



PIGOTT STINSON LAWYERS

11 March 2010

Our Ref: OBR:RTEDM-091388
Partner: Owen Ratner
Contact: Ray Travers
Email: r.travers@pigott.com.au

The Hon John Ajaka MLC
Committee Chair
Select Committee on the NSW Taxi Industry
Legislative Council
Parliament House NSW
Macquarie Street
SYDNEY NSW 2000

By post and facsimile: 9230 2981

Dear Mr Ajaka

Re: Inquiry into the NSW Taxi Industry

We refer to our previous correspondence.

You have requested that our client appear before your Committee to give evidence.

You have made an offer to Mr Kernode that he can give his evidence in camera.

You have further offered to Mr Kernode the right for legal counsel to be present.

We have been instructed that Mr Kernode agrees to attend the Committee to give evidence on an open (ie. not in camera) basis.

Mr Kernode has come to the view that there is no need to give evidence on an in camera basis as:

1. The evidence to be given will of course be determined by the questions that are asked;
2. We trust that members of the Committee would have due regard to current legal proceedings in which Mr Kernode is a party or in which he is involved and will observe the principles of sub judice when asking questions.
3. Mr Kernode is subject to certain confidentiality obligations which may impact on his ability to answer some questions.

Associated Firm – Melbourne: McKean & Park

www.pigott.com.au

Level 3, 10 Barrack Street, Sydney NSW 2000 GPO Box 3380, Sydney NSW 2001, DX 125 Sydney
Tel: +61 (02) 8251 7777 Fax +61 (02) 9262 4288 Email: partners@pigott.com.au ABN 82 680 297 642



Liability limited by a scheme approved under Professional Standards Legislation

4. If Mr Kermode gives evidence on an open basis, all his evidence will be on the public record and therefore there is no risk of only part of his evidence being made public.

Mr Kermode does not seek to be legally represented at the hearing.

Mr Kermode has never requested legal representation at the hearing but notes your kind offer as Chairman of the Committee for such representation and thanks you for this.

Furthermore, Mr Kermode wishes to again emphasise that he has always been happy to attend the hearing to give evidence but was reluctant to do so having regard to the defamation proceedings in which he is a party which are currently on foot.

This concern has been heightened by recent publication of your correspondence to him.

In relation to your letter of 5 March, we wish to emphasise that we do not wish to interfere with the prerogatives of a Committee of the Council in conducting an inquiry. However, we respectfully suggest that the questions raised in our letter do not fall within internal committee processes. Accordingly, any information you could give in response to the questions asked in our letter would be most appreciated.

We do not know when you will next convene a hearing to hear from Mr Kermode. Could you please let us know of the hearing date so we can liaise with our client.

Yours faithfully
PIGOTT STINSON


John Ralston