets out in some six pages the legal services which counsel is engaged to provide with regard to the particular operation. The letter of appointment is detailed and comprehensive. Its terms call for counsel to furnish suggestions and assistance in the preparation and investigation stages of the particular operation, the hearing stage if deemed necessary, and the furnishing of final submissions on the final conclusions open to the commission on the evidence adduced during the hearing.

It is not, however, the role of Counsel assisting to determine the topics to be canvassed during the hearings without prior consultation with the commission. It is also not the role of Counsel Assisting to direct the course of and investigation. Ultimately, the commissioner is responsible for all operational decisions and significant operational decisions. For example, decisions to commence an investigation or to make an application for a warrant under the Listening Devices Act 1984 or the Telecommunications Interception Act 1979 (Commonwealth) are taken by the Commissioner on advice from the director of operations and the OAG. The information disseminated to counsel is divulged pursuant to sections 18 (3) and (4) of the Police Integrity Commission Act and is confidential. Acceptance of engagement by counsel requires a signed acceptance and an undertaking of the terms and conditions on the commission's standard form.

Question 10C: How does either this appropriate relationship or actual relationship differ from the traditional relationship between a royal commissioner and counsel assisting? The answer is that I am not aware of any material difference, apart from the fact that the terms and conditions of engagement are structured around the particular provisions of the Police Integrity Commission Act as they relate to the duties and functions of the Police Integrity Commission so that the letter of appointment—which runs to some seven pages and is, I might say, more comprehensive than any other letter of appointment that I have seen—is specifically structured about the duties and functions which devolve upon the commission in the course of its conduct of an operation.

Question 11 is: Are there any matters you would care to raise with the Committee? The answer is there are no further matters which I would wish to raise other than to refer the Committee to, and reiterate, the penultimate paragraph on page 24 of my annual report. The fact that I know every word of it is in the forefront of the minds of members of this Committee will not stop me from repeating what I there say, that my association with the Chairman, Mr Paul Lynch, MP, and the members of the Parliamentary joint committee has been both cordial and of interest, and my gratitude extends in particular to the outstanding staff of the Committee and their pleasant and competent rendering of responses, and assistance at all times. I would not want to miss the opportunity to say that. If it is convenient, the short answer to

question four, purely because it relates to a virtually operational matter, might be dealt with in camera, then that might take place.

CHAIR: I do not know that we need to do that right at this minute. Perhaps members of the Committee could ask a couple of questions about some of the matters you have raised and there is another matter we need to raise in the public session and then we can proceed in camera.

Mr IRELAND: Thank you.

CHAIR: The letter of appointment of counsel assisting, do I understand from what you have said that there is essentially a standard form that is used for every counsel assisting in every separate inquiry?

Mr IRELAND: Yes. There is a letter of appointment that goes out to each counsel assisting in each operation, and it is standard except that it relates to the individual matters of the operation—which, of course, do vary quite substantially.

CHAIR: Are you able to provide the Committee with a copy of one of those standard form letters?

Mr IRELAND: Yes. I do not have one with me but I will speak to the commissioner about that. I do not think there is anything in it that would require confidentiality.

CHAIR: If it is easier, I am not so much interested in the particular bits about a particular investigation; I am interested in the form of it.

Mr IRELAND: Yes, I understand that. That would apply generally except the aspects of it that related to particular fact situations. I do not think that would impinge. It would just be that the sections of the Act that are incorporated in the letter may vary a bit depending on the matter itself.

CHAIR: While we are talking about counsel assisting, in his book Peter Hall makes reference to a view of Ian Temby that there should be a creative tension between the commissioner and counsel assisting. I am wondering whether that is a view you would share and whether, during the course of your duties as Inspector, you have noted a creative tension between the commissioner or acting commissioner and counsel assisting?

Mr IRELAND: I am not even sure I know what it means.

CHAIR: I was hoping you might be able to tell me.

Mr IRELAND: I think it is the author's flourish, what he perceives to be the tension that is generated between a prosecutor and the Bench. That is one of the most difficult aspects of an operational inquiry to overcome, that is to say the general tendency to view things in the way in which a criminal trial is the situation, where the Crown is putting forward the Crown case, the defence is putting forward the defence case and the judge is much more a true arbiter than in a Commission of

Inquiry. Because it is inquisitorial in nature and counsel has to assist the inquisitor to find out the truth. I think that the tensions are lessened rather than highlighted in any such situation, and so they should be, because it is a search for the truth. That is why counsel assisting controls the evidence that comes forward, to make sure that it is evidence that is relevant to and will be of assistance to the inquiry, to the commission. Mr Temby might be able to expound upon what he means by "tension". I think it is much better in a court if you do not have too much tension—in any inquiry.

CHAIR: Picking up on that point, that an inquiry is not the same as a trial, I am wondering then whether there is any role or any place in the role of counsel assisting to use what might be called "jury rhetoric" in opening addresses or opening submissions? Without particularly commenting upon the recent Supreme Court proceedings, which we clearly should not be doing and are not doing, I wonder whether in general that would be appropriate?

Mr IRELAND: My own view is that it is to be avoided if at all possible.

The Hon. PETER BREEN: Could I ask you about this question of counsel assisting. The tension that Temby talks about I think is that, in my experience, counsel assisting often takes the worst-case scenario, the commissioner takes some kind of middle ground and that I think is the tension that they talk about. The submissions of counsel assisting maybe the best case from the commission's point of view and that case is often then moderated by the commissioner. I do not think that is the way it was intended or what the Act contemplated; I think counsel assisting, as Hall suggests, should have a balanced view and try to take the middle ground and the same ground as the commissioner. But there is this tendency in practice for counsel assisting to be out there with the material that needs to be tested.

Mr IRELAND: Yes. That is putting the case at the highest, you mean, for that particular view?

The Hon. PETER BREEN: Yes.

Mr IRELAND: I think there is little to be gained by adopting that approach. My own view is that that is unnecessary. What should be put before the commission is a fair and reasonable interpretation of the evidence that can be put; it is not a question of negotiating a result where you put it at the highest and you are prepared to give some ground to reach a result. The result should be the aim, and it should be the aim of counsel assisting.

The Hon. PETER BREEN: Yes, I agree with you that it should be the aim of counsel assisting, but I just had this fear that it is not working that way in practice.

Mr IRELAND: Is the suggestion that Mr Temby felt that it was a good thing to have this tension?

The Hon. PETER BREEN: Well, he did say that.

Mr MALCOLM KERR: He said "creative tension", did he not? I mean the word "creative" is positive.

Mr IRELAND: It does not have much place in the judgment.

Mr MALCOLM KERR: I would not have thought so.

CHAIR: To be fair, we are taking it from a footnote in Peter Hall's book and I do not think any of us have seen Temby's original paper. There may be some explanation, with a more coherent sense of what it means, in the original paper.

Mr IRELAND: Yes.

The Hon. PETER BREEN: Judge, you were going to make some comments about Judge Wood, I think?

Mr IRELAND: Yes, I would like to.

CHAIR: Before we do that are there any other questions arising out of the answers we have been given? Do you want to ask some questions about counsel assisting, Mr Kerr?

Mr MALCOLM KERR: Yes. Mr Inspector, you have read Mr Justice Young's judgment, I take it?

Mr IRELAND: Yes, I have. It was sometime ago, on the day it was published.

Mr MALCOLM KERR: He mentioned in his judgment that the Police Integrity Commission [PIC] was not a royal commission; that it was really a special creature, I suppose, and that that raised the difficulty of the role of counsel assisting because there was no statement of duties or boundaries in the legislation that set up the PIC.

Mr IRELAND: Is that what he said?

Mr MALCOLM KERR: I think in effect he said that. He actually talked about Lord Salmon's report on the inquiry.

Mr IRELAND: I noticed that got a run. He obviously had not read my paper.

Mr MALCOLM KERR: In any event, the role of counsel assisting is not spelt out within legislation that governs the PIC.

Mr IRELAND: That is correct.

Mr MALCOLM KERR: Is there an argument for perhaps regulating the role of counsel assisting in PIC inquiries?

Mr IRELAND: Well, there may be. Sometimes in seeking to regulate you turn up problems that do not normally exist and you throw up as many barriers as you overcome by regulation. Overregulation is a dangerous outcome of seeking to regulate.

Mr MALCOLM KERR: But a free market in advocacy might also be dangerous.

Mr IRELAND: Oh, absolutely it is. Quite so. It raises the problem that Mr Breen adverted to.

I think if you were to look at the letter, which I hope I can let you have a copy of, and you see the extent of the constraints that are placed on counsel, or the direction that is given to counsel and which counsel must, on a standard form, acknowledge to be bound by, if there were suggestions that could be made to that to incorporate further considerations, that would be a good thing to put to the Police Integrity Commission. But it is 6 or 6½ pages long; it spells out what is expected of counsel pretty clearly. If something important has been missed out I am sure it can be added, but my own experience is that it is adequate.

Mr MALCOLM KERR: What is the letter you referred to?

Mr IRELAND: It is the letter that counsel receives on appointment. I think I referred to it in one of my answers. It is 6½ pages long, and it is the most comprehensive letter of appointment. In my 22 years at the bar I never received a more comprehensive document than that, or anything that approached it.

Mr MALCOLM KERR: It would seem that it would be in the public interest to make the letter public.

Mr IRELAND: That is what I would hope to be able to do. I will put it before the Committee. I just need to speak to the commissioner about that.

CHAIR: The inspector has indicated that he is happy for us to see it; he simply needs to check with the commissioner.

Mr IRELAND: I do not think there would be any difficulty. I will send it to you today.

Mr MALCOLM KERR: Perhaps there should even be a wider circulation. It is a matter that the Bar Association—

Mr IRELAND: I would not be sure that it is not there. It comes to every barrister, and that means those who are in a position to refuse to accept the retainer as well as those who accept it. So it is pretty much an open house as to the practices and procedures; they are all available in published form.

CHAIR: It was certainly my intention, subject to the commissioner's agreement, that it be part of the transcripts of these hearings so it is on the public record.

Mr MALCOLM KERR: From your memory, when you read Mr Justice Young's judgment, were there any aspects of the judgment that surprised you?

Mr IRELAND: Yes.

Mr MALCOLM KERR: What were they?

Mr IRELAND: That is a big question.

Mr MALCOLM KERR: Would you like to take it on notice?

Mr IRELAND: My response would be ultra vires; my appointment expires with this meeting. Yes, there were some surprising aspects of it, I thought. If I may just say this about it. I do not have the feeling that Mr Justice Young appreciated the ramifications of his interpretation of the extent of jurisdiction.

It seems to me that if the jurisdictional point can be taken, why is it not taken with every civilian witness who is called to give evidence at an inquiry? Many of them come first. How do you then establish whether there will be police involvement before you are even up and running? If the jurisdictional point is to be taken at every available period in a hearing, you will never finish. You will never even get to the meat of it; you will be arguing jurisdiction all the way.

When is the appropriate time to determine jurisdiction? Do you have to wait until the end? Then what do you do—excise all the evidence of people who do not fall within the ambit of the police or have police association? There are only two answers: either he is wrong, and the ambit of the inquiry is wider than he sees it as being, or else the Act must be amended. Otherwise you might as well close the shop down.

CHAIR: The appeal period has not expired yet, has it?

Mr IRELAND: No. So my observations are not binding on anyone.

CHAIR: I invite the inspector to make some comments about his successor.

Mr IRELAND: The reason I want to address that issue is that in last Saturday's *Sydney Morning Herald*, over the authorship, as I understand it, of Mr Michael Pelly, some observations were made which were attributed to Justice Wood. They came as a great shock to Justice Wood, I might say, and to me, and I spoke to him about it. Justice Wood wrote me a letter, which I would like to place on record. It reads:

The article in Saturday's *Sydney Morning Herald*, which I had understood was intended to deal with my reflections on retirement from the Bench, did not represent an accurate representation of the interview with the journalist. It most certainly does not reflect my current views in relation to the Police Service, the Police Association or the Police Integrity Commission, nor does

it reflect my understanding of the role of the Inspector or my intentions as holder of that office.

That article was a complete misfire. It clearly makes plain that the author of the article has not the faintest understanding of the functions of either the Police Integrity Commission or the inspectorate. The letter continues:

Much of it seems to have been drawn from a paper, which I delivered some little time ago at an international conference, which examined the problems of police corruption from an historical perspective and outlined a blueprint for other jurisdictions. My response to the article has been relayed to the Police Minister and to the Police Integrity Commission. I also understand that my response has been passed on to the Police Commissioner and to the Police Association.

While holding the office I do not intend to engage in public debate or to participate in any interview with the media.

I might say, that is the position I adopted before I left the bench, as well as since, because you really cannot rely on them getting it right. I had the impression when I saw that article on Saturday that the article had been written before the man had been spoken to, and those words are not his words—they could not possibly be; nobody could get the job so wrong.

In Justice Wood's farewell address this morning—and I obtained a copy of his address from his associate—he said:

While I do not claim credit for what followed the Royal Commission, since it was the NSW Police which effected the necessary changes, I believe that one can say with confidence that the way in which law enforcement now operates is light years away from that which was the norm, when I began to practise in the 1960s. The Service has on any fair assessment made very significant strides since then, most particularly in recent years, in embracing professionalism and proper standards of conduct.

It has had to do so in the face of two most serious challenges to law and order, each of which emerged during my time in practice, or on the Bench.

The first concerns the organised trade in drugs, which began during the late 1960s and early 1970s. It changed for ever the face of crime in this State, in so far as a different category of offender chose to enter the criminal ranks, and it has presented a real threat to the well being of the community and particularly that of its youth. Paradoxically, it has been instrumental in bringing about a significant shift in policing to evidence-based investigations, that is, inquiries which are principally dependent upon the use of forensic science, electronic and physical surveillance and the like, which are capable of identifying the true suspect while, at the same time, providing hard and incontrovertible evidence.

So that is his position, and to try to reconcile that with what was written by Mr Michael Pelly is quite impossible; they are two birds of an entirely different colour.

The Hon. PETER BREEN: The judge did have an interview with Pelly though, did he not?

Mr IRELAND: He did. I think Mr Pelly must have written the article before he went to see the judge. Did you read the article?

The Hon. PETER BREEN: I did, yes. It is a very strong article. It is strong in the sense that it presupposes that Justice Wood has an idea about the police which seemed to me to be a bit out of touch, and therefore I, like you, thought it was a bit strange.

Mr IRELAND: If the aroma that arises from a dead carcass indicates strength, yes, it was strong.

The Hon. PETER BREEN: Pelly also conducted an interview with the Chief Justice, Jim Spigelman, in the same week.

Mr IRELAND: Was it of equal quality?

The Hon. PETER BREEN: The article was also quite extraordinary. It suggested that the Chief Justice was much more frank than I certainly experienced him. I was surprised by both articles. Perhaps Mr Pelly needs to be called to account.

Mr IRELAND: That is always the problem. I heard him mentioning on John Laws this morning that his colleague—if you could call him that—Mr Jones, of renown or infamy, once had a morning session in which he enjoyed an attack upon me for granting bail to a person who the Bail Act clearly made plain had to have bail. I think Mr Jones's knowledge of the Bail Act, to put it at its highest, is limited.

At the end of the day, he finished up saying that he had had to take the judges of the Supreme Court to task on the subject on a whole number of occasions when they let these criminals out on bail. One was tempted to ask whether you can be a criminal before you have actually been tried. But he went on in that vein, and he said that we were jokes, that the system was a joke, and, "Who is this Justice Ireland?"

My telephone nearly jumped off the desk when I got into chambers at about 7.30 that morning, with people saying, "What are you going to do?" So I discussed it with Murray Gleeson. We decided that if he was going to be replied to, it would just fuel the fire, throw gasoline on what was no more than perhaps a passing ember. So that is the way we proceeded with it, and I did not respond in any way, and that has been my policy since. I suspect that as long as it did not suggest that I was guilty of soliciting improper activities outside London lavatories, I would not do anything.

The Hon. PETER BREEN: There was a time when the Attorney General used to go to the defence of the judiciary.

Mr IRELAND: That has long gone. I always continue to wonder why.

The Hon. PETER BREEN: I wonder why too.

Mr IRELAND: Because it was the proper way to deal with it dispassionately, correctly and put it out of issue. Now the judges are expected to defend themselves and there is a big downside to that.

The Hon. PETER BREEN: You cannot really do what I did, that is, right up and say "Well, I'll talk to you as long as I can go into the studio." It would hardly be appropriate for a judge to do that.

Mr MALCOLM KERR: An article appeared in the *Daily Telegraph* and the *Sydney Morning Herald* by Mr Justice Woods, as he was then.

Mr IRELAND: He is still.

Mr MALCOLM KERR: He has not retired?

Mr IRELAND: Oh yes, he was not actually sworn out today. I think his appointment finishes today.

Mr MALCOLM KERR: That article was certainly mentioned to me and obviously caused disquiet in the community, and no doubt shocked the commissioner, I would have thought?

Mr IRELAND: And the police commissioner. The police commissioner, I can tell you. Are we in camera?

The Hon. PETER BREEN: No, but there is nobody here.

CHAIR: It is recorded.

Mr MALCOLM KERR: The point I am making is that there needs to be some action of rectification in relation to the record, I would have thought?

CHAIR: In relation to—

Mr MALCOLM KERR: I suppose it is a matter for Justice Woods.

CHAIR: To some extent that has been done today, and I think that is why it has been done.

Mr IRELAND: That is why the matter was raised today. That is why he has been in touch with each of those heads of department, making it plain. I would have hoped that it has been undone, as it so properly should be.

Mr MALCOLM KERR: I think it would be probably difficult to undo it, given the circulation of the original report, and the limited circulation of the rebuttal.

Mr IRELAND: Yes, that is always the way.

(Evidence continued in camera)

(Public hearing resumed)

CHAIR: I would thank the Inspector for his attendance today and on numerous other occasions, and place on record our gratitude for the frankness with which he has dealt with this Committee and his courtesy in dealing with what are sometimes irrelevant escapades.

Mr IRELAND: Thank you.

(The Committee adjourned at 12.34 p.m.)