



LEGISLATIVE COUNCIL

PRIVILEGES COMMITTEE

Consideration of disputed claims of privilege as referred by the Clerk under standing order 54 (March 2023)



Report 93

March 2023

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Privileges Committee

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Consideration of disputed claims of privilege as referred by the Clerk under standing order 54 (March 2023).

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Chair: Hon Peter Primrose MLC.



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Terms of reference

In instances where a report of the Independent Legal Arbiter appointed under standing order 52 is received by the Clerk more than three weeks before the next sitting of the House:

- (a) the Clerk is to refer the report to the Privileges Committee for consideration,
- (b) the Privileges Committee is authorised to undertake the role usually performed by the House in deciding whether the report of the Independent Legal Arbiter and any documents the subject of the dispute are to be published,
- (c) any document authorised to be published by the committee under this standing order is deemed to have been presented to the House and published by the authority of the House, and
- (d) on the next sitting day, the committee is to report to the House what action, if any, it has taken under this resolution.

The terms of reference were referred by the Clerk under standing order 54 on 27 January 2023.

Committee details

Committee members

The Hon Peter Primrose MLC	Australian Labor Party	<i>Chair</i>
Revd the Hon Fred Nile MLC	Independent	<i>Deputy Chair</i>
The Hon Greg Donnelly MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
The Hon Wes Fang MLC	The Nationals	
The Hon Scott Farlow MLC	Liberal Party	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Taylor Martin MLC	Liberal Party	

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Chair's foreword

I am pleased to present this report of the Privileges Committee on disputed claims of privilege over the returns to order concerning:

- Privatisation or efficiency measures relating to Sydney Water and Hunter Water,
- Exhibited animals and Exhibited animals – Further order,
- Get Wild Pty Ltd, and
- Ministerial Code of Conduct.

The committee undertook this inquiry on behalf of the House in accordance with the provisions of the standing order 54.

I would like to thank the members of the committee for their work on this inquiry, and the secretariat for compiling this report.



Hon Peter Primrose MLC
Committee Chair

Chapter 1 Disputed claims of privilege and reports of the independent legal arbiter

- 1.1 The standing orders of the Legislative Council adopted by the House on 17 November 2022 authorise the Privileges Committee to undertake the role usually performed by the House in dealing with disputed claims of privilege over documents returned to orders of the House under standing order 52 when the House is not sitting. The current standing order 54, which is based upon previous sessional orders, states:

In instances where a report of the Independent Legal Arbiter appointed under standing order 52 is received by the Clerk more than three weeks before the next sitting of the House:

- (a) the Clerk is to refer the report to the Privileges Committee for consideration,
- (b) the Privileges Committee is authorised to undertake the role usually performed by the House in deciding whether the report of the Independent Legal Arbiter and any documents the subject of the dispute are to be published,
- (c) any document authorised to be published by the committee under this standing order is deemed to have been presented to the House and published by the authority of the House, and
- (d) on the next sitting day, the committee is to report to the House what action, if any, it has taken under this resolution.¹

- 1.2 As required by standing order, this report documents the actions taken by the committee in relation to disputed claims of privilege over documents relating to the following returns to order:

- Privatisation or efficiency measures relating to Sydney Water and Hunter Water
- Exhibited animals
- Exhibited animals – Further order
- Get Wild Pty Ltd
- Ministerial Code of Conduct.

Privatisation or efficiency measures relating to Sydney Water and Hunter Water

- 1.3 On 10 February 2023, the committee met to consider a report of the Independent Legal Arbiter, the Hon. Keith Mason AC KC, received by the Clerk on 27 January 2023. Mr Mason's report assessed various claims of privilege made over any of the Sydney Water documents returned to the Clerk on 30 November 2022, which were disputed by the Hon. Rose Jackson MLC.

¹ Standing order 54.

- 1.4 Mr Mason did not uphold the claims of privilege over all Sydney Water documents, noting that the claims lacked 'any compelling reason why the Parliament should be excluded from weighing and debating these matters'.
- 1.5 The committee resolved to publish Mr Mason's report, and according to standing order, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 2).
- 1.6 At this meeting the committee also noted that it had consistently adopted the two-step process, as established in the House, to meet a second time to consider the publication of documents considered not to be privileged by the arbiter.
- 1.7 At a second meeting on 28 February 2023, the committee considered the publication of all Sydney Water documents identified by Mr Mason not to be privileged. The committee made the following resolution:

That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason AC KC, dated 27 January 2023, on the disputed claim of privilege regarding privatisation or efficiency measures relating to Sydney Water or Hunter Water, the committee orders that all Sydney Water documents received by the Clerk on 30 November 2022, considered by the Independent Legal Arbiter not to be privileged, be published.

- 1.8 As per the resolution, all Sydney Water documents were made public that day.

Exhibited animals and Exhibited animals – Further order

- 1.9 At a meeting on 10 February 2023, the committee considered a report of the Independent Legal Arbiter, the Hon. Keith Mason AC KC, received by the Clerk on 1 February 2023. This report assessed two disputed claims of privilege by the Hon. Emma Hurst MLC relating to certain Department of Regional New South Wales documents in the following returns to order:
- return dated 4 August 2021, in response to resolution of the House of 23 June 2021
 - returns dated 31 August 2022 and 29 September 2022, in response to the further resolution of the House of 10 August 2022.
- 1.10 Mr Mason did not uphold any of the claims of privilege made noting that all documents contain 'information taken into account in departmental responsive decision-making pursuant to the Exhibited Animal Protection Act 1986', and therefore, 'parliamentary oversight of these governmental activities needs no justification'.
- 1.11 The committee resolved to publish Mr Mason's report, and according to standing order, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 3).
- 1.12 At this meeting the committee also noted that it had consistently adopted the two-step process, as established in the House, to meet a second time to consider the publication of documents considered not to be privileged by the arbiter.

- 1.13** At a second meeting on 28 February 2023, the committee considered the publication of certain Department of Regional New South Wales documents identified by Mr Mason not to be privileged. The committee made the following resolution:

That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 1 February 2023, on the disputed claims of privilege regarding exhibited animals and the further order for papers, the committee orders that the following documents considered by the Independent Legal Arbiter not to be privileged, be published:

- (a) Department of Regional New South Wales documents received by the Clerk on 4 August 2021 in response to resolution of the House of 23 June 2021,
- (b) Minister for Agriculture documents received by the Clerk on 31 August 2022 in response to resolution of the House of 10 August 2022, and
- (c) Department of Regional New South Wales documents received by the Clerk 29 September 2022 in response to resolution of the House of 10 August 2022.

- 1.14** As per the resolution, the documents referred to in paragraphs (a) to (c) were made public that day.

- 1.15** At the same meeting on 28 February 2023, the committee considered a further report of Mr Mason received by the Clerk on 20 February 2023. This report considered claims of privilege over two documents that were indexed but missing from returns provided on 4 August 2021 and 29 September 2022. The two documents were returned to the Clerk on 31 January 2023. The claims of privilege were disputed by the Hon. Emma Hurst MLC for the same reasons outlined in her original disputes.

- 1.16** Mr Mason did not uphold the claims of privilege over the two documents for the reasons cited in [1.10] above.

- 1.17** The committee resolved to publish Mr Mason's report, and according to standing order, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 4).

- 1.18** At a second meeting on 2 March 2023, the committee considered the publication of the two Department of Regional New South Wales documents identified by Mr Mason not to be privileged. The committee made the following resolution:

That, in view in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the further disputed claim of privilege relating to exhibited animals and the further order for papers, the committee orders that the following Department of Regional New South Wales documents received by the Clerk on 31 January 2023, considered by the Independent Legal Arbiter not to be privileged, be published:

- (a) document no. (f)009a, indexed but missing from return of 4 August 2021 in response to resolution of the House of 23 June 2021, and

- (b) document no. 135P, indexed but missing from return of 29 September 2022 in response to further resolution of the House of 10 August 2022.

1.19 As per the resolution of the committee, the two documents were made public that day.

Get Wild Pty Ltd

1.20 At a meeting on 10 February 2023, the committee considered a report of the Independent Legal Arbiter, the Hon. Joseph Campbell KC, received by the Clerk on 8 February 2023. This report considered various claims of privilege over certain Department of Regional New South Wales documents received by the Clerk on 17 June 2020, which were disputed by the Hon. Emma Hurst MLC.

1.21 Mr Campbell upheld the claims of privilege for 31 documents, recommended redactions of personal information for 33 documents, and did not uphold claims of privilege for the balance of the disputed documents for various reasons identified in his report.

1.22 The committee resolved to publish the report, and according to standing order, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 5).

1.23 At this meeting the committee also noted that it had consistently adopted the two-step process, as established in the House, to meet a second time to consider the publication of documents considered not to be privileged by the arbiter.

1.24 At a second meeting on 28 February 2023, the committee considered the publication of certain Department of Regional New South Wales documents identified by Mr Campbell not to be privileged. The committee made the following resolution:

- (1) That, in view of the report of the Independent Legal Arbiter, the Honourable Joseph Campbell KC, dated 8 February 2023, on the disputed claim of privilege *Get Wild Pty Ltd*, the committee orders that:

- (a) the Department of Regional New South Wales documents received by the Clerk on 17 June 2020, considered by the Independent Legal Arbiter not to be privileged be published, and
- (b) the following Department of Regional New South Wales documents received by the Clerk on 17 June 2020, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days, subject to redactions specified in the report:

(b)(i)187, (b)(i)188, (b)(i)193, (c)(i)24, (d)(i)135, (d)(i)159, (d)(i)161, (d)(i)223, (e)(i)27, (e)(i)28, (e)(i)50, (e)(i)75, (e)(i)76, (f)(i)2, (f)(i)25, (f)(i)28, (g)(i)16, (g)(i)18, (g)(i)50, (g)(i)51, (g)(i)55, (g)(i)60, (g)(i)61, (g)(i)77, (g)(i)79, (g)(i)80, (g)(i)82, (g)(i)92, (g)(i)93, (g)(i)97, (g)(i)98, (g)(i)99 and (g)(i)100.

- (2) That, on receipt on documents referred to in paragraph (1)(b), the redacted documents be published.

1.25 As per the resolution, documents referred to in paragraph (1)(a) were made public that day.

- 1.26 At the same meeting on 28 February 2023, the committee considered a report of the Independent Legal Arbiter, the Hon. Alan Robertson SC, received by the Clerk on 27 February 2023. This report considered claims of privilege over an additional return of documents from the Department of Regional New South Wales received by the Clerk on 4 August 2020, which were disputed by the Hon. Emma Hurst MLC.
- 1.27 Mr Robertson upheld the claims of privilege for 28 documents, recommended redactions for 74 documents, and did not uphold claims of privilege for the balance of the disputed documents for various reasons identified in his report.
- 1.28 The committee resolved to publish the report, and according to standing order, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 6).
- 1.29 At this meeting the committee also noted that it had consistently adopted the two-step process, as established in the House, to meet a second time to consider the publication of documents considered not to be privileged by the arbiter.
- 1.30 At a second meeting on 2 March 2023, the committee considered the publication of the Department of Regional New South Wales documents identified by Mr Robertson not to be privileged. The committee made the following resolution:
- (1) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, dated 27 February 2023, on the further disputed claim of privilege Get Wild Pty Ltd, the committee orders the following:
 - (a) Department of Regional New South Wales documents received by the Clerk on 4 August 2020, identified by the Independent Legal Arbiter not to be privileged, be published, and
 - (b) Department of Regional New South Wales documents received by the Clerk on 4 August 2020, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days subject to redactions outlined in the Schedule of the report.
 - (2) That, on receipt on documents referred to in paragraph (1)(b), the redacted documents be published.
- 1.31 As per the resolution, documents referred to in paragraph (1)(a) were made public that day.

Ministerial Code of Conduct

- 1.32 At a meeting on 10 February 2023, the committee considered a report of the Independent Legal Arbiter, the Hon. Keith Mason AC KC, received by the Clerk on 20 February 2023. This report considered claims of privilege over certain Department of Premier and Cabinet documents returned to the Clerk on 2 November 2022, which were disputed by the Hon. Penny Sharpe MLC.
- 1.33 In the report, Mr Mason did not uphold the claims of privilege over the Department of Premier and Cabinet documents, noting that 'class claims asserting privilege over documents comprising briefs, applications for rulings and rulings have been addressed in previous reports'

and made specific reference to the report on *Allegations concerning the Hon John Sidoti MP* and report on *'Premier's Rulings on Disclosures under the Ministerial Code of Conduct*.

1.34 The committee resolved to publish the report, and according to the resolution of the House, the report was deemed to have been published by authority of the House and made available on the Legislative Council's website that day (see Appendix 7).

1.35 At a second meeting on 2 March 2023, the committee considered the publication of the Department of Premier and Cabinet documents identified by Mr Mason not to be privileged. The committee made the following resolution:

That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the disputed claim of privilege relating to the ministerial code of conduct, the committee orders that Department of Premier and Cabinet documents nos 4, 4(b), 4(c), 4(d), 5, 5(c), 5(e) and 5(f) received by the Clerk on 2 November 2022, considered by the Independent Legal Arbiter not to be privileged, be published.

1.36 As per the resolution of the committee, the documents were made public that day.

Appendix 1 Minutes

Minutes no. 41

Friday 10 February 2023, 1.00 pm

Privileges Committee

Via Webex

1. Members present

Mr Primrose (*Chair*)

Revd Mr Nile (*Deputy Chair*) (arrival 1.07 pm)

Mr Donnelly

Mr Fang (except item 7)

Mr Martin.

In attendance: Steven Reynolds, Jenelle Moore and Taylah Cauchi.

2. Apologies

Ms Faehrmann, Mr Farlow and Mr Mallard.

3. Draft minutes

Resolved, on the motion of Mr Martin: That draft minutes no. 40 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 2 December 2022 - Email from the Independent Complaints Officer, to the Privileges Committee, attaching the first Independent Complaints Officer quarterly report for September 2022 to November 2022.
- 21 December 2022 – Correspondence from the Hon Matthew Mason-Cox MLC, President of the Legislative Council, to the Hon John Hatzistergos AM, Chief Commissioner, Independent Commission Against Corruption, acknowledging receipt of letter dated 16 December 2022 advising of the amendments to the Commission Operations Manual policy.
- 8 February 2023 - Correspondence from the Hon Matthew Mason-Cox MLC, President of the Legislative Council to the Chair referring an inquiry to the Committee to determine further claims of privilege made by the legal representatives of Mr John Zhang on documents obtained by the Australian Federal Police (AFP) and lodged with the Acting Clerk on Friday 3 February 2023.

5. Disputed claims of privilege

Under trial standing order 52B, the Privileges Committee is given the authority, while the House is not sitting for more than three weeks, to undertake the role usually performed by the House in dealing with disputed claims of privilege over returns to order under standing order 52.

5.1 Method of consideration

The Committee noted that it has previously resolved that, wherever possible and unless circumstances require otherwise, the committee follow the established practice in the House and adopt a two-step process.

5.2 Publication of report of the Independent Legal Arbiter – Privatisation or efficiency measures relating to Sydney Water or Hunter Water

Resolved, on the motion of Mr Donnelly: That the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 27 January 2023, on the disputed claim of privilege regarding the privatisation or efficiency measures relating to Sydney Water or Hunter Water, be published.

5.3 Publication of report of the Independent Legal Arbiter – Exhibited animals and Exhibited animals – Further order

Resolved, on the motion of Mr Donnelly: That the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 1 February 2023, on the disputed claims of privilege regarding exhibited animals, be published.

5.4 Publication of report of the Independent Legal Arbiter – Get Wild Pty Ltd

Resolved, on the motion of Mr Donnelly: That the report of the Independent Legal Arbiter, the Honourable Joseph Campbell KC, dated 8 February 2023, on the disputed claim of privilege regarding Get Wild Pty Ltd, be published.

6. Inquiry into execution of search warrants by the Australian Federal Police No. 4

6.1 Terms of reference

The Committee noted the following terms of reference referred by the President on 8 February 2023, under paragraph 2 (a) of resolution of the House establishing the Privileges Committee, 8 May 2019:

1. That the Privileges Committee further inquire into and report on the status of documents and other things the subject of claims of parliamentary privilege arising from the execution of various search warrants by the Australian Federal Police (AFP) issued on 25 June and 23 July 2020 on Mr John Zhang, then staffer of the Honourable Shaoquett Moselmane and any incidental documents of Mr Moselmane relating to the investigation of Mr Zhang, as delivered to the Acting Clerk by the AFP on Friday 3 February 2023 .
2. That the committee recommend to the House which of the disputed material falls within the scope of proceedings in Parliament by no later than 5:00 pm on 2 March 2023.
3. That the committee, for the purposes of making its determination, have access to the relevant indexes of documents and other things in dispute prepared by the AFP and that the committee seek submissions from the Clerk of the Parliaments, Mr Zhang, Mr Moselmane and the AFP regarding the claims of privilege.
4. That, in recommending which documents are privileged, the committee apply the test used in the determination of the matters involving documents seized by the Independent Commission Against Corruption from the Honourable Peter Breen in 2003 and 2004, as amended by the Senate Privileges Committee in its Report 164, dated March 2017, entitled “Search warrants and the Senate”.
5. That, if a recommendation cannot be made on the basis of the index and submissions received, the committee be given access to the privileged material held in the custody of the Acting Clerk of the Parliaments.

6.2 Submissions

Resolved, on the motion of Mr Donnelly:

- That the index of documents the subject of a claim of parliamentary privilege by Mr Zhang be made available for inspection by members of the committee in the Office of the Clerk but not otherwise distributed to members.
- That submissions be invited from Mr Zhang’s legal representatives, Mr Moselmane, the Australian Federal Police and the Clerk of the Parliaments by 5.00 pm on Monday 20 February 2023,
 - (a) Mr Zhang, via his legal representatives, be invited to make a further submission to respond to submissions made by Mr Moselmane, the Australian Federal Police and the Clerk of the Parliaments within 48 hours of the submissions being sent to him,

- (b) legal representatives for Mr Zhang be advised that in the absence of a submission being made by or on behalf of Mr Zhang, as provided above, the committee will, notwithstanding this, act upon the basis of all other submissions received,
- (c) the terms of this resolution be made available to Mr Zhang, via his legal representatives, Mr Moselmane, the Australian Federal Police and the Clerk of the Parliaments as soon as practicable following this meeting.

6.3 Inquiry timeline

The committee noted a suggested timeline as follows:

- No meeting to consider submissions received.
- Chair's draft report to members will be provided with as much notice as possible but unlikely to be more than 48 hours before the deliberative.
- Report deliberative: 28 February or another date before 2 March 2023.
- Report tabling: no later 5pm 2 March 2023.

7. Inquiry into the Special Report No. 14 of the Public Accountability Committee

7.1 Chair's draft report

Resolved, on the motion of Mr Donnelly: The committee with the substitute members for the purposes of the inquiry meet on Tuesday 28 February 2023 to consider the draft report prior to the main deliberative.

8. Adjournment

The committee adjourned at 1:18 pm, until 28 February 2023 at a time to be determined.

Steven Reynolds
Committee Clerk

Minutes no. 42

Tuesday 28 February 2023, 11.31 am
Privileges Committee
Via Webex

1. Members present

Mr Primrose (*Chair*)
 Revd Nile (*Deputy Chair*)
 Mr Barrett (*for the inquiry into the Special Report No. 14 of the Public Accountability Committee*)
 Ms Boyd (*for the inquiry into the Special Report No. 14 of the Public Accountability Committee*)
 Mr Donnelly
 Mr Fang
 Mr Farlow
 Mr Martin
 Mr Rath (*for the inquiry into the Special Report No. 14 of the Public Accountability Committee*).
 Secretariat in attendance: Stephen Frappell, Jock Gardiner, Taylah Cauchi, Noora Hijazi,
 Velia Mignacca

2. Apologies

Ms Fachrmann
 Mr Mallard.

3. Draft minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 41 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 16 February 2023 – Correspondence from the Select Committee on Barangaroo sight lines, to the Privileges Committee, attaching advice from the Crown Solicitor's Office provided to the Select Committee on Barangaroo sight lines.
- 17 February 2023 – Correspondence from the Premier, to the Privileges Committee, attaching the government response to Report No. 90 of the Privileges Committee entitled "Review of Members' Code of Conduct (2022)", tabled 16 November 2022.
- 20 February 2023 – Correspondence from Mr Zhang's legal representatives, to the Procedure Committee, requesting for a one day extension for the due date of the submission.
- 20 February 2023 - Correspondence from Ms Higginson's Office, to the secretariat, advising Ms Boyd will be substituting for Ms Higginson at the committee meeting on 28 February regarding the inquiry into Special Report No. 14 of the Public Accountability Committee.

Sent

- 20 February 2023 - Correspondence from the secretariat, to Mr Zhang's legal representatives, granting a one day extension for the due date of the submission.
- 22 February 2023 - Correspondence from the secretariat, to Mr Zhang's legal representatives, attaching submission nos 1-3 of the inquiry for Mr Zhang to provide a submission in response the attached submissions.

5. Disputed claims of privilege**5.1 Publication of report of the Independent Legal Arbiter – Exhibited animals and Exhibited animals – Further order (Second dispute)**

Resolved, on the motion of Revd Nile: That the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the further disputed claim of privilege regarding exhibited animals and the further order, be published.

5.2 Publication of report of the Independent Legal Arbiter – Ministerial Code of Conduct

Resolved, on the motion of Revd Nile: That the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the disputed claim of privilege regarding ministerial code of conduct, be published.

5.3 Publication of report of the Independent Legal Arbiter – Get Wild Pty Ltd (second dispute)

Resolved, on the motion of Revd Nile: That the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, dated 27 February 2023, on the further disputed claim of privilege regarding Get Wild Pty Ltd, be published.

5.4 Tabling of Privileged Documents – Privatisation or efficiency measures relating to Sydney Water or Hunter Water

Resolved, on the motion of Mr Donnelly: That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 27 January 2023, on the disputed claim of privilege regarding privatisation or efficiency measures relating to Sydney Water or Hunter Water, the committee orders that all Sydney Water documents received by the Clerk on 30 November 2022, considered by the Independent Legal Arbiter not to be privileged, be published.

5.5 Tabling of Privileged Documents – Exhibited animals and Exhibited animals – Further order

Resolved, on the motion of Mr Donnelly: That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 1 February 2023, on the disputed claims of privilege regarding exhibited animals and the further order for papers, the committee orders that the following documents considered by the Independent Legal Arbiter not to be privileged, be published:

- (a) Department of Regional New South Wales documents received by the Clerk on 4 August 2021 in response to resolution of the House of 23 June 2021,
- (b) Minister for Agriculture documents received by the Clerk on 31 August 2022 in response to resolution of the House of 10 August 2022, and
- (c) Department of Regional New South Wales documents received by the Clerk 29 September 2022 in response to resolution of the House of 10 August 2022.

5.6 Tabling of Privileged Documents – Get Wild Pty Ltd

Resolved, on the motion of Mr Donnelly:

- (1) That, in view of the report of the Independent Legal Arbiter, the Honourable Joseph Campbell KC, dated 8 February 2023, on the disputed claim of privilege Get Wild Pty Ltd, the committee orders that:
 - (a) the Department of Regional New South Wales documents received by the Clerk on 17 June 2020, considered by the Independent Legal Arbiter not to be privileged be published, and
 - (b) the following Department of Regional New South Wales documents received by the Clerk on 17 June 2020, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days, subject to redactions specified in the report:

(b)(i)187, (b)(i)188, (b)(i)193, (c)(i)24, (d)(i)135, (d)(i)159, (d)(i)161, (d)(i)223, (e)(i)27, (e)(i)28, (e)(i)50, (e)(i)75, (e)(i)76, (f)(i)2, (f)(i)25, (f)(i)28, (g)(i)16, (g)(i)18, (g)(i)50, (g)(i)51, (g)(i)55, (g)(i)60, (g)(i)61, (g)(i)77, (g)(i)79, (g)(i)80, (g)(i)82, (g)(i)92, (g)(i)93, (g)(i)97, (g)(i)98, (g)(i)99 and (g)(i)100.
- (2) That, on receipt on documents referred to in paragraph (1)(b), the redacted documents be published.

6. Inquiry into the Execution of search warrants by the Australian Federal Police No. 4

The secretariat provided an update to the committee regarding the inquiry into the *execution of search warrants by the Australian Federal Police No. 4*.

7. Inquiry into the Special Report from the Public Accountability Committee concerning an unauthorised disclosure of in camera evidence

7.1 Consideration of Chair's draft report

The committee considered the Chair's draft report, previously circulated.

Resolved, on the motion of Mr Donnelly: That: draft report be the report of the committee and that the committee chair present the report to the House.

8. Adjournment

The committee adjourned at 11.46 am, *sine die*.

Mr Stephen Frappell
Committee Director

Draft Minutes no. 43

2 March 2023, 11.32 am

Privileges Committee
Via Webex

1. Members present

Mr Primrose (*Chair*)
Revd Nile (*Deputy Chair*)
Mr Donnelly (*arrival 11.34 am*)
Ms Faehrmann (*arrival 11.40 am*)
Mr Farlow
Mr Martin.

Secretariat in attendance: Stephen Frappell, Noora Hijazi and Taylah Cauchi.

2. Apologies

Mr Fang
Mr Mallard.

3. Draft minutes

Resolved, on the motion of Revd Nile: That draft minutes no. 42 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 27 February 2023 - Correspondence from Commissioner Reece P Kershaw APM, Australian Federal Police, to the Chair of the Privileges Committee, providing a response to the committee's correspondence dated 5 December 2022 regarding the Execution of Search Warrants by the AFP No. 3.
- 2 March 2023 – Email from the Office of the Commissioner, Australian Federal Police, to the secretariat, agreeing to the publication of the Commissioner's correspondence dated 27 February 2023.

Sent

- 1 March 2023 - Email from the secretariat, to the Office of the Commissioner, Australian Federal Police, requesting agreement to the correspondence received on 27 February 2023 being made public.

5. Inquiry into the Execution of search warrants by the Australian Federal Police No. 4

5.1 Chair's draft report

Resolved, on the motion of Mr Donnelly: That the committee note that the Chair's draft report has been circulated to members less than seven days prior to the report deliberative.

The committee considered the Chair's draft report, entitled "*Execution of search warrants by the Australian Federal Police No. 4*".

Resolved, on the motion of Mr Donnelly: That the draft report be the report of the committee and that the committee present the report to the House.

6. Disputed claims of privilege

6.1 Tabling of Privileged Documents – Exhibited animals and Exhibited animals – Further order (Second dispute)

Resolved, on the motion of Revd Nile: That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the further disputed claim of privilege

relating to exhibited animals and the further order for papers, the committee orders that the following Department of Regional New South Wales documents received by the Clerk on 31 January 2023, considered by the Independent Legal Arbiter not to be privileged, be published:

- (a) document no. (f)009a, indexed but missing from return of 4 August 2021 in response to resolution of the House of 23 June 2021, and
- (b) document no. 135P, indexed but missing from return of 29 September 2022 in response to further resolution of the House of 10 August 2022.

6.2 Tabling of Privileged Documents – Ministerial Code of Conduct

Resolved, on the motion of Mr Donnelly: That, in view of the report of the Independent Legal Arbiter, the Honourable Keith Mason AC KC, dated 20 February 2023, on the disputed claim of privilege relating to the ministerial code of conduct, the committee orders that Department of Premier and Cabinet documents nos 4, 4(b), 4(c), 4(d), 5, 5(c), 5(e) and 5(f) received by the Clerk on 2 November 2022, considered by the Independent Legal Arbiter not to be privileged, be published.

6.3 Tabling of Privileged Documents – Get Wild Pty Ltd (second dispute)

Resolved, on the motion of Revd Nile:

- (1) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, dated 27 February 2023, on the further disputed claim of privilege Get Wild Pty Ltd, the committee orders the following:
 - (a) Department of Regional New South Wales documents received by the Clerk on 4 August 2020, identified by the Independent Legal Arbiter not to be privileged, be published, and
 - (b) Department of Regional New South Wales documents received by the Clerk on 4 August 2020, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days subject to redactions outlined in the Schedule of the report.
- (2) That, on receipt on documents referred to in paragraph (1)(b), the redacted documents be published.

7. Inquiry into the Consideration of disputed claims of privilege as referred by the Clerk under standing order 54 (March 2023)

7.1 Chair's draft report

Resolved, on the motion of Mr Donnelly: That the committee note that the Chair's draft report has been circulated to members less than seven days prior to the report deliberative.

The committee considered the Chair's draft report, entitled "*Consideration of disputed claims of privilege as referred by the Clerk under standing order 54 (March 2023)*".

Resolved, on the motion of Mr Donnelly: That the draft report be the report of the committee and that the committee present the report to the House.

8. Other business

Resolved, on the motion of Revd Nile: That the correspondence received from Commissioner Reece P Kershaw APM, Australian Federal Police, providing a response to the committee's correspondence dated 5 December 2022 regarding the Execution of Search Warrants by the AFP No. 3, dated 27 February 2023, be forwarded to the President of the Legislative Council.

9. Next meeting

The committee adjourned at 11.43 am, *Sine die*.

Mr Stephen Frappell
Committee Director

Appendix 2 Report of the Independent Legal Arbiter – Privatisation or efficiency measures relating to Sydney Water and Hunter Water

REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIM OF PRIVILEGE

Privatisation or Efficiency Measures relating to Sydney Water or Hunter Water

The Hon Keith Mason AC KC

27 January 2023

On 9 November 2022 the House called for papers regarding the sale or privatisation or efficiency measures of Sydney Water and Hunter Water. Eight of the documents delivered to the Clerk by Sydney Water are subject to claims of privilege that have been disputed by the Hon Rose Jackson MLC.

All of the documents are said to be privileged under the rubric of public interest immunity (commercial-in-confidence). Two of them are additionally said to be privileged because they contain legal advice. The Member does not contest that they contain such advice, but correctly observes that more needs to be demonstrated to generate a basis of privilege in the parliamentary context.

Sydney Water is a for-profit state-owned corporation responsible for delivering water and sewerage services to millions of people. It controls an asset base worth billions of dollars. The decisions it takes will impact water charges to customers and the dividends returned to its single shareholder, the State. Untrammelled parliamentary oversight requires no justification given the potential impacts on consumers and the fisc. The documents now in dispute are complex and Members may need to obtain their own advice about them. Sound policy-making may entail contestable choices that the House wishes to scrutinise and debate – not necessarily after the event.

The disputed documents discuss options for the financing of Sydney Water's assets. They relate to the Upper South Creek wastewater plant to service Western Sydney airport and adjacent growth areas. The pros and cons of alternative funding models, including the well-known special purposes vehicle (SPV) for seeking equity funding from private sector investors, are being weighed. Sydney Water's Submission emphasises their exploratory nature and the fact that key decisions are yet to be made against the backdrop that 'the primary objective for Sydney Water in this regard is to retain control of its assets while securing value-for-money private investment'.

These considerations favouring disclosure must nevertheless be weighed against the matters advanced by Sydney Water in the Submission that accompanied the return of papers.

Sydney Water contends (in para 18) that 'the public disclosure of [the] information before these financing options are adequately developed is likely to impact the viability of future transactions and undermine Sydney Water's ability to secure competitive offers for arrangements in relation to assets, by

- (a) damaging Sydney Water's credibility and the market perception of the financing of Sydney Water assets, and
- (b) circumventing a formal market sounding process and allowing key potential investors to form a position based on incomplete information.'

The Submission continues:

19. Similarly, the public disclosure of detailed information in relation to Sydney Water's PPP procurement strategies would undermine future tender processes and negotiations, including in relation to future PPP arrangements that may be available.

20. This would cause significant damage to Sydney Water's commercial activities and inhibit its ability to operate at least as efficiently as any comparable business and to maximise the net worth of the State's investment in Sydney Water. In turn, this would 'compromise the financial interests of taxpayers' by limiting Sydney Water's capacity to enter into commercially advantageous arrangements on behalf of the NSW Government.

21. Sydney Water also submits that the disclosure of intellectual property associated with their approach and methodology ... of its third party consultants would place these consultants at commercial disadvantage vis-a-vis their competitors. This could inhibit the willingness of the private sector to confidently, transparently and frankly engage with Sydney Water in the future which, in turn, would impact on the financial interests of taxpayers.

I find these frankly alarmist submissions unpersuasive, at least in their application to the eight documents in contest. Sydney Water is weighing options at a very early stage. There is no 'detailed information...in relation to procurement strategies', certainly none that deserves to be withheld from parliamentary scrutiny. The whole focus of the advice is to ensure the best interests of the State will be uppermost **before** models are chosen and negotiations with private partners embarked upon. What are described as 'investor considerations' in one of the documents underlines the commonality of the models under consideration while warning of pitfalls for Government to avoid in negotiation about governance provisions. It should not surprise that care is being taken that decisions about these matters will be effective (for the State), compliant with (the State's) accounting standards, and avoid inappropriate (State and federal) tax consequences.

What is lacking is any compelling reason why the parliament should be excluded from weighing and debating these matters. These are all the considerations that have attracted the attention of the Auditor-General and the House in recent years. Some of the disputed documents discuss the capital management policy of Sydney Water.

The professed concern for the 'intellectual property' of the consultants is even harder to understand. When a lawyer or accountant or tax adviser provides services to the State – for considerable fees – it is the State and its arms of government that are entitled to make full use of the information and advice provided, in the absence of some contractual stipulation to the contrary.

The Member contests the commercial-in-confidence claims because:

'Sydney Water [has used] generalities, instead of describing how the factors it describes have any relationship to these specific documents. It therefore fails to meet the test the arbiter set in Sydney Stadiums, when the arbiter found that an "agency must establish 'some immediate and detrimental effect' "caused by disclosure. It is also failing to meet the test of another arbiter set in Contamination at Power Station and Associated Sites, when the arbiter rejected a privilege claim about harm to a theoretical future negotiation that Executive was not engaged in.'

The Member also cites the Reports in *Insurance and Care NSW and the State Insurance Regulatory Agency, Budget Finances 2018-2019, Crown Casino VIP Gaming Management Agreement, Sydney Stadiums and Transport Asset Holding Entity – Further Order*.

I agree with the Member's criticism. In doing so, I recognise that sometimes it will be neither easy nor prudent to spell out in detail the potential harm that may flow from disclosure of a particular

document. And that sometimes submissions by the Executive have been framed with a large number of documents in focus or with particular attention to documents whose privileged status is not later contested by a Member. These are reasons why the arbiter is tasked with examining documents whose status as privileged is contested. I have examined the documents here in issue.

I have not overlooked the now standard request of the opportunity to make further detailed submissions if the matter is referred to an independent arbiter. Sometimes this will be appropriate, for example if large numbers of documents required to be produced in a short period of time attract arguable claims of privilege, or if the Member's objection raises specific points that were unforeseeable. The arbiter may also choose to seek the assistance of further submissions, but this usually comes at the price of them having to be provided to the Member for response, with ensuing delay. A 'second bite at the cherry' cannot become the norm in light of the terms of Order 52 and the expectation that these matters will be reported upon promptly if it is practicable.

I advise that, in my evaluation, the disputed documents are not privileged.

I thank Ms Noora Hijazi for her assistance.



The Hon Keith Mason AC KC

Appendix 3 Report of the Independent Legal Arbiter – Exhibited animals and Exhibited animals – Further order

REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIM OF PRIVILEGE

Exhibited Animals

The Hon Keith Mason AC KC

1 February 2023

On 23 June 2021 and 10 August 2022 the House called for papers relating to exhibited animals. The resolutions covered different time periods. Each call included reference to licences, permits, approvals and disciplinary action involving named persons and establishments. The documents were delivered to the Clerk in tranches. Some were subject to claims of privilege that have been disputed by the Hon Emma Hurst MLC that I have been appointed to evaluate.

The Member identifies the documents in dispute in two letters to the Deputy Clerk dated 20 January 2023. I have inspected the disputed documents. In my evaluation none of them are relevantly privileged.

The Department of Regional NSW's combined submissions have asserted privilege under the rubrics of legal professional privilege, personal information/privacy, responsible and effective government, investigative functions, commercial in confidence and parliamentary privilege. The response to the original order fails to identify which documents are said to attract which of the several heads of privilege asserted.

Most of the disputed documents record information obtained upon the inspection of licensed premises or communications between the licensees and officers of the Department before or after such inspections. These include statutory Direction Orders requiring particular action to be taken to correct non-compliance. All relate to past activity, some of it now more than two years ago. A relevant complaint by a neighbour is addressed. The documents all show the information taken into account in departmental responsive decision-making pursuant to the *Exhibited Animal Protection Act 1986*.

Parliamentary oversight of these governmental activities needs no justification. The principles have been stated in many reports by myself and other independent arbiters.


The generic submissions relating to the first order raising 'responsible and effective government', 'investigative functions' and 'commercial in confidence' seem to have no bearing upon the documents listed as disputed by the Member. In any event, I see nothing in the listed documents that qualifies for privileged status on such account. Their general purport is summarised in the paragraph above.

A few of the documents returned in response to the two orders for papers contain information that constitutes legal advice. But it all relates to steps taken in now completed litigation involving Get Wild Pty Ltd and members of the Brighton family. The call for papers specifically identified this matter as one of interest to the House. Since all of the information is specific and was given in the lead-up to these proceedings or by way of summarising the judicial decisions emerging from them I can detect no harm to the public interest in allowing this information to be debated openly.

It is very disappointing to see parliamentary privilege with respect to house folder notes trotted out yet again in relation to four documents that were part of the response to the second order. The submissions are drawn from some standard template and I have seen them many times. They cite a judgement of Austin J from an unrelated context but are completely silent about the many reports in the Order 52 context rejecting such baseless and time-wasting claims.

None of the documents presently in dispute appear to contain personal information about employee names or contact information that is not publicly available. If the Department wishes to draw any particular document to the attention of the Member and if the Department is unsatisfied with the Member's unwillingness to agree to some specific redaction then I would be prepared to express my view on the particular issue.

I thank Ms Noora Hijazi for her assistance.



The Hon Keith Mason AC KC

Appendix 4 Report of the Independent Legal Arbiter – Exhibited animals and Exhibited animals – Further order (Second dispute)

REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIM OF PRIVILEGE

Exhibited animals and Exhibited animals – Further order

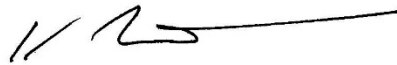
The Hon Keith Mason AC KC

20 February 2023

I refer to my Report on *Exhibited Animals* dated 1 February 2023.

The privilege claimed with respect to two further documents called for on 23 June 2021 and 10 August 2022, but produced only recently, has been disputed by the Hon Emma Hurst MLC. I have been appointed to evaluate and report.

The documents are identified as (f) 009a and 135P. The particular ground(s) of privilege asserted have not been identified. I have read the documents. Nothing in them attracts privilege, in my evaluation.



The Hon Keith Mason AC KC

Appendix 5 Report of the Independent Legal Arbiter – Get Wild Pty Ltd

1

Report on Disputed Claims for Privilege concerning Documents Produced by Get Wild Pty Limited on 17 June 2020

On Wednesday 13 May 2020, the Legislative Council agreed to the following resolution: That, under Standing Order 52, there be laid upon the table of the House within 35 days of the passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Department of Regional New South Wales and the Minister for Agriculture and Western New South Wales:

- (a) all licences, permits and approvals issued to Get Wild Pty Ltd ACN 153 504 753 trading as Get Wild Animal Experiences (Get Wild) or Mr Daniel Brighton under the *Exhibited Animals Protection Act 1986 (NSW)* and its accompanying regulations,
- (b) all documents recording any revocation, suspension or other action taken by the Department of Planning, Industry and Environment (the department) in respect of any licence, permit or approval issued to Get Wild or Mr Brighton under the *Exhibited Animals Protection Act 1986 (NSW)* and its accompanying regulations,
- (c) all documents recording the results of any audits and inspections of Get Wild or Mr Brighton, including records of any corrective action requests (CARs) made by the department and whether the CARs were complied with,
- (d) all correspondence between the department and Get Wild or Mr Brighton,
- (e) all internal correspondence prepared by the department regarding Get Wild or Mr Brighton,
- (f) all complaints received by the department regarding Get Wild or Mr Brighton, and all records concerning any action taken by the department in response to those complaints,
- (g) all records of any investigations undertaken by the department in respect of Get Wild or Mr Brighton, and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

In compliance with the order of the House the Secretary of the Department of Premier and Cabinet lodged the required documents with the Clerk of the Parliaments on 17 June 2020 and 4 August 2020.

On Monday 30 January 2023, the Acting Clerk of the Parliaments received written correspondence from the Hon. Emma Hurst MLC disputing the claim of privilege made over certain documents produced by the Department of Regional NSW on 17 June 2020.

In accordance with paragraph 7 of standing order 52, the President of the Legislative Council, the Hon Matthew Mason-Cox MLC, has appointed me as an independent legal arbiter to evaluate the claim of privilege.

The claim of privilege was made in relation to the contents of seven of the nine boxes of documents produced. As is required by the Standing Order, a separate identification was made of a ground of privilege concerning each document for which a claim of privilege was made. However, the grounds of each claim of privilege were expressed in the most economical of terms – the claims were “personal”, “responsible and effective government”, “parliamentary”, “commercial in confidence”, “law enforcement”, and “legal”. Only one such ground was identified concerning each of the documents for which a claim of privilege was made. The covering letter under which the Secretary of the Department of Premier and Cabinet sent the documents made some general submissions about each of those grounds of privilege except “commercial in confidence”, but without identifying any particular documents to which those general submissions related.

The “business interests” claim

The covering letter also had a separate heading, “Business Interests”. No document in the Schedule had claimed “business interests” as a ground of privilege. However, the covering letter, under the “Business Interests” heading, made a general claim that was capable of applying to all the documents that had been produced:

“It is submitted that certain of the documents identified and indexed as privileged contain information in relation to the business interests of Get Wild Pty Ltd and that the public interest in their non-disclosure outweighs the interest in the disclosure.

In support of this claim, it is submitted that such information would ordinarily be protected from disclosure under the common law or the GIPA Act.

The documents should be privileged as their disclosure would prejudice their commercial interests of Get Wild Pty Limited. The nature of the documents include significant information in relation to architectural plans and structure of animal enclosures.

The Get Wild documents provide design, measurements, comment, discussion and assessment in respect of particular animal enclosures. It is usual for such documents

to be circulated by Regional NSW internally until full design, construction methodology and measurement assessment matters have been considered, optimised, assessed and diligent decisions made.

Disclosure of this information would assist Get Wild Pty Ltd's competitors to formulate similar structures without the need, or less need, to seek technical and expert advice in relation to cage enclosures, undermining Get Wild's commercial competitive interests.

It is common practice that Government does not disclose information that would diminish the competitive commercial value of a third party to its competitors."

This is fairly clearly a claim of public interest privilege. I am tempted to reject it on the ground that it has made no attempt to comply with the requirement of Order 52 (5) that the "reasons for the claim of privilege" be identified in relation to *each* document concerning which the claim is made. The order says that it is where *a document* (in the singular) is (not "are") considered to be privileged, the claim can be privilege can be made concerning *it* (not "them")¹. The Department has made no attempt to identify individual documents concerning which there might be the type of public interest privilege that it asserts. Rather it is "certain of" the entire seven boxes of documents concerning which a claim of privilege has been made that are the subject of the claim.

However, there are additional reasons to reject the claim. Previous reports by Mr Mason QC and myself have explained how, when there is a call for documents under Order 52, it is the Executive government that is making a claim of privilege that has the onus of persuading the arbiter that the claim for privilege is made out, and that, where the claim made is one of public interest privilege, that onus is one of showing that the harm to the public interest that may arise from a failure to restrict access to the document outweighs any public importance in the documents being available for use without restriction. I remain of the view, previously expressed in my report on **Contamination at power station associated sites**, that a comparison of the procedure and manner in which claims of public interest privilege come before a court, and the way in which they come before an independent arbiter, create significant practical difficulties for the arbiter in forming a positive conclusion that the harm that is likely to result from disclosure of a document outweighs the benefit that is likely to result from disclosure. Those difficulties are made all the greater when the claim of public interest privilege is made in a blanket fashion, covering hundreds of documents with no differentiation between the position of different documents. The subject matter concerning which the public interest is claimed is aspects of the design and construction of animal enclosures. I would accept that there is a public interest in protecting

¹ I recognise that there is a common principle of statutory construction, which might apply to a document like a Standing Order of Parliament, that the singular includes the plural, but that principle is one that applies except where the context or subject matter requires otherwise. However here the purpose of the requirement in para (5) of the standing order to state the grounds of the privilege would be defeated if a blanket claim of a particular type of privilege could be made concerning a mass of documents

valuable commercial secrets, but the particular information involved here is a type of information that requires some justification of why it is a valuable secret – it is not inherently the type of information that one knows from common knowledge is valuable, like the method of formulation of a new drug, or a secret method of production of an industrial product. It might be the case that there are some aspects of the design and construction of animal enclosures that are secret and commercially valuable, but the Department has not said what they are, or explained how they have value. As well it is not explained why that this is not the sort of thing that anyone could find out by looking at the enclosure, once built. The documents are now all over three years old, so if the enclosures have been built they are there for any competitor to look at. And if they have not been built, it is not explained how it is that plans that have not been acted upon are of great commercial significance. In all these circumstances I am not persuaded that the claim of public interest privilege is made out.

The reliance on the GIPA Act

The covering letter submitted that a reason why each of the heads of privilege identified in it, except for parliamentary privilege, should be upheld was that documents of the type that fell under that claim of privilege would be protected from public disclosure under the *Government Information (Public Access) Act 2009* (the “GIPA Act”). This is a submission that has been made time after time in connection with disputes about production of documents under Order 52. It is also a submission that has been rejected time after time. I continue to regard it as not a helpful matter in deciding questions of privilege concerning the production of documents by the Executive government to the House, for reasons given below concerning documents (d) (i) 158 and (e) (i) 8.

The individual claims of privilege

In the following part of this report I reproduce in bold, and verbatim, each identification of document concerning which a claim of privilege was made, and the terms in which that claim of privilege was made.

The reader will see that only one ground of privilege is asserted concerning any document, and the claim of privilege for any document is made in extremely brief terms. However, what is intended by any of those brief claims was expanded upon to some extent in the covering memorandum which accompanied the documents when they were produced.

Particular grounds on which privilege was claimed are discussed concerning an individual document, usually the document concerning which that particular ground for privilege is first claimed. Those documents are

Claimed ground for privilege.	Document where discussed
Parliamentary	(b) (i) 190
Responsible and effective government	(c) (i) 14

Commercial in Confidence	(d) (i) 158
Law enforcement	(e) (i) 8
Legal	(e)(i) 8

Summary of outcomes

In my view the claimed ground of privilege is made out concerning the following documents:

- (f) (i) 3
- (f) (i) 5 to 24 inclusive
- f) (i) 26
- f) (i) 27
- (g) (i) 29 to 32 inclusive
- (g) (i) 35
- (g) (i) 45

The claim “personal” is not a claim of a valid ground of privilege, but is made when there is said to be personal information in the document which should not be published. Concerning previous reports, the House has been willing to redact documents before release if the redactions are of personal information that is not important for the House performing its functions. Concerning the documents I am reviewing, in all bar one case, the personal information in a document could be adequately protected by redacting the document to obliterate the personal information, and releasing the rest of the document. Concerning the passports in the document (f) (i) 4, protection of the personal information would require that the document not be released at all.

Redaction, of the type I identify concerning each of the documents in question, would adequately protect personal information in the following documents:

- (b) (i) 187
- (b) (i) 188
- (b) (i) 193
- (c) (i) 24
- (d)(i) 135
- (d) (i) 159
- (d) (i) 161
- (d) (i) 223
- (e) (i) 27
- (e) (i) 28
- (e) (i) 50
- (e) (i) 75
- (e) (i) 76
- (f) (i) 2
- (f) (i) 4
- (f) (i) 5
- (f) (i) 25

(f) (i) 28
 (g) (i) 16
 (g) (i) 18
 (g) (i) 50
 (g) (i) 51
 (g) (i) 55
 (g) (i) 60
 (g) (i) 61
 (g) (i) 77
 (g)(i) 79
 (g) (i)80
 (g) (i) 82
 (g) (i) 92 and 93
 (g) (i) 97 to 100 inclusive

The individual documents

(a)(i)(26) Summary of Get Wild applications to 12 April 2018 – including column detailing issue – Law Part – Outcome.docx Personal

This document is a summary of outstanding applications submitted by Get Wild Pty Limited as at 12 April 2018. It identifies the fate of those applications that have been decided, and the present state of progress all those applications that are still in the process of being decided. It gives the names of the officers within the Department that are carrying out particular tasks connected with each application, and the names of people associated with Get Wild who it is proposed will carry out activities concerning which approval is sought. No personal information is given, beyond the name, of any of these people. There is no basis for a genuine claim of privilege on the basis of “personal information”, and to the extent that any personal information is given it is no more than names, and in my view not such as to require a redaction.

(a)(i)(27) Summary of Get Wild outstanding applications and NCAT issues 12 April 18.docx Personal

The situation concerning this document is the same as that concerning the immediately preceding document.

(a)(i)(28) Summary of issue -Law Part – Outcome for Get Wild applications to 12 April 2018.docx Personal

The situation concerning this document is the same as that concerning the immediately preceding document.

(b)(i)175 EA Licence application advice request V2 Personal

This document contains the names and workplaces of certain experts who were consulted about their experience in keeping a particular species of animal. It gives a precis of what they say about the manner in which the species of animal in question fares in captivity. There is nothing in it that warrants a claim of privilege, nor is the personal information given of a type concerning which fairness would require redaction.

(b)(i)182 Assessment of Responses from Get Wild – applications May 2018 – including column detailing issue – Law Part – Outcome (1).docx Personal

Beyond identifying the names of people who performed particular tasks for the Department, or for Get Wild, there is nothing approaching personal information in this document. There is no ground of privilege, and fairness does not require redaction.

(b)(i)183 Comments on Get Wild response to show cause for Macaques.docx Personal

The situation concerning this document is the same as that concerning the immediately preceding document.

(b)(i)185 Copy Penalty Notices Get wild 13 Nov 2017.pdf Personal

These are a series of penalty notices issued on the basis of there having been a breach of a term or condition of an authority. Each notice contains the name of the officer of the department responsible for it issue. There is no trace of any other personal information. There is no ground of privilege, and no basis on which the documents should be redacted.

(b)(i)187 Draft letter to D Brighton v3 18.12.2017.pdf Personal

This is a letter addressed to Mr Brighton seeking details of the basis on which an application was being made to the NSW Civil and Administrative Tribunal. The only trace of personal information in it is that it contains an address for Mr Brighton, which might be his home address rather than a business address. But there is no personal information in the letter, and hence no basis for a claim of privilege. In the ordinary course, fairness would require redaction of personal information like a home address before the document was disclosed.

(b)(i)188 Draft Warrant application.pdf Personal

This document is a draft of an application for a search warrant, seeking permission to enter and search certain premises where it was alleged animals were being kept in circumstances that were not approved. The premises in question was said to be a semi rural property with dwelling house. There is no basis for a claim of privilege in relation to the document, but in the ordinary course fairness would require the address of a person's dwelling house to be redacted before the document was disclosed.

b)(i)189 Get Wild Pty Ltd – Concerns raised in relation to renewing authorities.pdf
Personal

The only trace of personal information in this document is a question whether a named person is still an employee. There is no basis for a claim of privilege, and the mere name of a person who might or might not still be an employee is not such as to require redaction.

(b)(i)190 HF 19_349 Get Wild Pty Ltd – Conviction for Animal Cruelty
Formatfix20190912.DOCX Parliamentary

This is a Minister's briefing note, about half a page long, it is the only document, of those that are disputed, in relation to which a claim of parliamentary privilege was made.

The claim of privilege is expanded on in the submission which accompanied the documents. That submission identified the document in question as

"a House folder note, prepared to assist the Minister in answering questions that may be asked in Parliament.

Parliamentary privilege would apply to prevent documents of this kind from being produced to a court or another "place out of parliament" within the meaning of article 9 of the Bill of Rights 1689 [Imp].

It is not suggested that parliamentary privilege would apply to prevent the document from being produced to, or from being published by, the Legislative Council in the exercise of its constitutional functions.

it is significant, however, that it has been accepted that requiring disclosure of such documents may affect the quality of information available to Parliament.

In *Opel Networks v NSWSC*² 142 at [118] [2019] 77 NSWLR 126 at 134 Justice Austin of the Supreme Court stated:

"... it seems to me necessarily true, and not dependent upon the evidence of the particular case, that if briefings and draft briefings to parliamentarians for Question Time and other parliamentary debate are amenable to subpoenas and other orders for production, the Commonwealth officers whose task it is to prepare those documents will be impeded in their preparation, by the knowledge that the documents may be used in legal proceedings and for investigatory purposes that may well affect the quality of information available to parliament."

² Sic. The name and medium neutral reference for the case should be *In the matter of OPEL Networks Pty Ltd (in liq)* [2010] NSWSC 142. The correct citation for it in the NSWLR is (2010) 77 NSWLR 128.

The House may therefore wish to consider what impact any publication by it of such documents could have. The House may also wish to consider what effect publication may have on the ability, in future legal proceedings, to claim parliamentary privilege on the basis identified in the extract above."

I do not read that submission as one that is made to me - rather, it is one that is made to the Legislative Council itself, urging it to not allow inspection (other than by Members) of the document in question, for fear that the floodgates of stunted and/or incomplete advice to Parliament or Ministers might then open. There is more than the terms of the submission that suggest that it is one made to the House rather than to me - as well, there are background circumstances that support reading it in that way. It is a submission of a type that has been repeatedly made to Mr Mason QC, and repeatedly rejected by him as providing any basis for a claim of privilege in the Executive against production of documents to a House of the Parliament itself. I agree with Mr Mason's views in that respect.

The ratio of Austin J's decision is that briefings and draft briefings to parliamentarians for Question Time are not subject to subpoenas or other orders for production as such production would 'impeach' proceedings in Parliament within the meaning of the *Parliamentary Privileges Act 1987 (Cth)*. That is quite a different matter to what is involved in the present case. Austin J was not directing his mind to the present situation, where one House of Parliament calls for production of a document from the Executive government. It is outside the scope of my functions as an independent arbiter of questions of privilege to make any rulings about what the House should do concerning this particular submission. Presumably if the House is persuaded of the reality and degree of importance of the risk the Executive claims would arise if this document is released it would decide not to release it, and if it was not so persuaded it would permit the document to be released.

b)(i)193 Penalty Notice Approval Signed.pdf Personal

The only trace of personal information in this document is the residential address of a person (which appears at three different places). There is no basis of privilege concerning the document, but the addresses in question could be redacted

(b)(i)194 Specific offence elements.pdf Personal

There is no relevant personal information in this document, and in any event, as has been repeatedly said, personal information is not a ground of privilege. There are some mentions of addresses, but not as being residential addresses of anyone, so I see no need for those to be redacted.

(c)(i)3 Matters considered by M Crane in deciding 17.62#15 Personal

The only trace of personal information in this document is the naming of people as filling certain positions. That does not provide a ground of privilege, and provides no ground for redaction of the document.

(c)(i)14 Get Wild Pty Ltd- Compliance meeting- Overview of Get Wild Pty Ltd applications that are currently with Exhibited Animals section.docx Responsible and effective government

This is the first of the claims where the alleged ground of privilege is “responsible and effective government”. A claim so described is not one of the recognised legal grounds of privilege. It is the name of one of the grounds for exclusion of documents from production under the *GIPA Act* – see the table to s 14 of the *GIPA Act* – but the fact that a document is excluded from production under the *GIPA Act* is not a basis for its non-production by the Executive to a House of Parliament when it is called for.

The covering submission that accompanied the documents when they were produced gives an explanation which suggests that claim should be treated as being a claim of a particular type of public interest privilege. The explanation given for that alleged ground of privilege was:

“it is submitted that certain of the documents identified and indexed as privileged contain information that could reasonably be expected to prejudice the effective exercise by Regional NSW of its functions to prepare, consider, assists and implement processes to approve, change conditions, deny or otherwise review licences, approvals and permits concerning exhibition of animals and or prescribed species. Additionally, disclosure could reasonably be expected to reveal the preparation of plans to investigate claims of animal neglect, abuse or cruelty.

In support of this claim, it is submitted that such information would ordinarily be protected from disclosure under the common law or the *GIPA act*.

The document should be privileged as their disclosure would prejudice the effective exercise by Regional NSW of its functions in considering and administering licences, approvals and permits under the *Exhibited Animals Protection Act 1986* and the preparation of plans to investigate complaints received of animal neglect, abuse and cruelty.

It is common practise that government does not disclose information that would prejudice the effective exercise of its functions.”

As previous reports by Mr Mason and me have explained, a public interest privilege can exist as a matter of law in contexts other than court proceedings. Thus, there is no inherent impossibility about it applying in relation to a call for documents by the Legislative Council.

However, a claim of public interest privilege always requires a balancing of the competing interests that are involved in the particular circumstances in which the particular claim is made. When the occasion for considering a claim of public interest privilege is a call for documents by the Legislative Council, whether a document attracts a public interest privilege can only be evaluated after weighing the legitimate governmental interests in restricting access to that document against the legitimate competing interest of the House in having the document available for use. Thus, the mere fact that there may be harm to

one aspect of the public interest arising from the document being available to members without the restrictions of clause 5(b) of Standing Order 52 is not enough to make out a claim of public interest privilege. More is needed to show that the possible harm to the public interest outweighs the public importance of the document being available for use, in accordance with the ordinary procedures of the House, without restriction.

With this type of claim for privilege, as with any other, the onus is on the person who was asserts the privilege to persuade the decision maker that the privilege exists. When such a claim is made in court proceedings, it is common for there to be some evidence about how and why and to what extent legitimate governmental interests will be harmed by the release of the document. There will be some types of documents concerning which it will be obvious, from the type of document it is, or on the face of the document, in what way governmental interests might be harmed by its unrestricted release. However, this is by no means so concerning all documents which might, with appropriate evidence, be found to have the privilege applicable to them. When a bald claim of the privilege is made, without explanation, it is inevitably harder for that claim to succeed.

I am not persuaded that this claim of privilege has got to first base. By that, I mean that I am not persuaded that there is a basis for concluding that there would be any harm to the manner in which the department operated from this document being disclosed. The task of attempting to weigh any harm arising from disclosure of the document against the legitimate interests of the house in having the document available for use has not even been attempted. The claim for privilege cannot be upheld.

(c)(i)24 ITBI2854.JPG Personal

This is the photocopy of a photograph of a box which apparently once contained live animals. It contains the mobile phone number of the addressee. There is no ground for privilege, but the telephone number could be redacted.

(d)(i)14 COMPLIANCE & ENFORCEMENT - Licensing - Food Businesses - Get Wild Itinerary March 2020.pdf Personal

This and the next three documents are all of a similar type. They are itineraries of the places to which animals would be taken for exhibition, the date of that exhibition, and the particular animals that would be taken. It gives the names and addresses of schools and other destinations to which the animals would be taken, but there is nothing that enabled identification of the name of any person, or the personal address of any person. There is no basis for privilege, and no material that requires redaction as a matter of fairness.

(d)(i)15 COMPLIANCE & ENFORCEMENT - Licensing - Food Businesses - Get Wild Itineraries June 2018.pdf Personal

See document 14 above

(d)(i)16 COMPLIANCE & ENFORCEMENT - Licensing - Food Businesses - Get Wild Itineraries June 2018.pdf Personal

see document 14 above

(d)(i)17 COMPLIANCE & ENFORCEMENT - Licensing - Food Businesses - Get Wild Itinerary February 2020.pdf Personal

see document 14 above

(d)(i)21 Email from Daniel Brighton to Jenny Thomson acknowledging contact 01.02.2018 Responsible and effective government

This and the next three documents constitute an email chain, that can be dealt with together. The chain concerns a complaint that Mr Brighton had made about the cost that the Department's enforcement measures imposed on his business, and the response of the Department to that complaint. I am not persuaded that a case is made out that the disclosure of this document would hinder the operations of the Department, and no attempt has been made to explain why or how any alleged hindrance to the operations of the Department outweighs the public importance of allowing the ordinary procedures of the House in calling for documents to take their course. This claim of privilege is not made out.

(d)(i)22 Email to Daniel Brighton from Jenny 02.02.2018 Responsible and effective government

See document 21 above

(d)(i)23 Email to Daniel Brighton from Jenny 08.02.2018 Responsible and effective government

see document 21 above

(d)(i)24 Email from Daniel Brighton to Jenny 09.02.2018 Responsible and effective government

see document 21 above

(d)(i)25 DRAFT Agenda - Meeting with Daniel Brighton Get Wild Pty Ltd 3 April 2018 Legal

This document contains no trace of legal advice or a request for it, and it does not relate to litigation. The claim of legal privilege is not upheld.

(d)(i)97 RESPONSE: Daniel Brighton re Get Wild Primate and Owl Applications Responsible and effective government

The asserted ground of privilege is not made out

(d)(i)135 Get Wild Animal Experiences - Missing/Stolen Freshwater Crocodiles - Croc Spotting Map Personal

The document concerns efforts made to locate some missing crocodiles. It gives the names (but no other details) of employees of Get Wild, and of one policeman, who were involved in the search. That is not the sort of personal information that requires redaction.

The document also contains, in a paragraph beginning "The second sighting" the name and address of a particular person who claimed to have seen a crocodile. At the very end is a mobile telephone number. That name and address, and mobile telephone number, can be redacted.

(d)(i)142 Get Wild Animal Experiences - Notification of the death of the returned crocodile Personal

The only trace of personal information in this document is the name of a vet who performed a postmortem. It is not privileged, and does not require redaction.

(d)(i)158 Get Wild Pty Ltd - Contentious Issues 2017 - Daniel's response to Departments reply to request for Status update of TA Applications Commercial in Confidence

This is the first of the documents concerning which the privilege claim made was "commercial in confidence". The covering submission contended concerning such a claim:

"it is submitted that certain of the documents identified and indexed as privileged contain information in relation to the business interests of Get Wild Pty Limited and that the public interest in their non disclosure outweighs the interest in their disclosure.

In support of this claim, it is submitted that such information would ordinarily be protected from disclosure under the common law or the *GIPA Act*.

The documents should be privileged as their disclosure would prejudice the commercial interests of Get Wild Pty Limited. The nature of the documents includes significant information in relation to the architectural plans and structures of animal enclosures.

The Get Wild Pty Limited documents provide design, measurements, comment, discussion and assessment in respect of particular animal enclosures. It is usual for such documents to be circulated by Regional NSW internally until full design, construction methodology and measurement assessment matters have been considered, optimised, assessed and diligent decisions made.

Disclosure of this information would assist Get Wild Pty Ltd's competitors to formulate similar structures without the need, or less need, to seek technical or expert advice in relation to Cage enclosures, undermining Get Wild Pty Ltd's commercial competitive interests.

It is common practise that government does not disclose information that would diminish the competitive commercial value of a third party to its competitors.”

It is incorrect that commercially sensitive information will ordinarily be protected from disclosure under the common law. If commercially sensitive information is subpoenaed in a court case, the court will, if a sufficient case of confidentiality is made out, sometimes order that access to the document be restricted to certain legal representatives, and not used except for the purposes of the proceedings. However it is necessary first to make out the requisite degree of confidentiality, and even if that degree of confidentiality is made out there is not total protection from disclosure.

The *GIPA Act* sets out the circumstances in which members of the public, even when there is no litigation on foot, can obtain access to governmental documents. That is a vastly different situation to the situation when the question is whether one of the Houses of Parliament should be restricted in the use that can be made of a document obtained from the Executive. Whether a document is protected from disclosure under the *GIPA Act* is not decisive of whether a public interest privilege arises when that document is called for by one of the Houses of Parliament. One can say that if a document is not protected from disclosure under the *GIPA Act* it would be very surprising if a ground of privilege existed which could prevent it from being made available for use in the proceedings of one of the Houses of Parliament. However, the converse does not apply.

There can be a public interest in a government not disclosing confidential information that it is obtained in the course of administering legislation that regulates some field of activity. However, for there to be a public interest privilege of this kind, it is necessary to consider the particular document concerning which the claim is made, and to assess whether the public importance of maintaining the confidentiality outweighs the public importance of allowing the document to be used in the ordinary process of the House.

The actual document concerning which this claim for privilege was made is missing from the place it should be in the produced documents – there is an index card for it, but no document. However, if it is not materially different to other documents concerning the crocodile TA, such as document 161 it would not be privileged. Until such time as the document is located any question about whether it is privileged is purely academic.

(d)(i)159 Get Wild Pty Ltd - Contentious Issues 2017 - Request to approve Crocodile TA application ASAP Personal

The only trace of personal information is that a photocopied page showing the contents of a printed sign headed “Get Wild - Animal Escape Procedure” contained the mobile telephone numbers of various people. Those numbers could be redacted. Otherwise the document is not privileged.

(d)(i)161 Get Wild Pty Ltd -Contentious Issues 2017 - Second request to approve Crocodile TA application ASAP with copy of Compliance Officers email Commercial in Confidence

I am not persuaded that a public interest privilege of the kind that can arise from a document containing information that is commercial in confidence arises concerning this document. This document should be treated in the same way as document 159.

(d)(i)162 Get Wild Pty Ltd -Form G -AlterConstruct- Transport enclosure - Salt waterFresh water crocodile Commercial in Confidence

This document shows no trace of any design referred to in it being the product of any expert advice. It relates to an object that is already in existence. There is no evidence that access to the object has been restricted or kept secret in any way. I am not persuaded that a claim for confidentiality is made out concerning the document. Thus the claim for privilege fails.

(d)(i)163 Get Wild Pty Ltd -FormG -AlterConstruct- Home base enclosure - Salt waterFresh water crocodile Commercial in Confidence

This document relates to the design of a crocodile tank at the home base of Get Wild. It is an existing structure. All the same comments can be made concerning it as were made concerning document 162. The claim for privilege concerning it fails.

(d)(i)223 Get Wild (Daniel Brighton) request for internal review-Australian Bustard Personal

The only personal information in this is the email address of Mr Brighton and various addressees of the email. There is no ground of privilege concerning the document, but in fairness redaction of the email addresses would be appropriate.

(e)(i)1 DG DPI Briefing-Summary of matters involving mobile exhibitor Get Wild Pty Ltd & Mr Daniel Brighton Responsible and effective government

This undated document appears from internal evidence to have been made around December 2017. It contains a summary of various matters that had arisen concerning the Department's dealings with Get Wild.

I have discussed the claimed ground of privilege of "responsible and effective government" concerning document (c)(i) 14 Above. The claim of privilege does not attempt to explain how or why release of this document will inhibit proper exercise of the government's functions. The ground is not made out.

(e)(i)2 Acknowledgment and receipt sent to Daniel Brighton from AW Responsible and effective government

Document (e) (i) 2 does not fit the description that is given of it. Rather, it is a list of questions, and answers given, seemingly in an interview, concerning procedures for the assessment of applications for licences approvals and permits under the *Exhibited Animals Act 1986*. I see no basis on which a claim for privilege is made out concerning it.

(e)(i)3 24 - 8 May 2018 - Email RSPCA to DPI re Statements relating to Get Wild proceedings Legal

This document concerns the topics in relation to which evidence should be available concerning a forthcoming court hearing. The claim of legal professional privilege is made out.

(e)(i)8 80 - 30 Aug 2017 - Email DPI to RSPCA re Get Wild complaint Law enforcement

This is the first of the documents which made the claim that is summarised as "law enforcement". What is meant by that is explained in the covering document:

"It is submitted that certain of the documents identified and indexed as privileged could reasonably be expected to, if released, prejudice the prevention, detection or investigation of contraventions or possible contravention of the law or prejudice the enforcement of the law. It is further submitted that the public interest in the non disclosure of that information outweighs its interest in the disclosure. In support of this claim, it is submitted that such information would ordinarily be protected from public disclosure under statute law or under the *Government Information [Public Access] Act 2009* (the GIPA Act)

The principal objectives of Regional NSW are to ensure effective, efficient, transparent and accountable compliance, enforcement and referral measures are taken in circumstances where complaints are received or suspicion arises in relation to possible breaches of criminal and animal legislation.

Disclosing evidence gathered, and investigative methods used by Regional NSW, NSW police and the RSPCA to determine whether there has been, or is likely to be, a breach of legislation will undermine current and future measures employed to detect, prevent, investigate and deal with possible contraventions of the law.

in considering whether the release of such information were appropriate under the GIPA act, in *McDonald v Cmr of Police, NSW Police* [2019] NSWCATAD Senior Member R Hamilton SC stated:

The consideration in clause 2 (b) of section 14 table in the *GIPA Act* operates to protect the ongoing effectiveness of the methods adopted by the police and governmental agencies in preventing detecting investigating or dealing with breaches of the law. The basis of this consideration is a public interest in law enforcement agencies being able to maintain the integrity of their investigatory methods. There is no need for an actual contravention of the law ... the consideration is designed to preserve the integrity of intelligence gathering as a method of preventing contraventions or possible contraventions of the law.

Regional NSW believes the same principles considered under the *GIPA Act* can be applied to information requested by and returned to the NSW Parliament."

Even concerning the ground of exclusion under the *GIPA Act* that was being considered in *McDonald*, in the same paragraph that the submission in support of the claim for privilege quotes (para [97]) Mr Hamilton SC said (correctly) "The procedures must themselves have some element of secrecy to them."

That a particular document is one which was produced in the course of law enforcement is not enough to give rise to this ground of privilege. The ground of privilege depends upon how the *release* of the document is likely to affect the efficacy of *future* law enforcement. This type of privilege is essentially forward-looking, dependent on foreseeing the consequences of releasing the document. It is only if release of the document could reasonably be expected to prejudice the prevention detection or investigation or contravention or possible contravention of the law, or prejudice the enforcement of the law, that this ground is made out.

A document that was produced in the course of law enforcement might be entitled to protection under a different head of privilege, namely legal professional privilege, if it recorded or disclosed a communication with a lawyer made for the dominant purpose of giving or seeking legal advice, or for the dominant purpose of use in connection with legal proceedings that are on foot or realistically contemplated. The legal proceedings in question might be proceedings in a court, or in an alternative dispute resolution forum such as arbitration or mediation. However, the two grounds of privilege are different. Legal professional privilege is essentially backward-looking, enquiring about the purpose with which certain past actions were done. In this report I deal with the grounds of privilege that have actually been claimed for any document.

I do not accept that release of this document could prejudice the prevention, detection or investigation of contraventions or possible contravention of the law or prejudice the enforcement of the law. The document relates to thinking through in advance what should be done when exercising legal powers to inspect property where it was suspected there had been some contraventions of the law concerning the keeping of animals. The claim for privilege is rejected.

(e)(i) 9 81- 8 Nov 2017 - Email RSPCA to DPI re Get Wild complaint Law enforcement

This document, and the following documents to and including number 24, can be dealt with together. The documents include discussion about matters such as when an intended witness will return from leave, reporting that a court matter had been adjourned, requesting an update on the situation concerning that matter, and a covering email for a report from an expert. There is no way in which release of any of these documents could prejudice the prevention, detection or investigation of contraventions or possible contravention of the law or prejudice the enforcement of the law. The claim for privilege is rejected.

(e)(i)10 82 -24 Oct 2017- Email RSPCA to DPI re Court Attendance Notices for Get Wild Law enforcement

See Document 9 above

(e)(i)11 83 - 3 May 2018 - Email RSPCA to DPI re Get Wild statements Law enforcement

See Document 9 above

(e)(i)12 85 - 30 Aug 2018 - Email DPI to RSPCA re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)13 86 -1 Sept 2017 - Email DPI to RSPCA re Get Wild Investigation Law enforcement

See Document 9 above

(e)(i)14 88 - 24 Oct 2017 - Email DPI to RSPCA re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)15 89 - 24 Oct 2018 - Email DPI to RSPCA re get Wild investigation Law enforcement

See Document 9 above

(e)(i)16 91 - 8 Nov 2017 - Email DPI to RSPCA re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)17 92 - 9 Nov 2017 - Email DPI to RSPCA re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)18 93 - 9 Jan 2018 - Email DPI to RSPCA re Get wild court dates Law enforcement

See Document 9 above

(e)(i)19 94 - 6 Feb 2018 - Email DPI to RSPCA - re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)20 95 - 20 Feb 2018 - Email DPI to RSPCA re Get Wild investigation Law enforcement

See Document 9 above

(e)(i)21 96 - 20 Feb 2018 - Email - RSPCA to OPI re RSPCA vs Get Wild Law enforcement

See Document 9 above

(e)(i)22 97 - 20 Feb 2018 - Email - DPI to RSPCA re Get Wild inspection Law enforcement

See Document 9 above

(e)(i)23 99 - 17 Aug 2017 - Email DPI to RSPCA re Get Wild inspection Law enforcement

See Document 9 above

(e)(i)24 100 - 29 Aug 2017 - Email DPI to RSPCA re Get Wild inspection Law enforcement

See Document 9 above

(e)(i)25 101 - 29 Aug 2017 - Email DPI to RSPCA re Get Wild inspection - Attachment Law enforcement

This is a veterinarian's report about particular deficiencies found upon inspection of some premises. It discloses nothing about general methods of enforcement, beyond the perfectly obvious one of having an expert look at the disputed subject matter. The claim for privilege is rejected.

(e)(i)26 102 - 16 Nov 2017 - Email DPI to RSPCA re get Wild Inspection Law enforcement

This is an email enclosing a draft witness statement. It is not privileged on the claimed ground.

(e)(i)27 103 - 16 Nov 2017 - Email DPI to RSPCA re get Wild Inspection-Attachment Law enforcement

This is the draft witness statement that was enclosed in the previous email. The claimed ground of privilege does not apply to it. The first page contains the address, home telephone number and mobile telephone number of the intended witness. These should in fairness be redacted.

(e)(i)28 104 - 5 Dec 2018 - Email RSPCA to DPI re Get Wild inspection Law enforcement

This contains details of a complaint received by the RSPCA. There is nothing in it that satisfies the test for public interest privilege, set out above concerning document (e) (i) 8. It contains the address and telephone number of the complainant, which should be redacted.

(e)(i)29 105 - 5 Dec 2018 - Email RSPCA to DPI re Get Wild inspection - Attachment Law enforcement

Nothing in this document has a realistic tendency to prejudice any future law enforcement. The claim for privilege is rejected.

(e)(i)30 106 - 3 May 2018 - Email RSPCA to OPI re Get Wild proceedings Law enforcement

The same comments apply as were made concerning document 29

(e)(i)32 Complaint registered in relation to Get Wild Pty Ltd by Mr Daniel Brighton (Appointment of Investigation Officer) Responsible and effective government

The same comments apply as were made concerning document 29.

(e)(i)35 BE 19 DPI BIO& FS - Exhibited animals compliance - Waterways Wildlife Park Dolphin Marine Magic Mogo Zoo & Get Wild (HF18/ 64) Responsible and effective government

I cannot see any basis on which there is a realistic prospect that disclosure of this document could harm the effective working of the government. This claim of privilege is not upheld.

(e)(i)46 Get Wild Animal Experiences - Missing/Stolen Freshwater Crocodiles - Joint Visit NSW NPWS Responsible and effective government

The same comments are made as those concerning document 35.

(e)(i)50 FW: Update on Report of possible theft/escape of Freshwater Crocodiles from Get Wild (mobile exhibitor) Responsible and effective government

The same comments are made as those concerning document 35. However, there is some personal information in the document including residential address and telephone number of various people, and email address. Page 12 of the DPI investigatory inspection report should be redacted to remove this type of information.

(e)(i)51 Get Wild Pty Ltd - Compliance meeting - Overview of Get Wild Pty Ltd applications that are currently with Exhibited Animals section Responsible and effective government

The same comments apply as were made concerning document 29.

(e)(i)52 DDG Brief-Get Wild Animal Experiences - Investigation - Tuesday 15 August 2017 Law enforcement

I do not accept that release of this document could prejudice the prevention, detection or investigation of contraventions or possible contravention of the law or prejudice the enforcement of the law. The claim for privilege is rejected.

(e)(i)53 Get Wild Pty Ltd - Review of Get Wild Pty Ltd applications that are currently with Exhibited Animals section - 29 August 2017 Responsible and effective government

The same comments are made as were made concerning document 52.

(e)(i)59 Advice request form - exhibited licence application -Get Wild_Koala mobile exhibit_25 Oct 2018 v2 Responsible and effective government

The same comments are made as were made concerning document 52.

(e)(i)60 DDG Brief - RSPCA prosecution against a OPI Mobile Exhibited Animal authority holder Get Wild Pty Ltd Responsible and effective government

The same comments are made as were made concerning document 52.

(e)(i)75 Get Wild Animal Experiences - Missing/ Stolen Freshwater Crocodiles - Clause 27 Escape of Animal Personal

The only personal information in this document is the mobile phone number which appears at the very end of the document. It is not privileged, but in fairness it is appropriate that the number, but no other part of the document, be redacted

(e)(i)76 Get Wild Animal Experiences - Missing/Stolen Freshwater Crocodiles - Request for Update Personal

This document is identical to the one listed as (d) (i) 135. The comments I have already made concerning (d) (i) 135 apply to it.

(e)(i)77 Get Wild Pty Ltd - Directions Notice Personal

The only personal information I can identify in this document is the telephone number and email address of a person in the final line of the letter. However, that telephone number and email address appear to be work related, not private. If that is so there is no occasion for redaction of them. The claim for privilege is rejected.

(f)(i)1 Get Wild Report.pdf Responsible and effective government

This is the report by a veterinarian of the condition and housing of various animals at certain establishments. I am not persuaded that release of this document will affect detrimentally the carrying out by the Department of its functions. The claim for privilege is rejected.

(f)(i)2 Exhibited Animals – Complaint - Daniel Brighton -Anonymous - Animal Poaching Syndicate in QLD Law enforcement

This is a record of a complaint received by a departmental officer. When the complainant is anonymous, release of the document would not be detrimental to process of law enforcement. Thus, the claimed ground of privilege is not made out. However, the document contains the names of various people alleged to have been involved in some illegal behaviour. In fairness the names of those people should be redacted.

(f)(i)3 Statements re: Get Wild and Farm Friends Law enforcement

These are statements and supporting evidence such as photographs, provided by an informant to a law enforcement authority, under an expressly stated condition of confidentiality, relating to various alleged contraventions of legislation. They are of a type that is inherently privileged, because of the risk that disclosure of such information provided by informants will prejudice the efficacy or future attempts at law enforcement, by making potential informants less willing to come forward. The claim for privilege is upheld.

(f)(i)4 Passports & Stat Decs re: Get Wild Personal

In substance, this document is a photograph of every page of the passports of two people, together with a statutory declaration. The claim "personal" is not a valid claim of privilege. However as a matter of discretion, I suggest that the House not permit disclosure of personal information that is not relevant to its purposes. Thus I suggest that the address of the deponent of the statutory declaration be redacted. Any attempt at redaction of the passports would result in the obliteration of all entries in them. Thus I suggest that the copies of the passports not be available for inspection.

(f)(i)5 Photographs Get Wild & Farm Friends - Accidents & Staff Conversations Law enforcement

This is an email to an officer of the Department, enclosing various documents and photographs. It is from the same person who sent document 3, sent to the same person as document 3 was sent to, and sent within half an hour as document 3. I would be prepared to infer that it was sent for the same purpose as document 3, and uphold the claim for privilege.

(f)(i)6 Get Wild Photos Law enforcement

This is a collection of photocopies of photographs, sent under cover of an email to an officer of the department. It is from the same person who sent document number 3, to the same officer of the Department as was sent document 3, and sent within an hour of sending document number 3. I would infer it was for the same purpose as document 3, and uphold the claim for privilege.

(f)(i)7 Get Wild Law enforcement

I make the same comments, and the same ruling, as concerning document 6.

(f)(i)8 Get Wild Photos Law enforcement

I make the same comments, and the same ruling, as concerning document 6.

(f)(i)9 Get Wild – Family Pets & Floods Law enforcement

I make the same comments, and the same ruling, as concerning document 6.

(f)(i)10 Get Wild Photographs -Ostrich, Owls, Macaws, Kookaburras, Camels Law enforcement

I make the same comments as concerning document 6, except that the email was sent within two hours of that concerning document 3. I make the same ruling as concerning document 6.

(f)(i)11 Get Wild Photos - Chickens, birds & goose - more croc photos as well Law enforcement

I make the same comments, and the same ruling, as concerning document 10.

(f)(i)12 Get Wild photos - Echidna, Possums & sugar glider Law enforcement

I make the same comments, and the same ruling, as concerning document 10

(f)(i)13 Get Wild photos - Possums 1 Law enforcement

I make the same comments, and the same ruling, as concerning document 10.

(f)(i)14 Get Wild Photos - Dead Animals in Fridge, Enclosures & Surrounds, Food Preparation & Waste Law enforcement

I make the same comments, and the same ruling, as concerning document 10.

(f)(i)15 Get Wild photos - Guinea Pigs, Goats, Rabbits & Sheep Law enforcement

I make the same comments, and the same ruling, as concerning document 10.

(f)(i)16 Get Wild Photos - Possum videos Law enforcement

I make the same comments as concerning document 10, except that the covering email was sent within two hours of the email in document 3. I make the same ruling as concerning document 6.

(f)(i)17 Re: Get Wild Photos - Dead Animals in Fridge, Enclosures & Surrounds, Food Preparation & Waste Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)18 Get Wild photos - Sugar Glider Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

f)(i)19 Get Wild photos - Dead Animal in fridge Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)20 Get Wild Photos - Enclosures & Surrounds Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)21 Get Wild Photos - Food Preparation & Waste Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)22 Get Wild Photos - Guinea Pigs Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)23 Get Wild Photos - Goats & Sheep Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)24 Get Wild Photos - Rabbits Law enforcement

I make the same comments, in the same ruling, as concerning document 16.

(f)(i)25 Get Wild Rosters Personal

The document that is produced is a printout of an email which contains links to OneDrive files showing staff rosters. There is nothing in the print out of the email produced which contains personal information in the rosters. It might be otherwise if access could be obtained to the OneDrive files which are mentioned. The email address of the sender of the email, appearing in the last line of the email, should be redacted.

(f)(i)26 Re: Get Wild Rosters Law enforcement

This document is an email from a person who appears to be an informant, to an officer of the Department. It is addressed to the same officer of the Department as were the mass of documents in documents 3 to 24, on the day after documents 3 to 24 were sent. I would infer that it was sent for the purpose of law enforcement. The release of information provided to a law enforcement officer by an informant is the sort of thing that has the risk of discouraging other potential informers from giving their information to the relevant authorities. Because the release of the information has this risk of prejudicing the future course of law enforcement I uphold the claim of privilege.

(f)(i)27 Getwild - more complaint information Law enforcement

This is an email from an informant relating to a possible breach of the law, sent to an officer of the Department. I uphold the claim of privilege.

(f)(i)28 Email from Bruce 9.01.2018 Personal

The email addresses at their place of work of various officers of the Department are not the type of personal information that require redaction. The email address of Mr Brighton, at the foot of the first page appears to be a private one, and should be redacted. His phone number about a third of the way down the second page should also be redacted.

(f)(i)29 Animal Transaction Data for Jen relating to Get Wild follow-up complaint.docx Responsible and effective government

This document summarises the date on which certain applications to dispose of birds were received, and the date they were approved. I cannot see how release of this information will compromise the efficiency of government administration. The claim of privilege is rejected.

(g)(i)4 Get Wild Pty Ltd Compliance Brief_Final.docx Responsible and effective government

This is a briefing note - it does not say to whom - concerning compliance by Get Wild Pty Limited with its authorities. It is dated 12 December 2017, and reports that an audit the previous day assessed the business against the general standards where it achieved an A rating. It is concerned solely with the extent to which Get Wild Pty Limited has complied with its obligations under the authorities. I am not persuaded that anything in the document would prejudice the effective exercise of governmental functions. The claim of privilege is rejected.

(g)(i)5 DG DPI Brief-Get Wild Animal Experiences - Investigation - Tuesday 15 August 2017 Responsible and effective government

This is a summary of what was found add an inspection of particular premises. I am not persuaded that releasing the document will interfere with the effectiveness of government administration. The ground of privileges not made out

(g)(i)6 Record of Interview- Daniel Brighton Responsible and effective government

This item consists of two documents. One relates to an interview with Mr Brighton concerning various ways in which he was dissatisfied with the way in which the Department, and some particular officers in it, had treated him or his company. I am not persuaded that there would be any harm to the effectiveness of governmental action if the document were to be released. The other is a list, apparently created within the Department, of particular factual matters that needed to be clarified to respond to Mr Brighton's complaints. I am not persuaded there would be any harm to the effectiveness of governmental action if this document were to be released either. The claim of privilege is rejected.

(g)(i)7 Get Wild Pty Ltd - Record of conversation with Daniel Brighton 22 December 2017 - Word version Law enforcement

This is a record of a telephone conversation between Mr Brighton and Mr Crane of the Department. I cannot see how release of this document could reasonably be expected to prejudice the prevention detection or investigation of contraventions or possible contravention of the law, or prejudice the enforcement of the law. This ground of privilege is not made out.

(g)(i)8 DRAFT Talking Points - Meeting with Daniel Brighton 030418 Responsible and effective government

This is a collection of documents relating to how the Department would respond to Mr Brighton's complaints about it. It includes certain internal documents in which the Department acknowledged that there were respects in which its procedures could be improved. I am not persuaded that release of these documents would prejudice the effective exercise by the Department of its functions in considering and administering licences, approvals and permits under the *Exhibited Animals Protection Act*, nor of its functions concerning the preparation of plans to investigate complaints received of animal neglect, abuse and cruelty. The claimed ground of privilege is not made out.

(g)(i)9 Investigation Brief_proposed enforcement action_Get Wild Pty Ltd_20171026 Responsible and effective government

This document, dating from October 2017, records the then state of investigations into complaints of breaches of the conditions of approvals, and of the relevant Act and Regulation. I do not see how disclosure of the document would prejudice the effective exercise by the Department of its functions. The claim of privilege is rejected.

(g)(i)10 Investigation Brief_proposed enforcement action_Get Wild Pty Ltd_Attachment A_20171026 Law enforcement

This is a schedule of recommendations concerning the issue of penalty notices. It identifies, concerning each proposed penalty notice, the provision of the legislation that is alleged to have been breached, the details of the act alleged to constitute the breaches, and the supporting evidence. I do not see how release of this document could reasonably be expected to prejudice the prevention detection or investigation of contraventions or possible contraventions of the law, or prejudice the future enforcement of the law. The claimed ground of privilege is not made out.

(g)(i)11 Restriction of Authority applications Brief_Get Wild Pty Ltd_20171026 Law enforcement

This is a document which relates to law enforcement, in that it concerns action in the course of being taken concerning the offences alleged to have been committed. However, as explained above, the mere fact that a document relates to law enforcement is not enough

to give rise to the relevant privilege concerning law enforcement. That privilege arises only if release of the document in question could reasonably be expected to prejudice the prevention, detection or investigation of contraventions or possible contraventions of the law or prejudice the future enforcement of the law. I am not persuaded that the present document has that tendency or risk. The ground of privilege is not made out.

(g)(i)12 Compliance Report - Get Wild Pty Ltd - 14 December 2017 Responsible and effective government

This document, dated 12 December 2017, identifies the then- present state of compliance by Get Wild Pty Limited with the conditions of its authority. I cannot see how disclosure of this document would prejudice the effective exercise by the Department of its functions in considering and administering licences, approvals and permits under the relevant legislation, nor the preparation of plans to investigate complaints received of animal neglect, abuse and cruelty. The privilege is not established.

(g)(i)16 Re: Sandy Point crocks and other reptiles / birds Personal

The only personal information I can locate in this document appears on its second page, in the paragraph about a third of the way down beginning "Barry Hudson is also interested" In the second line of that paragraph is a sentence beginning "She lives at". The next three words should be redacted. Otherwise, there is no ground for restricting access to this document.

(g)(i)18 Freshwater Crocodile - theft/escape history of events - additional update Personal

The address in the first paragraph of this document should be redacted. otherwise there is no basis for restriction of the document

(g)(i)28 Red-tailed Black Cockatoo flyoff Personal

I cannot identify any personal information in this document. There is no reason to restrict access to it.

(g)(i)29 new files from last week Law enforcement

This is information from an informer. The ground of privilege is made out.

(g)(i)30 Getwild -Query on investigation status and further information Law enforcement

This is information from an informer. The ground of privilege is made out.

(g)(i)31 RE: Getwild Law enforcement

This is information from an informer. The ground of privilege is made out.

(g)(i)32 Re: Getwild Law enforcement

This is information from an informer. The ground of privilege is made out.

(g)(i)35 Copy of Notice of Hearing for NCAT Legal

This is correspondence between an inhouse lawyer employed by the Department of Industry and an officer of that Department, concerning anticipated legislation. Much of the document as printed is unintelligible garbled typing, but it appears that that is an encoded version of documents in the same email chain. Provided the conditions for the existence of a privilege are satisfied, it does not matter that the document to which the privilege attaches is unintelligible. An encoded document is a version of the document, just as a translation of a document into a foreign language is a version of the document. Professional privilege applies to the whole of the document.

(g)(i)39 Chronological order of events #7190 Law enforcement

While this document is one relating to law enforcement, it is not one the disclosure of which is likely to prejudice any future attempts at law enforcement. Thus the claimed ground of privilege is not made out.

(g)(i)40 APPROVED DDG Briefing - DRAFT Investigation Plan Feedback Assist #7190 Law enforcement

This document is a draft of a proposed set of procedures to follow to deal with the investigation of the complaint made by Mr Brighton about his dealings with the Department. As is common with all the claims of privilege in this matter, no explanation is offered about how the release of this document will prejudice future law enforcement. I am not at present persuaded that it will have any such prejudicial effect. The claim of privilege is not made out.

(g)(i)43 Email from Bruce to Jenny update on sending emails 01.02 .2018 Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

(g)(i)44 Email from Bruce to Jenny - re MC not attending Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

(g)(i)45 Email · Update 01.02.2018 Legal

This document includes advice from an in-house solicitor about the Department's response to proceedings brought by Mr Brighton in NCAT. Legal professional privilege applies, and the document should not be produced on an unrestricted basis

(g)(i)46 Email 30.01.2018 Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

g)(i)50 Reply from Dan Brighton 09.01.2018 Personal

The only personal information in this document is Mr Brighton's telephone number, near the end of the document. That can be redacted. Otherwise, there is no ground of privilege.

(g)(i)51 Email From 16.01.2018 Personal

The only personal information in this document is Mr Brighton's telephone number, near the end of the document. That can be redacted. Otherwise, there is no ground of privilege.

g)(i)52 Email Progress of NCAT Proceedings Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

(g)(i)54 Email Do to Brett Fifield, Bruce Jenny Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

(g)(i)55 Email seeking advise 2.2.2018 Personal

The only personal information in this document is Mr Brightons telephone number near the top of the second page. That can be redacted.

(g)(i)56 Email - (Director) Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privileges made out.

(g)(i)57 Email – NCAT update Personal

I cannot identify any relevant personal information in this email. There is no reason why the document should not be made available.

(g)(i)60 Email from Bruce to Daniel 15.01.2018 Personal

The only personal information in this document is Mr Brighton's telephone number, near the end of the document. That can be redacted. Otherwise, there is no ground of privilege.

(g)(i)61 Email from Daniel to Bruce Personal

The only personal information in this document is Mr Brighton's telephone number, near the end of the document. That can be redacted. Otherwise, there is no ground of privilege.

(g)(i)62 DRAFT Investigation Report - Feedback Assist #7190 Law enforcement

This is a report on the outcome of the investigation that the Department conducted arising from Mr Brighton's complaints about his dealings with it. It concluded that there were various respects in which the Department could improve. I do not see how release of this report could prejudice future investigation activities. The ground of privilege is not made out.

(g)(i)63 DO NOT USE - Please see BN18/1048 DOG Briefing -DRAFT Revised Investigation Plan Feedback Assist #7190.DOC Law enforcement

This is a later draft of the document considered above at (g) (i) 40. It shows, in a "track changes" fashion, the alterations proposed to that earlier document. Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)64 Revised Investigation Plan - Feedback Assist #7190 Law enforcement

This is the updated version that was produced of the document considered above at (g) (i) 40. Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)65 DDG Briefing - DRAFT Revised Investigation Plan Feedback Assist #7190.DOC Law enforcement

This is the updated version that was produced of the document considered above at (g) (i) 40. Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)66 Record of Conversation between Matthew Crane and Luke Herron, Compliance 2 March 2018 Law enforcement

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Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)67 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)68 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)69 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)70 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)71 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)72 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)73 DDG Briefing- DRAFT Investigation Report Feedback Assist #7190 Law enforcement

This document is a draft of the report made within the Department as a result of its self-initiated inquiry into the complaints that Mr Brighton had raised concerning the Department in proceedings he brought before NCAT. Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)74 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)75 Record of Interview Law enforcement

Release of this document will not prejudice any future law enforcement efforts, so far as I can see. I am not persuaded that the ground of privilege is made out.

(g)(i)76 Record of Interview Personal

“Personal” is not a ground of privilege. I could find no personal information in the document that required redaction. There is no reason why the document should not be released without restriction.

(g)(i)77 DRAFT Letter - Customer Feedback Assist - Brighton Personal

The only personal information in this letter is the email address and telephone number of Mr Brighton, in the part of the letter that precedes “Dear Mr Brighton”. That can be redacted.

(g)(i)78 1_Email IB to RSPCA 17-08 -2017. pdf Personal

I can find no relevant personal information in this document. There are email addresses, but they are all work email addresses. They do not require redaction.

(g)(i)79 2 _Email IB to RSPCA_Attachment_Get Wild Report.pdf Personal

The only personal information in this document that requires redaction is the address that appears in bold at the start of appendix 1, and the address that appears in the appendix alongside the heading “Farm Friends Petting Zoo”

(g)(i)80 2_Email IB to RSPCA_Attachment_Get Wild Report.pdf Personal

I make the same comments as concerning document 79.

(g)(i)81 3_Email IB to RSPCA 16-11-2017.pdf Personal

I can find no relevant personal information in this document. It should be released without restriction.

(g) (i) 82 3 Email 16 to RSPCA 16-11-2017_attachment.pdf. Personal

At the start of this document is a home address, home telephone number, mobile number and private email address. These should be redacted.

(g)(i)83 BN17-5845_DDG BFS Brief _Get Eild Pty Ltd _20170815.docx Responsible and effective government

I am not persuaded that disclosure of this document would prejudice the effective exercise by the Department of its functions in considering and administering licences, approvals and permits under the legislation, or the preparation of plans to investigate complaints received of animal neglect, abuse and cruelty. The claimed ground of privilege is not made out.

(g)(i)92 Get Wild PL crocodile inspection report 5.4.17 v2 GH edits.docx Personal

The address in the heading, and in the third last line on Page 1, can be redacted. The same address appears in the third line on page 2 and the first line on page 12. An email address and private telephone number appears a third of the way down page 12, and the home address and private telephone number of a different person appears halfway down page 12. These should all be redacted.

(g)(i)93 Get Wild PL crocodile inspection report 5.4.17.docx Personal

An address in the heading on page 1, the second paragraph on page 2, the third paragraph on page 2 at the top of page 12 add in the paragraph numbered 5 on page 14 should all be redacted. The email address and phone number appearing halfway down page 12, and the address and phone number of a different person appearing 2/3 of the way down page 12 should also be redacted.

(g)(i)94 Get Wild Pty Ltd _DG Brief.docx Responsible and effective government

I am not persuaded that this document meets the test for the type of public interest privilege that is made by the "responsible and effective government" claim. The claim of privilege is rejected.

(g)(i)97 M Crane 200317 text screenshot I 240417 IMG_0944 .PNG Personal

There is a private phone number at the top of the single page that constitutes this document. It can be redacted.

(g)(i)98 M Crane inspection notebook 150817(1).pdf Personal

The address at the top of the first page of this document should be redacted.

(g)(i)99 M Crane inspection notebook 150817.pdf Personal

The address at the top of the first page of this document should be redacted.

(g)(i)100 Porteous contemp notes.pelf Personal

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The two addresses appearing on the page numbered 78 of the notebook, and the one address appearing at page 79 of the notebook should be redacted.

(g)(i)103 Record of Interview.docx Legal

This is a draft, complete with markings to indicate changes made to an earlier draft or drafts of the document, of an interview with a departmental officer held in February 2018 relating to the process and history for assessment of applications for licences approvals and permits under the *Exhibited Animals Protection Act 1986*. There is nothing in it to indicate that the interview was conducted by a lawyer, or at the request of a lawyer, or for the purposes of proceedings either on foot or contemplated. The claim for privilege is rejected.



8 February 2023

Appendix 6 Report of the Independent Legal Arbiter – Get Wild Pty Ltd (Second dispute)

REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIMS FOR PRIVILEGE

Get Wild Pty Ltd – Tranche 2

The relevant background is set out in the earlier reports of the Hon Keith Mason AC KC dated 1 February 2023 and the Hon JC Campbell KC dated 8 February 2023.

In this report as Independent Legal Arbiter (ILA) under Standing Order 52 I proceed by reference to the Schedule to the letter to the Clerk of the Parliaments by The Hon. Emma Hurst MLC, Animal Justice Party, dated 6 February 2023.

I have considered the letter dated 4 August 2020 from the General Counsel, Department of Premier and Cabinet to the Clerk of the Parliaments and the letter from the Secretary of Regional NSW dated 31 July 2020 to the Acting Executive Director, Legal Office of General Council, Department of Premier and Cabinet. The relevant submission, which appears to be undated, addresses claims for privilege on the basis of personal information, responsible and effective government, legal professional privilege, law enforcement and business interests.

I report as follows, my conclusions being in the fourth column below.

Document ID	Document title	Privilege Claim	Assessment by ILA
(d)(i).02830	Re: Inspection of the 20 September 2017 – Re Direction Order	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.
(d)(i).02894	Fwd: Direction order under Exhibited Animals Protection Act	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.

(d)(i).02896	Re: Direction order under Exhibited Animals Protection Act	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).02956	Fwd: Phone call	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).02957	Phone call	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03076	Incident	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03425	OUT19-16017 Notice of Result of Internal Review_ Daniel brighton_ 26 November 2019_FINAL.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 3½ years old. I do not accept the claim for privilege.
(d)(i).03656	#####_Get Wild Report.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.
(d)(i).03657	Get Wild DO 29 Aug 2017.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.

(d)(i).03671	Death Certificates - Marmosets	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03672	DC3.jpg	Personal information	I do not accept the claim for personal information.
(d)(i).03673	DC1.jpg	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03674	DC4.jpg	Personal information	I do not accept the claim for personal information.
(d)(i).03675	DC2.jpg	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03686	Letter to NCAT (Copy to D Brighton) 21.12.2017.pdf	Personal information	I do not accept the claim for personal information.
(d)(i).03798	Fwd: Assistance required – Daniel Brighton	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(d)(i).03799	Assistance required – Daniel Brighton	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone numbers.
(e)(i).47149	Re: RSPCA v Brighton	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47177	Fwd: Freshwater Crocodile – Get Wild	Personal information	I do not accept the claim for personal information except in relation to the mobile telephone number.
(e)(i).47178	Incident INC0093285 has been created	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 2½ years old.

			I do not accept the claim for privilege.
(e)(i).47179	Penalty Notices Issued to Get Wild Pty Ltd	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.
(e)(i).47180	Issued Penalty notices – Get wild.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.
(e)(i).47181	Copy Penalty Notices Get wild 13 Nov 2017.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47182	Fwd: Import – Get Wild Animal	Business interests	In my view, this claim for privilege is not made out.
(e)(i).47203	CONFIDENTIAL Customer Feedback Query	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old. I do not accept the claim for privilege.
(e)(i).47236	Get Wild ex-employee	Law enforcement	I would uphold this claim for privilege.
(e)(i).47237	Re: Get Wild ex-employee	Law enforcement	I would uphold this claim for privilege.

(e)(i).47238	Fwd: get wild	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47239	Emai.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47267	Fwd: CONFIDENTIAL – Update on Report of possible theft/escape of Freshwater Crocodiles from Get Wild (mobile exhibitor)	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47282	Fwd: Byte ref # 361309/Get wild animal experiences – Animal cruelty	Law enforcement	I would uphold the claim for privilege only in respect of the name and contact details of the member of the public.
(e)(i).47283	Fwd: Byte ref # 361309/Get wild animal experiences – Animal cruelty	Law enforcement	I would uphold the claim for privilege only in respect of the name and contact details of the member of the public.
(e)(i).47295	Record of Interview – Belinda Lucas.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old. I do not accept the claim for privilege.
(e)(i).47304	Search warrant – Get Wild Aug 2017 minto.docx	Business interests	In my view, this claim for privilege is not made out.
(e)(i).47331	New Legal request from Matthew Crane	Legal professional privilege	In my view the claim for legal professional privilege is not made out.

(e)(i).47332	7571818785a24ea03a0c061098328937_1.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out. The mobile telephone number should be redacted.
(e)(i).47337	Fwd: Sandy Point crocks and other reptiles/birds	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47338	Re: Sandy Point crocks and other reptiles/birds	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47339	Re: Sandy Point crocks and other reptiles/birds	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47340	Fwd: Sandy Point crocks and other reptiles/birds	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.

(e)(i).47341	Fwd: Sandy Point crocks and other reptiles/birds	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47359	Re: URGENT REVIEW – SENSITIVE: NSW Cabinet – POCTA revised sub	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47360	FW: Get Wild Photos	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 ½ years old. I do not accept the claim for privilege.
(e)(i).47361	Dead baby marmoset pulled and didnt survive.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47362	Stillborn monkey found behind nest box by locklan.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47363	Arilla at Daniels minto property – taken by alana.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.

			I do not accept the claim for privilege.
(e)(i).47364	Marmoset harness show.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47365	Marmoset in holding area dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47366	Lochlan with marmosets kept in Dans room in pet packs.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47367	Dying baby marmoset pulled and didn't survive due to lack of experience noticing issues.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47368	Marmoset in holding cont.1.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.

(e)(i).47369	Stillborn monkey found by lochlan.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47370	Marmoset & Possums.PNG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47371	Sian with Arilla at home.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47372	Marmoset harness show (2).jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47373	Baby marmoset at brighton family office often.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47374	Marmoset in holding cont.4.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

(e)(i).47375	Sians marmosets kept in reptile tank when on base – alana took photo.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47376	Sians baby marmosets in reptile tank by webb.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47377	Sians baby marmoset in reptile tank- webbs photo.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47378	Marmoset.PNG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47379	Marmoset in holding-dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47380	Baby marmoset at office of brightons often.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

(e)(i).47381	Pulling baby marmoset – for easier handling only – nohealth issues 4weeks of age.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47382	Alana with little on harness at macarthur pets event.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47383	Marmoset set up at Daniel house Minto heights.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47384	Marmoset in holding cont.2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47385	Marmoset family permanently housed in holding.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47386	Little on harness with Dan at show for councilin public.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47387	Conversation re-pulling baby monkeys sian and josh.JPG	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47388	Dated marmoset in holding(2).jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47389	Conversations re-pulling monkeys and keeping at home.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47390	Marmoset encounter – in holding cage where animals are kept permanently.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 7 years old. I do not accept the claim for privilege.
(e)(i).47391	Mathew with Little on harness at Macarthur pets event.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47392	Marmosets in holding area permanently.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47393	Little on harness at show for cambeltown council on public.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would

			<p>prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47394	Dated marmoset in holding.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47395	Dated – marmoset in holding.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47396	DPI Photos 2 dates possums marmosets.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47397	Marmoset permanently housed in holding dated.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47398	Marmoset in holding cont.3.JPG	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p>

			I do not accept the claim for privilege.
(e)(i).47399	Baby marmoset reg at office of brightons with family.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47400	Baby marmoset at bright office often – posted to facebook.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47401	Marmoset at sians house in bird cage.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47402	Dates shown of stillborn baby monkey alana to vet no one noticed days before she was in distress.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47403	Marmoset housed at minto in Daniels house from alanas phone (baboon baby not relevant from prev employment).PNG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47404	Marmoset in holding permanently-dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I

			note the document is over 6½ years old. I do not accept the claim for privilege.
(e)(i).47405	Marmoset in holding – dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6½ years old. I do not accept the claim for privilege.
(e)(i).47406	Marmoset in holding cony.5.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47407	Harness private show.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is 6½ years old. I do not accept the claim for privilege.
(e)(i).47408	31.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47409	Conversations re-pulling monkeys keeping separate.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47410	1 st babies born.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would

			<p>prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47411	Little on harness at show.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47412	Fwd: FW: Get Wild Photos	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47413	V in holding permanently-dated.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47456	Marmoset in holding - dated.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).47460	Marmoset in holding-dated.jpg	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I</p>

			note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47461	Baby marmoset at bright family office often.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47462	Dated-marmoset in holding.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 6½ years old. I do not accept the claim for privilege.
(e)(i).47464	Re: New Legal Request from Brooke Noorbergen, DPI – Strategy, Policy & Engagement – PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47465	Fwd: New Legal Request from Brooke Noorbergen, DPI – Strategy, Policy & Engagement – PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47479	Re: Get Wild RSPCA Statements	Legal professional privilege	In my view, this claim for legal professional privilege is not made out. The document dates from August 2018 and does not contain the substance of any legal advice or requests for legal advice.
(e)(i).47480	Exhibitor may be shut down by Sutherland Council – media possible	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old.

			I do not accept the claim for privilege.
(e)(i).47489	Get Wild Animal Seizure	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5½ years old. I do not accept the claim for privilege.
(e)(i).47500	Re: New Legal Request from Brooke Noorbergen, DPI – Strategy, Policy & Engagement – PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47513	Fwd: FW: New legal request from Matthew Crane	Legal professional privilege	In my view, this claim for legal professional privilege is not made out. The document dates from 2017 and does not contain the substance of any legal advice or requests for legal advice.
(e)(i).47514	Texts with Daniel Brighton re croc escape and recovery	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47515	Image2.PNG	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47516	Image1.PNG	Responsible and effective government	In my view there is nothing in this document which, if it were made publicly available, would

			adversely impact on responsible and effective government. I note the document is some 6 years old. I do not accept the claim for privilege.
(e)(i).47523	Fwd: New Legal Request from Brooke Noorbergen, DPI – Strategy, Policy & Engagement – PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47540	Draft: Get Wild Investigatory Inspection report 5.4.17	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 5½ years old. I do not accept the claim for privilege.
(e)(i).47541	Get Wild PI. crocodile inspection report 5.4.17.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 5½ years old. I do not accept the claim for privilege.
(e)(i).47642	Fwd: New Legal Request from Greg Vakaci	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47664	#####	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old. I do not accept the claim for privilege.
(e)(i).47700	Fwd: BYTE – Licence 48554	Business interests	In my view, this claim for privilege is not made out.

(e)(i).47706	Fwd: Get Wild - Briefing	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old. I do not accept the claim for privilege.
(e)(i).47707	Re: Get Wild - Briefing	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is some 5 years old. I do not accept the claim for privilege.
(e)(i).47768	Get Wild Pty Ltd – Form E Part 3 – Add ##### Brighton as Manager	Business interests	In my view, this claim for privilege is not made out.
(e)(i).47781	Marmoset in holding – dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47782	Arilla at Daniels minto property – taken by alana.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47783	Sians baby marmoset in reptile tank- webbs photo.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

(e)(i).47784	loch Ian with marmosets kept in Dans room in pet packs.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47785	marmoset family permanently housed in holding.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47789	dead baby marmoset pulled and didnt survive.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47797	baby marmoset at brighten office often-posted to facebook.Jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).47807	marmoset in holding permanently- dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47810	marmoset permanently housed in holding dated.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old.

			I do not accept the claim for privilege.
(e)(i).47811	Marmoset encounter- In holding cage where animals are kept perminantly.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47814	dated- marmoset in holding.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is over 6 years old. I do not accept the claim for privilege.
(e)(i).47896	Get Wild PL crocodile inspection report 5.4.17v2 GH edits.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document is marked as a draft and relates to events over 6 years old. I do not accept the claim for privilege. The mobile telephone numbers should be redacted.
(e)(i).47897	Re: FW: Legal Advice – Request for a statement in the RSPCA prosecution of Daniel Brighton	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47975	Porteous officer statement_Final.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47976	Statement_Peter Yankos.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.

(e)(i).47977	LH_Statement-Sandy Point.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47978	Ian Beer Statement 3 July 2017 - signed.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47979	IH_Statement-Minto.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).47994	RE: New Legal Request from Greg Vakaci, DPI - Biosecurity & Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47995	Re: New Legal Request from Greg Vakaci, DPI - Biosecurity & Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).47997	Record of conversation with Daniel Brighton 22 December 2017	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document relates to events over 5 years old. I do not accept the claim for privilege.
(e)(i).48055	12147724.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48077	Get Wild Photos-Chickens, birds & goose- more croc photos as well	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document relates to events over 5 years old. I do not accept the claim for privilege.
(e)(i).48078	croc saltwater in snake tank permanently.JPG	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48079	Chicks at minto base - crushed and dead common occurrence.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48080	chicks at minto cont..JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48081	sick birds at minto post flood -alana.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48082	common- chickens with flu symptoms would usually result in death.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document relates to events over 5 years old. I do not accept the claim for privilege.
(e)(i).48083	coxi in chicks at minto - regular occurrence.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48084	croc in snake tank green water- alana took photo.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.

			I do not accept the claim for privilege.
(e)(i).48085	common- chicks at min to dying and in filth.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48086	curlew at sandy point with bochilism post flood.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I note the document relates to events over 5 years old. I do not accept the claim for privilege.
(e)(i).48087	Cape barron goose at minto in dog cag-erun.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48094	Fwd: Legal advice on EAP penalties review - Privileged and Confidential	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48121	Re: New Legal Request from Brooke Noorbergen, DPI - Strategy, Policy & Engagement - PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48122	Re: New Legal Request from Brooke Noorbergen, DPI - Strategy, Policy & Engagement - PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48125	Fwd: New Legal Request from #####, DPI - Biosecurity & Food - PE12415	Legal professional privilege	I would uphold this claim for legal professional privilege.

(e)(i).48126	RSPCA v Brighton Court submission - #####.pdf	Legal professional privilege	In my view the claim for legal professional privilege is not made out.
(e)(i).48127	Request for Legal Advice 2682.pdf	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48244	Brighton family at dinner while sandy point was flooding- family replying to get in contact with Alana and Lochan.PNG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. The document is over 6 years old. I do not accept the claim for privilege.
(e)(i).48245	Goat yard minto no grass living on poor feed.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48246	family dog suffering with gum abscess- dying last report jul 2017.PNG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. The document is over 6 years old. I do not accept the claim for privilege.
(e)(i).48247	Guard dog at minto chained 24-7 poor body score staff are required to do water nothing else but try to feed her. JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48248	Daniels French bulldog Luna 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48249	birds post flood kept at minto sick with	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would

	bochilism- terri has treated.jpg		prejudice law enforcement. The document is over 6 years old. I do not accept the claim for privilege.
(e)(i).48250	guard dog chained 24-7 cruel -also poor body score.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48251	pet frenchie been in pen since 2016 rarely exercised and only has shelter as staff put there always dirty water - minto.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48252	#####photo of poor body score of pet french bulldog at minto.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48253	Daniels pet French Bulldog Luna-emaciated.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48254	staff caring for dying family dog- should have been euthanised humanely not left suffer. JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48255	Re: Macarthur Pets.	Business interests	In my view, this claim for privilege is not made out.
(e)(i).48410	DDG brief Get Wild prosecution – RSPCA.docx	Legal professional privilege	In my view the claim for legal professional privilege is not made out.

(e)(i).48441	RE: Brighton - Statements	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48442	Re: Brighton - Statements	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48443	IB-17.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48444	IB-20.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48445	IB-18.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48446	IB-19.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48447	IB photos A to F.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.

			I do not accept the claim for privilege.
(e)(i).48448	IB-9 to IB-11.pdf	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>I do not accept the claim for privilege.</p> <p>If the name of the complainant is not in the public domain, it should be redacted.</p>
(e)(i).48449	IB-1 to IB-8.pdf	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>I do not accept the claim for privilege.</p> <p>If the name of the person making the statement is not in the public domain, it should be redacted.</p>
(e)(i).48450	Ian beer Statement 3 July 2017 – signed.pdf	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>I do not accept the claim for privilege.</p> <p>If the name of person making the statement is not in the public domain, it should be redacted.</p> <p>If the names of the member or members of the public are not in the public domain, they should be redacted.</p>
(e)(i).48451	Re: Brighton – Statements	Law enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>I do not accept the claim for privilege.</p>
(e)(i).48452	IB-19.pdf	Law enforcement	<p>In my view there is nothing in this document which, if it were</p>

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48453	IB-18.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48454	IB-17.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48455	B-12 to IB-16.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48456	IB-20.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48457	Fwd: Scan Data from FX-D54ACA	Responsible and effective government	In my view, this claim for privilege is not made out.
(e)(i).48496	Record of Interview - ##### - with revisions.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48575	Photographs Get Wild & Farm Friends -	Law enforcement	In my view there is nothing in this document which, if it were

	Accidents & Staff Conversations		made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48576	Daniel threatening ##### for reporting health and welfare issues.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, it should be redacted.
(e)(i).48577	##### - Dan ignoring requests.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48578	Daniel threatening message.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48579	Inappropriate conversation Daniel to #####.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48580	Daniel cutting back at minto talking farm friend animals.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

			If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48581	Dan threatening-belittling#####.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48582	Dan threatening##### position after questioning welfare and time constraints at minto.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48583	Dan threatening##### position.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48584	##### conversations#####.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48585	Dan palming off##### requests.JPG	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48586	Injured staff from free roaming camel kicks.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48587	Daniel belittling ##### to her #####.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the names of the employees are not in the public domain, they should be redacted.
(e)(i).48588	##### to Daniel 1.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48589	Dan and ##### convo- leaving volunteers along.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48590	### paid for id cards and implemented to control breeding.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48591	Car 4.jpg	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48592	Car 5.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48593	##### to Daniel 2.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48594	#### convo pushing for above and beyond.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48595	### asked to work extra not paid.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48596	Car Accident 1.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48597	Car 2.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

(e)(i).48598	Daniel threatening message 2 recipt#####.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48599	Bird attacked ### at minto-gw birds need better training and are dangerous.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48600	Pay conversation #####.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48601	Car 3.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48602	Car crash ##### was sent with animals involved to show straight after.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48603	Dan belittling #####has (dan has never done full husbandry at minto).JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.

(e)(i).48604	##### attacked by Monitor during floods.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege. If the name of the employee is not in the public domain, the means of identifying that employee should be redacted.
(e)(i).48605	-	Personal information	I do not accept the claim for personal information.
(e)(i).48607	Byte Complaint ref 66527 – FW: Attn Ian – Daniel Brighton and Get Wild Animal Experiences; report of misconduct/animal cruelty	Personal information	I would uphold the claim on the assumption that the name of the complainant is not in the public domain. In my view it is not possible to redact the document so as to remove the means of identifying the complainant.
(e)(i).48611	FW: Get Wild Photos	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48613	saltwater croc in snake tank 2. permanent housing 1 year+JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48614	lochlan with oversize croc dated-much larger now.Jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48615	##### found bearded dragon in poor condition with a type of	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.

	septic burn- vet not seen and was dead.jpg		I do not accept the claim for privilege.
(e)(i).48616	Saltwater croc in tank permanently 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48617	Bearded dragon mouth rot 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48618	Saltwater croc in snake tank sandy point.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48619	croc saltwater in snake tank permanently.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48620	over size croc in fresh water crocs tank sandy point.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48621	Leaking croc sump always below line for filtration.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48622	Fwd: FW: Get Wild Photos	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48623	Croc saltwater in snake tank permanently.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48624	Saltwater croc in tank permanently 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48625	##### with oversize croc dated- much larger now.Jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48626	##### found bearded dragon in poor condition with a type of septic bum- vet not seen and was dead.jpg	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48627	Bearded dragon mouth rot 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48628	salt water croc in snake tank 2. permanent housing 1 year+.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.

(e)(i).48629	Salt water croc in snake tank sandy point.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48630	over size croc in fresh water crocs tank sandy point.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48631	leaking croc sump always below line for filtration.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48632	Bearded dragon mouth rot- rubbing.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. I do not accept the claim for privilege.
(e)(i).48633	Fwd: New Legal Request from Greg Vakaci, DPI - Biosecurity& Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48634	Request for Legal Advice 908.pdf	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48635	IGA_6_8_2018_12_1_13_530 (1) - Greg Vakaci.pdf	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48636	Fwd: New legal Request from Greg Vakaci, DPI - Biosecurity & Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48637	Request for Legal Advice 908.pdf	Legal professional privilege	I would uphold this claim for legal professional privilege.

(e)(i).48638	IGA_6_8_2018_12_1_1 3_530 (1) - Greg Vakaci.pdf	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48639	Fwd: New legal Request from Greg Vakaci, DPI - Biosecurity & Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48640	Request for Legal Advice 908.pdf	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48641	IGA_6_8_2018_12_1_1 3_530 (1) - Greg Vakaci.pdf	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48779	RSPCA v's Daniel BRIGHTON	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48780	Fwd: RSPCA v's Daniel BRIGHTON	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).48781	Re: RSPCA v's Daniel BRIGHTON	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48782	Re: RSPCA v's Daniel BRIGHTON	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).48793	Re: Get Wild RSPCA Statements	Legal professional privilege	This claim is not made out, in my opinion.
(e)(i).49148	Get Wild timeline of events by CIU	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49149	Re: Get Wild timeline of events by CIU	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49196	Sanctions/ Breachs of Conditions	Business interests	This claim is not made out, in my opinion.
(e)(i).49197	Breach Sanctions – Get Wild.xlsx	Business interests	This claim is not made out, in my opinion.

(e)(i).49202	Re: Crocodile Spotting Map – Get Wild	Personal information	This claim is not made out, in my opinion.
(e)(i).49203	Re: Crocodile Spotting Map – Get Wild	Personal information	This claim is not made out, in my opinion. The mobile telephone number should be redacted.
(e)(i).49204	Fwd: #####	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. If the complainant's name is not in the public domain, it should be redacted.
(e)(i).49209	Fwd: Get Wild Complaint and Investigation public Facebook page photos	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49276	Get Wild Pty Ltd	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49376	Fwd: Witness Statement against Get Wild Animal Experiences	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. The name of the potential witness is, I understand, in the public domain. If it is not, it should be redacted.
(e)(i).49377	Witness Statement Emmalee Murrells- Get Wild.docx	Law enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. The name of the potential witness is, I understand, in the public domain. If it is not, it should be redacted.
(e)(i).49404	Recovered crocodile [DLM:Sensitive:Law Enforcement (SLE))	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49405	Fwd: Recovered crocodile [DLM:Sensitive:Law Enforcement (SLE))	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49416	Record of Interview – Peter Day.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49417	Record of Interview – Peter Day.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49421	Record of Interview – Compliance Team.docx	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49427	Laboratory Results for Owner: GET WILD, Job: MI8-15736, Subject: Q FEVER, TestReason: MONITOR, Submitter: CANLEY HEIGHTS VET CLINIC	Business interests	This claim is not made out, in my opinion.

(e)(i).49428	A1_M18-15736-1.pdf	Business interests	This claim is not made out, in my opinion.
(e)(i).49429	M18-15736-F-V1.pdf	Business interests	This claim is not made out, in my opinion.
(e)(i).49457	Re: New Legal Request from Greg Vakaci, DPI – Biosecurity & Food	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).49480	Re: New Legal Request from Brooke Noorbergen, DPI - Strategy, Policy & Engagement- PE12428	Legal professional privilege	I would uphold this claim for legal professional privilege.
(e)(i).49616	LH_ Statement-Sandy Point.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49617	LH_ Statement-Minto.pdf	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49685	Get Wild offences	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49687	EAPA Direction Order	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49688	Re: EAPA Direction Order	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.

			This claim is not made out, in my opinion.
(e)(i).49756	Get Wild Pty Ltd - Concerns in relation to renewing authorities	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49757	Get Wild Pty Ltd - Concerns raised in relation to renewing authorities.pdf	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49758	Fwd: Get Wild Pty Ltd - Concerns in relation to renewing authorities	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49759	Get Wild Pty Ltd - Concerns raised in relation to renewing authorities.pdf	Responsible and effective government	This claim is not made out, in my opinion.
(e)(i).49922	Get Wild Photographs - Ostrich, Owls, Macaws, Kookaburras, Camels	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49923	macaw feed and catch trays- housing not suitable sandy point.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49924	Ostrich housed in sharp fenced yard minto-rehomed.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49925	Macaw feed catch trays 2.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.

(e)(i).49926	ostrich injured poor fencing cont.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49927	Matt photo of ostrich bones left on property at minto.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49928	ostrich injured by barb wire fencing-rehomed.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).49929	free roaming camels at minto-danger and emaciated guard dog-Matt.JPG	Law enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50019	Re: Get Wild brief BN18/57	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50050	Get Wild and Daniel Brighton	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50051	Fwd: Get Wild and Daniel Brighton	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.

			This claim is not made out, in my opinion.
(e)(i).50052	concerns.	Responsible & effective government	This claim is not made out, in my opinion.
(e)(i).50079	Attachment A Robert Johnson Get Wild Report.pdf	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50257	11th Hour email - haha	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).50259	HF19 349 Get Wild Pty Ltd - Conviction for Animal Cruelty.DOCX	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).50281	##### Initial statement.pdf	Legal Professional Privilege	This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.
(e)(i).50297	FW:Crocs	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50298	RE: Crocs	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50299	FW:Crocs	Law Enforcement	In my view there is nothing in this document which, if it were

			made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion.
(e)(i).50345	Witness Statement against Get Wild Animal Experiences	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.
(e)(i).50346	Witness Statement Emmalee Murrells- Get Wild.docx	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.
(e)(i).50347	Fwd: Witness Statement against Get Wild Animal Experiences	Law Enforcement	In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement. This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.
(e)(i).50348	Witness Statement Emmalee Murrells- Get Wild.docx	Law Enforcement	In my view there is nothing in this document which, if it were

			<p>made publicly available, would prejudice law enforcement.</p> <p>This claim is not made out, in my opinion.</p> <p>I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.</p>
(e)(i).50349	Re: Witness Statement against Get Wild Animal Experiences	Law Enforcement	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>This claim is not made out, in my opinion.</p> <p>I have assumed that the name of the maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.</p>
(e)(i).50429	Byte ref# 357010 : Get Wild ex-employee	Personal Information	<p>In my view there is nothing in this document which, if it were made publicly available, would prejudice law enforcement.</p> <p>This claim is not made out, in my opinion.</p> <p>I have assumed that the name of the potential maker of the statement is in the public domain. If it is not, the name and the material which may enable the maker to be identified should be redacted.</p>
(e)(i).50434	Re: For Review: Letter to Daniel Brighton - Customer Service Complaint OUT18/5606	Personal Information	<p>This claim is not made out, in my opinion.</p>
(e)(i).50465	Offence table penalty notice table location	Law Enforcement	<p>This claim is not made out, in my opinion.</p>

(e)(i).50492	RSPCA v Brighton submission - #####.pdf	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).50535	RSPCA v Brighton_Court submission - #####.pdf	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).50744	Record of conversation with Daniel Brighton 22 December 2017	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50745	Record of Conversation between Matthew Crane and Daniel Brighton 22 December 2017.doc	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50750	Our Discussion - summary of concerns	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50844	GetWild	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50845	IMG_2179.jpeg	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50846	IMG_2206.jpeg	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may

			enable the persons to be identified should be redacted.
(e)(i).50847	IMG_2169.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50848	IMG_2202.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50849	IMG_2181.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50850	IMG_2201.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50851	IMG_2207.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>

(e)(i).50852	IMG_2178.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50853	IMG_2203.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50854	IMG_2182.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50855	IMG_2185.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50856	IMG_2176.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.</p>
(e)(i).50857	IMG_2208.jpeg	Law Enforcement	<p>This claim is not made out, in my opinion.</p>

			I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50858	IMG_2194.jpeg	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50859	IMG_2209.jpeg	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the potential witnesses are in the public domain. If not, the name and the material which may enable the persons to be identified should be redacted.
(e)(i).50937	Draft Witness Statement Alana Doel.docx	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.
(e)(i).50938	Witness Statement ·get wild template.docx	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50939	Fwd: RSPCA v's Daniel BRIGHTON	Legal Professional Privilege	I would uphold this claim.
(e)(i).50952	Phone message	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50957	FW: BRIGHTON facts	Law Enforcement	This claim is not made out, in my opinion.

(e)(i).50958	Fwd: FW: BRIGHTON facts	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50959	Fwd: FW: BRIGHTON facts	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).50968	Customer Feedback #7190	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51052	RSPCA - Get Wild Pty Ltd	Legal Professional Privilege	This claim for privilege is not made out, in my opinion.
(e)(i).51053	TCID 3174424/2 Daniel Brighton	Personal Information	This claim is not made out, in my opinion.
(e)(i).51086	Re: EAP - Get Wild Pty Ltd Investigation	Responsible & effective government	This claim is not made out, in my opinion.
(e)(i).51087	Get Wild Email	Responsible & effective government	This claim is not made out, in my opinion.
(e)(i).51108	Fwd: New Legal Request from #####, DPI - Biosecurity & Food - PE12415	Legal Professional Privilege	I would uphold this claim.
(e)(i).51144	Operation Caboolture	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51145	Operation Caboolture.pdf	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51146	Fwd: Operation Caboolture	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51147	Operation Caboolture.pdf	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51148	Fwd:	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51149	IGA_16_5_2018_15_34_15_909.pdf	Law Enforcement	This claim is not made out, in my opinion.

(e)(i).51206	Fwd: RSPCA V Brighton	Legal Professional Privilege	I would uphold this claim.
(e)(i).51211	Fwd: Get Wild and Daniel Brighton	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51251	Re: Get Wild - Briefing	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51252	Fwd: Get Wild - Briefing	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51253	Re: Get Wild - Briefing	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).51316	In Confidence - Staffing	Law Enforcement	I would uphold the claim to the extent it reveals the identity of the staff member concerned. Except to that extent, in my view the claim for privilege is not made out.
(e)(i).51317	Re: In Confidence - Staffing	Law Enforcement	I would uphold the claim to the extent it reveals the identity of the staff member concerned. Except to that extent, in my view the claim for privilege is not made out.
(e)(i).51318	Fwd: In Confidence - Staffing	Law Enforcement	I would uphold the claim to the extent it reveals the identity of the staff member concerned. Except to that extent, in my view the claim for privilege is not made out.
(e)(i).51463	FW:GetWild	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51464	spotted python found after missing for long period of time at neighbours had a tick-alana.PNG	Law Enforcement	In my view the claim for privilege is not made out.

(e)(i).51465	Kalamata- cont.2.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51466	olive scale rot sandy point.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51467	Kalamata- scale rot & burns.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51468	not working properly reptile tanks- no uv.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51469	Monitor stuck in cupboards at minto- prior to approval.jpg	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51470	diseased snakes discussion sandy point- extremely contagious no prior quarantine.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51471	reptile tanks with condensation- heat lights only no uv WEBBS photo.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51472	olive scale rot sandy point (2).JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51473	olive red pink scale rot sandy point 3.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51474	Kalamata- cont.1.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51475	Kalama ta- dying of burns & scale rotor septic.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51476	Kalamata- green scale infection.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51477	Kalamata- unable to right self.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51478	diseased snake convo2.JPG	Law Enforcement	In my view the claim for privilege is not made out.

(e)(i).51479	scale burns old and new olive sandy point.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51480	general poor hygiene reptiles- shingle backs.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51481	monitor lizard prior to approval at minto cont.jpg	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51482	Turtle with infection- died in june 2017.jpg	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51483	contence of debrided wound of turtle died June 2017.jpg	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51484	Get Wild	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51485	Kalamata-greenscale infection.JPG	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51583	Interviewee Belinda Lucas.docx	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51585	Duty of care	Law Enforcement	In my view the claim for privilege is not made out.
(e)(i).51784	Statements re: Get Wild and Farm Friends	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names of the maker of the statement and the writer of the email are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.
(e)(i).51785	Tenille Statement.pdf	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the name of the maker of the statement is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.

(e)(i).51786	PRIVATE DPI Submission.docx	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the makers of the statements are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.</p>
(e)(i).51787	FW: Statements re: Get Wild and Farm Friends	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the makers of the statements and of the complainant are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.</p>
(e)(i).51788	##### Statement.pdf	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the name of the maker of the statement is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.</p>
(e)(i).51789	PRIVATE DPI Submission.docx	Law Enforcement	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the makers of the statements and of the complainant are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.</p>
(e)(i).51808	FW: new files from last week- Alana Doel	Responsible & effective government	<p>This claim is not made out, in my opinion.</p> <p>I have assumed that the names of the employee and of the complainant are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.</p>

(e)(i).51809	DPI further Information.docx	Responsible & effective government	This claim is not made out, in my opinion. I have assumed that the names of the employee and of the complainant are in the public domain. If not, the names and the material which may enable the people to be identified should be redacted.
(e)(i).51810	FW: new files from last week- Alana Doel	Responsible & effective government	This claim is not made out, in my opinion. I have assumed that the name of the complainant is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.
(e)(i).51811	DPI further information.docx	Responsible & effective government	This claim is not made out, in my opinion. I have assumed that the any names or means of identifying the authors are in the public domain. If not, the material which may enable the people to be identified should be redacted.
(e)(i).51857	Re: Get Wild RSPCA Statements	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).51858	Re: Get Wild RSPCA Statements	Legal Professional Privilege	This claim is not made out, in my opinion.
(e)(i).51859	Get Wild Photos Enclosures & Surrounds	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the name is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.
(e)(i).51997	IntervieweeSuzRobinson.docx	Law Enforcement	This claim is not made out, in my opinion.

(e)(i).52029	INT17-267243_Get Wild Pty Ltd Compliance Brief_Final_COMBINED.pdf	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52030	Fwd: Get Wild compliance report	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52054	Re: Possible crocodile in Georges River	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52082	Complaint	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the names are in the public domain. If not, the names and the material which may enable the persons to be identified should be redacted.
(e)(i).52093	Re: Macarthur Pets.	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52120	Record of Interview - Suzanne Robinson.docx	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52210	Byte ref# 357010 : Get Wild ex-employee	Personal Information	This claim is not made out, in my opinion. I have assumed that the name is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.
(e)(i).52211	Re: Thanks Suz	Business Interests	This claim is not made out, in my opinion.
(e)(i).52326	Re: FW: New Legal Request from Matthew Crane	Legal Professional Privilege	I would uphold this claim.
(e)(i).52329	Witness statement	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52330	Witness-Statement Matt.docx	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the name of the potential witness is in the

			public domain. If not, the name and the material which may enable the person to be identified should be redacted.
(e)(i).52376	Laboratory Results for Owner: GET WILD, Job: MIB-15679, Subject: CALICIVIRUS, Test Reason: DIAGNOSIS, Submitter: CANLEY HEIGHTS VET CLINIC	Business Interests	This claim is not made out, in my opinion.
(e)(i).52420	Phone message - Daniel from Get Wild	Personal Information	This claim is not made out, in my opinion.
(e)(i).52431	Fwd: Get Wild Animal Seizure	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52438	Get Wild Determination Letter.docx	Personal Information	This claim is not made out, in my opinion.
(e)(i).52527	Farm animals - Get Wild	Law Enforcement	This claim is not made out, in my opinion.
(e)(i).52528	Get Wild ex-employee	Law Enforcement	This claim is not made out, in my opinion. I have assumed that the name of the potential witness is in the public domain. If not, the name and the material which may enable the person to be identified should be redacted.



ALAN ROBERTSON SC
27 February 2023

Appendix 7 Report of the Independent Legal Arbiter – Ministerial Code of Conduct

REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIM OF PRIVILEGE

Ministerial Code of Conduct

The Hon Keith Mason AC KC

20 February 2023


I have been appointed to evaluate and report on a claim of privilege disputed by the Hon Penny Sharpe MLC. The Member has identified the eight documents in issue. They relate to Briefings to the Premier of the day about the operation of the Ministerial Code of Conduct, both generally and in relation to named Ministers, including correspondence with the Ministers informing them of their obligations. I have examined the documents.

Class claims asserting privilege over documents comprising briefs, applications for rulings and rulings have been addressed in previous Reports of arbiters under the Standing Order that have been acted upon by the House. I refer to the Report of the Hon J C Campbell QC on *Allegations concerning the Hon John Sidoti MP* and my Report on *Premier's Rulings on Disclosures under the Ministerial Code of Conduct*.

The Submissions from the Department of Premier and Cabinet that accompanied the return of papers on 1 November 2022 raise no new material, indeed they studiously refrain from engaging with the earlier Reports. They raise no particular arguments referable to the eight documents.

The disputed documents are not privileged in my evaluation.

I thank Ms Noora Hijazi for her assistance.



The Hon Keith Mason AC KC

