

INQUIRY INTO THE CENTENARY HOUSE LEASE

Before the Hon David Hunt AO QC

Held at Level 5, 55 Market Street, Sydney

On Monday, 20 September 2004
(Day 25)

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THE COMMISSIONER: I make the following orders -

The claim for public interest immunity is upheld in relation to the following documents:

- in the first affidavit of Dr Shergold - Documents 3 and 4;
- in the second affidavit of Dr Shergold - Documents 1 and 2; and
- in the affidavit of Mr Hamburger - Document 4

The claim for public interest immunity is rejected in relation to the following documents in the first affidavit of Dr Shergold - Documents 1 and 2.

Documents 1 and 2 referred to in the first affidavit of Dr Shergold (which have already been produced) may be disclosed generally after seven days.

In relation to the documents referred to in the second affidavit of Dr Shergold, the Department of Finance and Administration is -

- excused from its perceived obligation to comply with the Notices to Produce directed to it in relation to Documents 3-8, 10-19, 22, 25-43, 47 and 50; and
- ordered to provide within seven days a more detailed description of Documents 9, 20-21, 23-24, 44-46 and 48-49 to enable proper consideration to be given to whether the claim should be upheld or rejected or whether it is necessary to inspect them as a preliminary step towards the exercise of balancing the competing public interests.

In relation to documents referred to in the affidavit of Mr Hamburger, the Department of Finance and Administration is excused from its perceived obligation to comply with the Notices to Produce directed to it in relation to Documents 1-3 and 5-11.

In the event that the Commonwealth applies to a court of competent jurisdiction on or before Friday 24 September to have these orders reviewed, the filing of such an application will operate as a stay (until further order)

1 of the orders made that those documents may be disclosed
2 generally and that more detailed descriptions of the other
3 documents be provided.
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5 I publish my reasons.
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