LEGISLATIVE COUNCIL

PRIVILEGES COMMITTEE

Consideration of disputed claims of privilege as referred by the Clerk under standing order 52B (September 2022)

Report 88

September 2022

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Privileges Committee

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Consideration of disputed claims of privilege as referred by the Clerk under standing order 52B (September 2022)

"September 2022".

Chair: Hon Peter Primrose MLC

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Table of contents

Terms of reference

(1) 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 made public 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 to the committee by the Clerk under standing order 52B on 22 August 2022.

Committee details

Committee members		
The Hon Peter Primrose MLC	Australian Labor Party	*Chair*
Revd the Hon Fred Nile MLC	Independent	*Deputy Chair*
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	

Contact details	
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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 return to order concerning the appointment of various senior trade and investment commissioners.

The committee undertook this inquiry on behalf of the House in accordance with the provisions of the new standing order 52B.

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 current standing orders being trialled by the House until October 2022 authorise the Privileges Committee under standing order 52B to undertake the role usually performed by the House in dealing with disputed claims of privilege over documents returned to orders of the House. Standing order 52B, 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 made public 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.

1.2 On 9 August 2022, the House made a further order for papers relating to the appointment of various senior trade and investment commissioners. Returns to order were received on 9, 17, 22 and 26 August 2022. On 10 and 11 August 2022 and 19 August 2022, Mr Mookhey made two separate disputes of privilege, resulting in the Arbiter, the Hon Alan Robertson SC, preparing reports dated 17 August 2022 and 22 August 2022. These two reports are at Appendixes 2 and 3. As the Arbiter's reports were received more than three weeks before the next sitting day, on 22 August 2022, the Arbiter's reports were referred to the committee by the Clerk.

1.3 At a meeting on 24 August 2022 the committee considered both reports and resolved that they be published. Prior to the meeting, the Clerk to the committee circulated an email dated 23 August 2022 from Mr Mookhey in which he informed the Committee of concerns of a "possible variance" from previous arbiter's reports by the Hon Keith Mason in the way privilege claims concerning personal information, legal professional privilege and public interest immunity are dealt with. Mr Mookhey noted that "Opposition members may in the future ask the House to determine its position about which arbiter principles should apply" in these matters. The committee noted Mr Mookhey's email, but did not resolve to take any further action in response.

1.4 When using its delegated power to consider arbiter's reports the committee has consistently adopted a two step process, as is the established practice in the House. Accordingly, the committee met a second time on 31 August 2022 and made the following resolutions:

(1) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, on the disputed claim of privilege regarding the Appointment of Senior Trade and Investment Commissioners, dated 17 August 2022:

(a) the committee orders that the documents received by the Clerk on Monday 25 July 2022, Friday 29 July 2022 and Monday 1 August 2022, considered by the Independent Legal Arbiter not to be privileged be published,

(b) the committee orders that the documents received by the Clerk on Monday 25 July 2022, Friday 29 July 2022 and Monday 1 August 2022 and identified in the Schedule attached to the report, considered by the Independent Legal Arbiter not to be privileged, be redacted according to the schedule attached to the report and returned to the Clerk within 7 days, and

(c) that on receipt, the redacted documents be published.

(2) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, on the disputed claims of privilege regarding the Appointment of Senior Trade and Investment Commissioners dated 22 August 2022:

(a) the committee orders that the document received by the Clerk on Thursday 11 August 2022, being document 348, INSW.003.006.0314, considered by the Independent Legal Arbiter not to be privileged, be redacted according to the report and returned to the Clerk within 7 days.

(b) that on receipt, the redacted documents be published.

Appendix 1 Minutes

Minutes no. 34
Wednesday 24 August 2022
Privileges Committee
Room 1254 at 1.00 pm

1. Members present
Mr Primrose *(Chair)*
Revd Mr Nile *(Deputy Chair)*
Mr Barrett (via Webex) (substituting for Mr Fang)
Mr Donnelly
Mr Rath (substituting for Mr Farlow)
Mr Mallard
Mr Martin (via Webex)

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

2. Apologies
Ms Higginson

3. Draft minutes
Resolved, on the motion of Revd Mr Nile: That draft minutes no. 33 be confirmed.

4. Correspondence
The committee noted the following items of correspondence:
Received:

- 3 August 2022 – Letter from Mr Sidgraves, Chair of Privileges Committee in the Legislative Assembly to the President the Legislative Council and Speaker of the Legislative Assembly, regarding proposed changes to the Independent Complaints Officer resolution to enable members to lodge complaints about member's staff and ministerial staff.
- 23 August 2022 – Email from Hon Daniel Mookhey MLC to the Clerk of Parliaments, regarding that Opposition members may in the future ask the House to determine its position about which arbiter principles should apply when deciding privilege claims concerning personal information, legal professional privilege and public interest immunity claims arising from matters that might be commercial-in-confidence.

Sent:

- 3 August 2022 – Letter from Mr Primrose, Chair of Privileges Committee in the Legislative Council, to the President of the Legislative Council, regarding support of the recommendation resulting from the recruitment process for the Independent Complaints Officer.
- 3 August 2022 – Letter from Mr Primrose, Chair of Privileges Committee in the Legislative Council, to Ms Kate Boyd PSM, Deputy Secretary, General Counsel of the Department of Premier and Cabinet, regarding the production of documents which may be subject to Parliamentary privilege.
- 3 August 2022 – Letter from Mr Primrose, Chair of Privileges Committee in the Legislative Council, to the Hon. Peter Hall QC, Chief Commissioner, Independent Commission Against Corruption, regarding the report of the investigation into the conduct of the local member for Drummoyne.

Resolved, on the motion of Revd Nile: That the committee respond to Mr Sidgraves, Chair of Privileges Committee in the Legislative Assembly advising that the committee suggests that the proposed changes to the Independent Complaints Officer resolution to enable members to lodge complaints about member's staff and ministerial staff be considered in the context of the three month review of the protocol or the 12 month review of the operation of the position rather than as a separate process.

5. Disputed claims of privilege

Resolved, on the motion of Revd Nile: That the reports of the Independent Legal Arbiter, dated 17 August and 22 August 2022, on the further disputed claims of privilege regarding the appointment of Senior Trade and Investment Commissioner be published.

While noting the correspondence from Mr Mookhey, the committee requested the secretariat canvas member availability for a second deliberative to implement the arbiter's recommendations.

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

The committee noted the terms of reference self-referred by Ms Faehrmann on Wednesday 10 August 2022.

Resolved, on the motion of Mr Mallard: That the secretariat be requested to prepare a discussion paper on how previous incidents of unauthorized disclosure have been investigated by this committee and by committees in other jurisdictions.

7. Adjournment

Sine die

Steven Reynolds
Committee Clerk

Draft Minutes no. 35
Wednesday 31 August 2022
Privileges Committee
Room 1043 at 1.00 pm

1. Members present

Mr Primrose *(Chair)*
Mr Barrett (substituting for Mr Fang)
Mr Donnelly
Ms Faehrmann
Mr Mallard
Mr Martin

In attendance: Stephen Frappell, Jenelle Moore and Taylah Cauchi.

2. Apologies

Revd Mr Nile *(Deputy Chair)*

3. Draft minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 34 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 25 August 2022 – Letter from the Hon John Hatzistergos AM, Chief Commissioner NSW Independent Commission Against Corruption, to Chair of the Privileges Committee, regarding the committees education function relating to ethical standards applying to members of the respective Houses.

Sent:

- 24 August 2022 – Letter from Chair of the Privileges Committee, to Mr Peter Sidgreaves MP, Chair Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, regarding widening the powers of the Independents Complaints Officer.

5. Disputed claims of privilege - Appointment of Senior Trade and Investment Commissioners

The committee discussed the disputed claims of privilege and reports of the Independent Legal Arbiter, the Hon Alan Robertson SC, in relation to the returned to order regarding the Appointment of Senior Trade and Investment Commissioners.

Resolved, on the motion of Mr Donnelly:

(1) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, on the disputed claim of privilege regarding the Appointment of Senior Trade and Investment Commissioners, dated 17 August 2022:

(a) the committee orders that the documents received by the Clerk on Monday 25 July 2022, Friday 29 July 2022 and Monday 1 August 2022, considered by the Independent Legal Arbiter not to be privileged be published,

(b) the committee orders that the documents received by the Clerk on Monday 25 July 2022, Friday 29 July 2022 and Monday 1 August 2022 and identified in the Schedule attached to the report, considered by the Independent Legal Arbiter not to be privileged, be redacted according to the schedule attached to the report and returned to the Clerk within 7 days, and

(c) that on receipt, the redacted documents be published.

(2) That, in view of the report of the Independent Legal Arbiter, the Honourable Alan Robertson SC, on the disputed claims of privilege regarding the Appointment of Senior Trade and Investment Commissioners dated 22 August 2022:

(a) the committee orders that the document received by the Clerk on Thursday 11 August 2022, being document 348, INSW.003.006.0314, considered by the Independent Legal Arbiter not to be privileged, be redacted according to the report and returned to the Clerk within 7 days.

(b) that on receipt, the redacted documents be published.

The committee considered the Chair's draft report entitled 'Consideration of disputed claims of privilege as referred by the Clerk under standing order 52B (September 2022)'.

Resolved, on the motion of Mr Donnelly: The draft report be the report of the committee and that the Committee Chair table the report with the Clerk.

6. Correspondence from the Hon John Hatzistergos AM, Chief Commissioner NSW ICAC

The committee considered the correspondence received from the Hon John Hatzistergos AM, Chief Commissioner NSW ICAC.

Resolved, on the motion of Mr Farlow: That the committee invite Mr Hatzistergos to a meeting with the Privileges Committee to discuss the matters raised in his correspondence dated 25 August 2022.

7. Adjournment

The committee adjourned at 1.04 pm, *sine die*

Stephen Frappell
Committee Clerk

Appendix 2 Report of the Independent Legal Arbiter - Appointment of Senior Trade and Investment (17 August 2022)

THIRD REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIMS OF PRIVILEGE

REPORT OF INDEPENDENT LEGAL ARBITER

THE HON ALAN ROBERTSON SC

Background

1. I do not repeat the background set out in my first report dated 26 July 2022 and in my second report dated 28 July 2022. Neither do I repeat the terms of Order 52.

2. Further documents were lodged with the Clerk on 28 July, 29 July, 1 August, 2 August and 11 August 2022.

3. On 10 and 11 August 2022, the Hon Daniel Mookhey MLC disputed the claims of privilege made over the documents produced. The disputed documents which were said to require my consideration first were highlighted in the indexes provided by the Hon Daniel Mookhey MLC.

4. In accordance with paragraph 7 of Standing Order 52, the President of the Legislative Council, the Hon Matthew Mason-Cox MLC appointed me as an independent legal arbiter to evaluate the claims of privilege.

5. The papers (11 boxes) were delivered to me on 12 August 2022.

6. The documents are described as, first, a further part of Tranche 3, then Tranche 6 and Tranche 7.

7. This report deals only with the documents highlighted in the schedules.

Contentions

8. The Hon Daniel Mookhey MLC did not reiterate his contentions as to why the claims for privilege should not be upheld. He did however explain that his interest was in how the New South Wales Agent General to the United Kingdom, Mr Stephen Cartwright OAM, was chosen; Mr Cartwright's remuneration negotiations; and how and to what extent his expenses were to be met.

9. The Departments producing the documents set out in detail the bases for the claims of privilege, including public interest immunity, commercial in confidence, personal information and legal professional privilege. There is also a claim marked IRDR by indicating a prospect of damage to international relations. I have set out further details of these claims in my earlier reports.

Important rider

10. In all cases the contact details of the officers or officials should be redacted on the basis that they are not sought by the member challenging the privilege claim.

The documents highlighted in the indexes and my assessment of the claims for privilege

No.	Document ID	TRANCHE 3 – FURTHER DOCUMENTS Title	Assessment by ILA
11.	lNSW.001.003.7652	Brief to CEO - Cartwright contract variation#2.docx	LPP PII/CIC I do not accept the claim for legal professional privilege as I do not consider that the substance of any legal advice is set out in the document. However I consider that there is a real risk of adverse consequences for New South Wales' future negotiations if the entirety of this document were to be available publicly. I would uphold the claim for privilege in respect of the material that discloses the details of the proposed contract variation, those details being the figures in Australian dollars and in British pounds and how the adjustment was proposed to be effected.
12.	INSW.001.003.7691	A5037435 Chief Executive Briefing - Employment Agreement – Agent General UK - CARTWRIGHT Stephen.docx	LPP PII/CIC personal information I do not accept the claim for legal professional privilege as I do not

2

			consider that the substance of any legal advice is set out in the document. I do not accept that the prospect of any real harm has been made out in respect of the public disclosure of the structure of the remuneration. I would uphold the claim for privilege in respect of the material that discloses the details of the proposed contract variation, those details being the figures in Australian dollars and in British pounds.
15.	INSW.001.003.8093	A5434745 – Brief - Recruitment - Employment of John Barilaro as Senior Trade and Investment Commissioner Americas#2.docx	LPP PII/CIC personal information In my assessment, these claims are not made out. This material is in the public domain. Further, no legal advice is disclosed.
16.	INSW.003.001.0892	TA21 1397 - Attachment E - AgentGeneral_UKEurIsrael_FinalShortlistRep.pdf	PII/CIC personal information. The assessments of the unsuccessful candidates should not, in my view, be available publicly as this would constitute an unreasonable, because likely to be harmful, disclosure of their personal information. I would uphold the claim for privilege in that respect. Similarly, in so far as the names of the

			unsuccessful candidates are not in the public domain, I would uphold the claim for privilege on the same basis.
18.	INSW.003.001.6920	NGS_NSWTreasury_AgentGenUK_RefReport …201211.pdf	PII/CIC personal information. These are referees reports in respect of an unsuccessful candidate. In my assessment, the public disclosure of this material is likely to be harmful to the individual and I would uphold the claims of privilege on that basis. Further, there is a real prospect that referees would not give their views candidly if those views may be published. The usefulness of the system of such reports would thereby be substantially diminished. I would uphold the claim for privilege.
23.	INSW.003.001.8583	NGS_NSWTreasury_AgentGen_...CV.pdf	Personal information. This document is the curriculum vitae of an unsuccessful candidate. In my assessment the identity of the person is an intrinsic part of the document and the document should not be disclosed publicly because that would be likely to be harmful to that unsuccessful candidate.

			I would uphold the claim for privilege.
42.	INSW.003.005.0502	NGS_NSWTreasury-AgentGeneral_UKEurIsrael_...2001.pdf	PII/CIC personal information. This is a confidential candidate report in respect of an unsuccessful candidate. It constitutes an assessment of that unsuccessful candidate's skills and capabilities. In my opinion, the public disclosure of this material is likely to be harmful to the individual and I would uphold the claims of privilege on that basis. Further, there is a real prospect that assessors would not give their views candidly if those views may be published. The usefulness of the system of assessment would thereby be substantially diminished. I would uphold the claim for privilege.
51.	INSW.003.005.7850	NGS_NSWTreasury_AgentGeneral_UKEurIsr_...Candidate Report_2104Rev. pdf	PII/CIC personal information. This is a confidential candidate report in respect of a successful candidate. I would uphold the claim for privilege on the basis that this material is not in the public domain; its disclosure is likely to be harmful to the individual; and there is a

			real prospect that assessors would not give their views candidly if those views may be published. The usefulness of the system of assessment would thereby be substantially diminished. I would uphold the claim for privilege.
52.	INSW.003.005.7864	NGS_NSWTreasury_AgentGeneral_UKEurIsr_... CV.pdf	Personal information. This is an application, with supporting material, to NGS by a successful candidate. I would uphold the claim for privilege on the basis that this material is not in the public domain; and the disclosure of it in public is likely to cause harm to the individual, as an unreasonable disclosure of his personal information. I do not consider there to be a countervailing public interest. I would uphold the claim for privilege.
80.	INSW.003.006.1746	TA21 1395 - TreasurerBrief - Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP, personal information In my assessment, the claims for privilege are not made out. This is because, first, no legal advice would be disclosed and, second, the brief concerns the appointment of the successful candidate, his name being in the

			public domain. There is no confidential personal information which would be publicly disclosed.
96.	INSW.003.006.3709	TA21 1397 - DP Brief - Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP, personal information I would not uphold this claim on the basis of personal information as the document involves the name of the successful applicant. Since the name of the successful candidate is in the public domain, I do not accept the claim for privilege on the basis of personal information. No other personal information is involved. I would not accept the claims for privilege. I would not uphold the claim for legal professional privilege as, subject to a small exception, no legal advice is disclosed. The exception, concerning the Executive Council, is very minor and, in my view, the public interest in the Parliament supervising the activities of the Executive has the result that the claim of legal professional privilege should not be sustained in this instance.
115.	INSW.003.007.3681	A4995936 – Premier Brief – Endorsement of Agent General in London – signed.pdf	LPP PII/CIC Personal information

			In my assessment, the claims for privilege are not made out. This is because, first, no legal advice would be disclosed and, second, the brief concerns the appointment of the successful candidate, his name being in the public domain. There is no confidential personal information which would be publicly disclosed.
118.	INSW.003.007.7318	TA21 1395 - Treasurer Brief - Endorsement of Agent-General to the UK and STIC for EU and Israel.pdf	LPP personal information In my assessment, the claims for privilege are not made out. This is because, first, no legal advice would be disclosed and, second, the brief concerns the appointment of the successful candidate, his name being in the public domain. There is no confidential personal information which would be publicly disclosed.
119.	INSW.003.007.7535	TA21 1396 – Minister Ayres Brief - Endorsement of Agent-General to the UK and STIC for EU and Israel - signed.docx	LPP personal information. In my assessment, the claims for privilege are not made out. This is because, first, no legal advice would be disclosed and, second, the brief concerns the appointment of the successful candidate, his name being in the

			public domain. There is no confidential personal information which would be publicly disclosed.
120.	INSW.003.007.8072	NGS_NSWTreasury_AgentGenUK_RefReport_ …_210415.pdf	PII/CIC personal information. This document constitutes referees reports in respect of a successful candidate. In my assessment, the public disclosure of this material is likely to be harmful to the individual and I would uphold the claims of privilege on that basis. Further, there is a real prospect that referees would not give their views candidly if those views may become public. The usefulness of the system of referees would thereby be substantially diminished. I would uphold the claim for privilege.
		TRANCHE 6	
244.	INSW.003.001.3619 (volume 2 of 7 in Tranche 6)	FW: UK Role	Personal information I consider there to be no personal information in this document, other than the contact details which, in accordance with the principle which applies to all these documents, the member challenging the claim does not seek.

			I do not accept the claim.
245.	INSW.003.001.3623	FW: UPDATE - NSW Agent-General Final Shortlist - Round 2	Personal information This document discloses the names of unsuccessful candidates. I am not aware that those names are in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the names of the unsuccessful candidates would be likely to have a substantial adverse effect on them.
246.	INSW.003.001.3626	FW: UPDATE - NSW Agent-General Final Shortlist - Round 2	Personal information This document discloses the names of unsuccessful candidates. I am not aware that those names are in the public domain. I therefore, to that extent, uphold the claim for privilege on the basis that the public disclosure of the names of the unsuccessful candidates would be likely to have a substantial adverse effect on them.
247.	INSW.003.001.3645	FW: Updated Client Progress Report -A/G London, STIC Nth Asia	Personal information This document discloses the names of unsuccessful candidates. I am not aware that those names are in the public domain.

			I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the names of the unsuccessful candidates would be likely to have a substantial adverse effect on them.
248.	INSW.003.001.3709	FW: Updates + Question - Updated advert for AFR	Personal information This document discloses, on page INSW.003.001.3711, the name of a potential or unsuccessful candidate. I am not aware that that name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name would be likely to have a substantial adverse effect on that individual.
251.	INSW.003.001.3806	Fwd: FOLLOW UP - NSW Agent-General Final Shortlist - Round 2	Personal information This document discloses the name of potential or unsuccessful candidates. I am not aware that these names are in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the names would be likely to have a substantial adverse effect on those individuals.

272.	INSW.003.001.4206	Fwd: STIC Reports	Personal information This document discloses names of junior officials within Investment NSW. To that extent, I would uphold the claim for privilege on the basis that the public disclosure of the names would be likely to have a substantial adverse effect on those individuals.
275.	INSW.003.001.4313	Fwd: Updates + Question	Personal information This document discloses, on page INSW.003.001. 4314, the name of a potential or unsuccessful candidate. I am not aware that that name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name would be likely to have a substantial adverse effect on that individual.
284.	INSW.003.001.4928	JIT&T Recruitment Priorities & Update	Personal information This document discloses names of junior officials. To that extent, I uphold the claim for privilege on the basis that the public disclosure of the names would be likely to have a substantial adverse effect on them. This document also discloses the name of

			potential or unsuccessful candidates. I am not aware that those names are in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the names would be likely to have a substantial adverse effect on those individuals.
289.	INSW.003.001.5146	NSW Agent-General Final Shortlist - Round 2	Personal information This document discloses the name of an unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful candidate would be likely to have a substantial adverse effect on the individual.
290.	INSW.003.001.5147	NGS_NSWTreasury_Agent-General_UK_ShortlistRecommendations Round2_201202_Final.docx	PII/CIC personal information. This document discloses the name of an unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful

			candidate would be likely to have a substantial adverse effect on him. The document also contains an assessment of this unsuccessful candidate and I would uphold that part of the claim for privilege as well. Recruiters and referees would be discouraged from performing their tasks candidly if they thought that their assessments or references could or might be made public. This document also contains the names of other unsuccessful or potential candidates. I would uphold the claim for privilege in this respect also.
306.	INSW.003.001.5576	RE: AGENT GENERAL- Pack for Mike and update	Personal information This document discloses the name of an unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful candidate would be likely to have a substantial adverse effect on him.
307.	INSW.003.001.5578	RE: AGENT GENERAL- Pack for Mike and update	Personal information This document discloses the name of an

			unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful candidate would be likely to have a substantial adverse effect on that individual.
313.	INSW.003.001.5755	RE: Confidential - AG/STIC recruitment update	PII/CIC This document discloses the name of an unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful candidate would be likely to have a substantial adverse effect on him.
393.	INSW.003.001.8240	DRAFT Selection Panel Report- UK Agent Genera1_200310.xlsx	Personal information I would uphold the claims of privilege in relation to the names of the unsuccessful candidates and the assessments of them. I am not aware that these names are in the public domain. In my assessment the disclosure of the names and the assessments of those unsuccessful

			candidates would be likely to have a substantial adverse effect on them.
425.	INSW.003.001.8959 (volume 3 of 7 in Tranche 6)	Updated Selection Report for Agent/Gen London	Personal information This document discloses the name of an unsuccessful candidate. I am not aware that this name is in the public domain. I therefore, to that extent, would uphold the claim for privilege on the basis that the public disclosure of the name of an unsuccessful candidate would be likely to have a substantial adverse effect on him.
426.	INSW.003.001.8960	DRAFT Selection Panel Report - UK Agent General_201214.xlsx	Personal information The assessments of the unsuccessful candidates should not, in my view, be available publicly as this would constitute an unreasonable, because likely to be harmful, disclosure of their personal information. I would uphold the claim for privilege in that respect. Similarly, insofar as the names of the unsuccessful candidates are not in the public domain, I would uphold the claim for privilege on the same basis.
583.	INSW.003.002.5774	…advice	PII/CIC personal information

			I am not persuaded that there is any personal information or commercial in confidence information in this document. I do not accept the claim for privilege.
584.	INSW.003.002.5775	Fwd:…expat tax support required	PII/CIC personal information In my assessment, the claims of privilege should be sustained, not in relation to the name of the entity providing the advice, but in respect of the Australian dollar figures or British pounds figures for the integers of the package for the successful candidate. I note that the headline figure is in the public domain.
585.	INSW.003.002.5777	RE:UK Package Information	PII/CIC personal information In my assessment, the claims of privilege should be sustained, not in relation to the name of the entity providing the advice, but in respect of the integers of the package for the successful candidate. So far as I am aware this material is not in the public domain.
586.	INSW.003.002.5782	NSW Treasury - tax and NIC calculation summary - 24.06.2021xlsx.pdf	PII/CIC personal information In my assessment, the claims of privilege

			should be sustained, not in relation to the name of the entity providing the advice, but in respect of the Australian dollar figures or British pounds figures for the integers of the package.
587.	INSW.003.002.5783	NSW Treasury - tax and NIC calculation - 24.06.2021xlsx.pdf	PII/CIC personal information In my assessment, the claims of privilege should be sustained, not in relation to the name of the entity providing the advice, but in respect of the Australian dollar figures or British pounds figures for the integers of the package.
588.	INSW.003.002.5784	Revised - Investment NSW - paper .pdf	PII/CIC In my assessment, with one exception, the claims of privilege should be sustained, not in relation to the name of the entity providing the advice, but in respect of the Australian dollar figures or British pounds figures for the integers of the package. I would not regard the recommendations on page INSW.003.002.5793 as commercial in confidence. To that extent I would not uphold the claim of privilege.
589.	INSW.003.002.5795	RE: UK Package information	PII/CIC personal information

			In my assessment, the claims of privilege should be sustained, not in relation to the name of the entity providing the advice, but in respect of the Australian dollar figures for the integers of the package for the successful candidate. I note that the headline figure is in the public domain.
604.	INSW.003.003.5154 (volume 4 of 7 in Tranche 6)	Re: Final Employment Agreement – STIC Americas	Personal information In my assessment, this material is in the public domain and the privilege claim, based on personal information, is not made out.
649.	INSW.003.005.8539	RE: Confidential - Status of London AG and Tokyo STIC engagement	LPP PII/CIC personal information In my assessment, the claims based on commercial in confidence and personal information are not made out. However I do consider there is some legal professional privilege material on page INSW.003.005.8541 at the second dash point and I would uphold the claim in respect of that subparagraph. That advice is also reflected in the first bullet point on page INSW.003.005.8539 and I would uphold the

			claim in that respect also.
650.	INSW.003.005.8543	NSW STIC Arrangements_Draft_210412.docx	PII/CIC In my assessment, this material is not commercial in confidence. If it were commercial in confidence, I would not accept that it should not be disclosed on the ground of public interest. I would not uphold the claim.
651.	INSW.003.005.8544	NSW Agent General Proposed Arrangements_Draft_210412.docx	PII/CIC In my assessment, this material is not commercial in confidence. If it were commercial in confidence, I would not accept that it should not be disclosed on the ground of public interest. I would not uphold the claim.
652.	INSW.003.005.8696	FW: Follow up - Proposed Arrangements	Personal information In my opinion, this document contains personal information in the six bullet points at the top of page INSW.003.005.8697 and the claim of privilege should be upheld in relation to those integers of the proposed arrangement.

701.	INSW.003.006.0664	A5087024 – Attachment F _ Treasurer Brief _ Appointment of STICs ASEAN, and India & Middle East.docx	PII/CIC Personal information As the names of the two successful candidates are in the public domain, in my assessment, the claim for either commercial in confidence or personal information is not made out.
718.	INSW.003.006.3772	Re: Catch Up – re Amy Brown	Personal information In my assessment, this document does not contain personal information which would found a claim of privilege as the name of the successful candidate is in the public domain. The names of the other executives are also in the public domain.
847.	INSW.003.021.6813 (volume 5 of 7 in Tranche 6)	Declaration - Stephen Cartwright.pdf	PII/CIC In my assessment this document does not contain commercial in confidence information. Further, if the material is commercial in confidence, the claim for privilege on that basis, said to be referable to public interest immunity, is not made out.
848.	INSW.003.021.8738	Employment Agreement variation for Mr Cartwright SIGNED June 2022.pdf	PII/CIC personal information In my assessment, this material, being the details and integers of the remuneration, is

			personal information which supports the claim of privilege. I would uphold the claim on that basis. For completeness, I am not persuaded that the material is commercial in confidence such as to found a claim in public interest immunity.
850.	INSW.003.022.3301	1. Sec Brief - Recalibrating contracts for Trade & Investment Commissioners in Independent NSW Trade offices (vA8434395).docx	LPP PII/CIC personal information I would not uphold the claim of privilege on the basis of legal professional privilege. I do not see that the substance of any legal advice disclosed. I do however consider that there is some personal information involving the names of three individuals in particular postings and I would uphold the claim for privilege to that extent. I also consider that the discussion on page INSW.003.022.3303 is commercial in confidence and I would uphold the claim of privilege in respect of that material also.
851.	INSW.003.022.6442	AG Accommodation benefit.xlsx	LPP PII/CIC In my assessment, the commercial in confidence claims are made out as referable to the details of the

			remuneration under discussion. There is also a single sentence which may disclose the substance of legal advice but that is also covered by the commercial in confidence claims. I would uphold the claim for privilege.
852.	INSW.003.022.7230	Project LEC costing	PII/CIC personal information I do not consider that the personal information claim of privilege is made out, but the document does appear to me to contain commercial in confidence material of a type to which public interest immunity would apply. I see no countervailing public interest in public disclosure. I would therefore uphold the claim for privilege.
853.	INSW.003.022.7234	Rem Summary April22 crago edits.xlsx	PII/CIC personal information I reach the same conclusion as for the immediately preceding document, INSW.003.022.7230. I would therefore uphold the claim for privilege.
854.	INSW.003.022.8281	DP Event Request Meeting with AG UK EU July 2021.docx	PII/CIC In my assessment there is no basis for a claim

			for commercial in confidence in respect of this document. I would not uphold the claim for privilege.
864.	INSW.003.023.7629	Variation to Employment Agreement	PII/CIC personal information This document concerns the details or integers of the remuneration of the Agent General and I would uphold the claim for privilege on that basis.
865.	INSW.003.023.7631	Stephen Cartwright.pdf	PII/CIC personal information In my assessment, this material, being the details and integers of the remuneration, is personal information which supports the claim of privilege. I would uphold the claim on that basis. For completeness, I am not persuaded that the material is commercial in confidence such as to found a claim in public interest immunity.
870.	INSW.003.024.5236	FW: Payslip for 00169687 Period Ending 17.02.2022	PII/CIC personal information In my assessment, this material, being the working out or administration of the details and integers of the remuneration, is personal information which supports the claim of privilege. I would uphold the claim on that basis.

			For completeness, I am not persuaded that the material is commercial in confidence such as to found a claim in public interest immunity.
891.	INSW.003.026.6509	Executive Recruitment Status Report - 5 February 2021.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
906.	INSW.003.027.1279	Executive Recruitment Status Report - 29 January 2021.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
907.	INSW.003.027.1581	SC- Conversation 15-7-21.docx	PII/CIC personal information In my assessment, this material, being the working out or administration of the details of the proposed contract, is predominantly personal

			information which supports the claim of privilege. I would uphold the claim on that basis. For completeness, I am not persuaded that the material is commercial in confidence such as to found a claim in public interest immunity.
916.	INSW.003.027.4830	Executive Recruitment Status Report - 19 February 2021.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
917.	INSW.003.027.5009	Executive Recruitment Status Report - 26 February 2021.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
918.	INSW.003.027.5199	Executive Recruitment Status Report - 18 January 2021.pdf	PII/CIC personal information

			I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
919.	INSW.003.027.5231	Executive Recruitment Status Report - 4 December 2020.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.
920.	INSW.003.027.5235	Executive Recruitment Status Report - 12 February 2021.pdf	PII/CIC personal information I consider that the claim for personal information is made out in respect of the names of the unsuccessful candidates. Otherwise it seems to me there is no personal information or commercial in confidence information that should not be publicly disclosed.

952.	INSW.003.036.4109 (volume 6 of 7 in Tranche 6)	RE: New Instructions: Appointment of Agent General	PII/CIC personal information This document consists of communications for the purpose of obtaining and giving legal advice. In my view it is subject to legal professional privilege and I do not consider there to be any present public interest sufficient to qualify that privilege. I would uphold the privilege.
981.	INSW.003.038.7078	Draft brief to Amy Brown re Cartwright contract variation.docx	LPP PII/CIC personal information I do not accept the claim for legal professional privilege as I do not consider that the substance of any legal advice is set out in the document. However I consider that there is a real risk of adverse consequences for New South Wales' future negotiations if the entirety of this document were to be available publicly. I would uphold the claim for privilege in respect of the material that discloses the details of the proposed contract variation, those details being the figures in Australian dollars and in British pounds and how the adjustment was proposed to be effected.

984.	INSW.003.038.7097	Attachment F draft contract variation for Mr Cartwright.docx	LPP PII/CIC personal information This document concerns the details or integers of the remuneration of the Agent General and I would uphold the claim for privilege on that basis for the reasons I have earlier given. Although there is also a claim for legal professional privilege, I see no basis for that claim.
1075.	INSW.003.045.1529 (volume 7 of 7 in Tranche 6)	FW: New Instructions: Appointment of Agent General	LPP PII/CIC personal information This document consists of communications for the purpose of obtaining and giving legal advice. In my view it is subject to legal professional privilege and I do not consider there to be any present public interest sufficient to qualify that privilege. I would uphold the privilege. It is not necessary for me to consider the other claims for privilege.
1077.	INSW.003.045.1805	Re: Confidential: Follow Up on Contract Queries	LPP PII/CIC personal information This document consists of communications for the purpose of obtaining and receiving legal advice. In my view it is subject to legal

			professional privilege and I do not consider their to be any present public interest sufficient to qualify that privilege. I would uphold the privilege. Also this document concerns the personal details or integers of the remuneration of the Agent General and I would uphold the claim for privilege on that basis as well.
1078.	INSW.003.045.1812	Confidential: Follow Up on Contract Queries	PII/CIC personal information This document consists of communications for the purpose of obtaining and giving legal advice. In my view it is subject to legal professional privilege and I do not consider there to be any present public interest sufficient to qualify that privilege. I would uphold the privilege. Also this document concerns the personal details or integers of the remuneration of the Agent General and I would uphold the claim for privilege on that basis as well.
1097.	INSW.003.045.3333	Re: Sensitive: Appointment of AG and STIC Tokyo	LPP personal information In my assessment this material is not subject to legal professional privilege. It does not show communications

			for the purpose of seeking legal advice and it does not disclose the substance of any legal advice. Neither, in my view, does it contain personal information. I would not uphold the claims of privilege.
		TRANCHE 7	
6.	INSW.001.003.0186 (Vol 1 of 3)	RE: Draft Media Release for STICs for MO	Personal information In my opinion this is not personal information of the relevant kind as it forms the basis for a draft press release. It does not have the quality of confidential material. I would not uphold the claim of privilege.
7.	INSW.001.003.6507	Re: Client Progress Reports – Nth Asia and A/G London Roles	Personal information I would uphold the claim for privilege insofar as this document refers to the names of unsuccessful candidates or potential candidates. To have those names in the public domain would be an unreasonable intrusion and may well have an adverse impact on them.
10.	INSW.001.003.6833	Remuneration expectation . .	PII/CIC personal information I would uphold the claim for personal information only in respect of the name of the candidate in the first

			line of the body of the email. Otherwise, I am not persuaded that this material would be any longer commercial in confidence so as to found a claim for public interest immunity.
16.	INSW.001.003.7052	RE: Updated Client Progress Reports – A/G London, STIC Nth Asia	Personal information I would uphold the claim for personal information privilege in in respect of the names of the unsuccessful or potential candidates. To have those names in the public domain would be an unreasonable intrusion and it may well have an adverse impact on them.
17.	INSW.001.003.7306	Attachment B - Crown Solicitors Advice - Employment of Overseas Trade Employees	LPP I would uphold this claim for privilege. The document consists of confidential legal advice and I see no public interest in the present case to qualify the privilege such that the communication should go into the public domain.
20.	INSW.001.003.7671	Brief – Secretary - adjusted timeline of International network expansion.docx	PII/CIC personal information I see no personal information in this document, other than the contact details which are to be redacted. Neither do I see any commercial in

			confidence material at the present time, so as to found a claim in public interest immunity.
23.	INSW.003.001.0192	Agent General and STIC North Asia update	Personal information I would uphold the claim for personal information privilege in in respect of the names of the unsuccessful or potential candidates. To have those names in the public domain would be an unreasonable intrusion and it may well have an adverse impact on them.
24.	INSW.003.001.0206	Senior Trade & Investment Commissioner Remuneration.xlsx	PII/CIC I do not see any commercial in confidence material at the present time, so as to found a claim in public interest immunity. I would not uphold the claim of privilege.
25.	INSW.003.001.0209	… Interview notes.docx	Personal information I would uphold the claim for personal information privilege in in respect of the name of the unsuccessful candidate. To have his name in the public domain would be an unreasonable intrusion and it may well have an adverse impact on him. There is also a basis for claiming that this material is commercial in confidence as interviewers would be likely not to give candid

			assessments if those assessments may later be published. I would uphold the claims for privilege.
26.	lNSW.003.001.0210	NGS_NSWTreasury_AgentGen …CV (l}pdf	Personal information I would uphold the claim for personal information privilege in in respect of the name of the unsuccessful candidate. To have his name in the public domain would be an unreasonable intrusion and it may well have an adverse impact on him.
31.	lNSW.003.001.1557	FW: High level update for Lisa/Amy 17th Nov	PII/CIC personal information I do not see any commercial in confidence material at the present time, so as to found a claim in public interest immunity. I would not uphold the claim of privilege. It also does not appear that this document contains the name of any unsuccessful candidates or prospective candidates. I would not uphold the claims for privilege.
37.	lNSW.003.001.1570	FW: high level update for Lisa/Amy 23rd June	PII/CIC personal information I do not see any commercial in confidence material at the present time, so as to found a claim in public

			interest immunity. I would not uphold the claim of privilege. It also does not appear that this document contains the name of any unsuccessful candidates or prospective candidates. I would not uphold the claims for privilege.
39.	lNSW.003.001.1579	FW: high level update for Lisa/Amy 30th June	PII/CIC personal information I do not see any commercial in confidence material at the present time, so as to found a claim in public interest immunity. I would not uphold the claim of privilege. It also does not appear that this document contains the name of any unsuccessful candidates or prospective candidates. I would not uphold the claims for privilege.
41.	lNSW.003.001.1586	FW: high level update for Lisa/Amy 7th July	PII/CIC personal information I do not see any commercial in confidence material at the present time, so as to found a claim in public interest immunity. I would not uphold the claim of privilege. It also does not appear that this document contains the name of any unsuccessful

			candidates or prospective candidates. I would not uphold the claims for privilege.
42.	lNSW.003.001.1591	FW: high level update for Lisa/Amy 8th Sept	PII/CIC personal information I do not see any commercial in confidence material at the present time, so as to found a claim in public interest immunity. I would not uphold the claim of privilege. It also does not appear that this document contains the name of any unsuccessful candidates or prospective candidates. I would not uphold the claims for privilege.
43.	lNSW.003.001.1686	Selection Panel Report - STIC_Americas_2203_Draft2xlsx	PII/CIC personal information I would uphold claim for privilege, on the basis of personal information, in respect of the unsuccessful candidates and the assessments of them. To have this material in the public domain would be an unreasonable intrusion in the personal and professional lives of those candidates and it may well have an adverse impact on them. I would also uphold the claim in respect of the assessment of the successful candidate, unless that material is already in the public

			domain. I consider this material to be commercial in confidence so as to found a claim in public interest immunity on the basis that interviewers would be less likely to give candid assessments if that material may find its way into the public domain.
45.	lNSW.003.001.1693	NGS_InvestmentNSW_STICAmericas_Ref Report_BarillaroJ_220325.pdf	PII/CIC personal information This document consists of referees reports. I would uphold the claim for privilege on the basis that referees would be less likely to give candid assessments if that material may find its way into the public domain. There is also in my view a public interest in maintaining the system of referees reports.
53.	INSW.003.001.1939	Interview Guide – NSW Agent-General UK Europe Israel Final.docx	PII/CIC I do not consider that this document, at this remove in time, is commercial in confidence such as to found a claim in public interest immunity. I would not uphold the claim.
65.	INSW.003.001,2466	NGS_NSWTreasury_AgentGeneral_UK_Shortlist RecommendationsRound2 _201119.docx	PII/CIC personal information I would uphold the claim for privilege in respect of the names and assessments of the

			unsuccessful candidates or prospective candidates. This constitutes the whole of the document. I would also uphold the commercial in confidence claim so as to found a claim in public interest immunity on the basis that interviewers would be less likely to give candid assessments if that material may find its way into the public domain.
127.	INSW.003.001.3628	NGS_NSWTreasury_Agent-General_UK_ShortlistRecommendationsRound2 _201202_Final.docx	PII/CIC personal information I would uphold the claim for privilege in respect of the names and assessments of the unsuccessful candidates or prospective candidates. This constitutes the whole of the document. I would also uphold the commercial in confidence claim so as to found a claim in public interest immunity on the basis that interviewers would be less likely to give candid assessments if that material may find its way into the public domain.
129.	INSW.003.001.3652	NGS_NSWTreasury_AgentGeneral_ClientProgressRep2_201109.docx	PII/CIC personal information I would uphold the claim for privilege in respect of the names and assessments of the

			unsuccessful candidates or prospective candidates. This constitutes the whole of the document. I would also uphold the commercial in confidence claim so as to found a claim in public interest immunity on the basis that interviewers would be less likely to give candid assessments if that material may find its way into the public domain.
140.	INSW.003.001.5317	NGS_InvesrmentNSW_STIC_Americas_Proposal_211213.pd;PDF	PII/CIC personal information I would not uphold these claims for privilege. The personal information, being biographical details, does not appear to be confidential. The commercial in confidence material appears to centre on the fees quoted by the search and recruitment agency and would not, in my view, found a claim for public interest immunity.
143.	INSW.003.001.5367	Progress with Nth Asia and A/G London Roles	Personal information I would uphold the claim, but only so far as concerns the name of the unsuccessful candidate.
144.	INSW.003.001.5570	Re: AG protocol appointment.pptx	Personal information

			I would uphold the claim, but only so far as concerns the name of the unsuccessful candidate and material that would identify him. In this last category, I would include the material on page INSW.003.001.5570 in the first paragraph from "His notice…." to the end of that paragraph.
146.	INSW.003.001.5913	TA21 847 – Premier Briefing – Preferred Candidate for STIC in Tokyo.docx	LPP personal information I would not uphold these claims for privilege. There is no legal professional privilege as no legal advice is disclosed. The material is not personal information as the person concerned was a successful candidate whose name is publicly known, and there is no assessment or other personal information in this document.
148.	INSW.003.001.6185	RE: For COO approval "TA21/1395 - Treasurer Endorsement of Agent- General to the UK and STIC for Europe and Israel"	LPP personal information I would not uphold these claims for privilege. There is no personal information other than the name of a successful applicant whose name is publicly known. There is no material which is subject to legal professional privilege.

158.	INSW.003.001.7386	Selection Panel Report – STIC_Americas_2l07 – SIGNED VERSION.xlsx	PII/CIC personal information I would uphold the claim for privilege in respect of the names of the unsuccessful candidates and the assessments of them. I would also uphold the commercial in confidence claim so as to found a claim in public interest immunity on the basis that interviewers would be less likely to give candid assessments if that material may find its way into the public domain. In relation to the successful candidate, her name is in the public domain so I would not uphold a claim for privilege in that respect. As to the assessment of the successful candidate, if this material is not already in the public domain I would uphold the claim for privilege on the basis that it is personal information and also that it is commercial in confidence so as to found a claim for public interest immunity.
175.	INSW.003.001.8208 (volume 2 of 3)	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates.

			In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional lives of those candidates and it may well have an adverse impact on them.
176.	INSW.003.001.8210	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2	Personal information I would uphold the claim for privilege in respect of the name of the candidate and of the potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and it may well have an adverse impact on them.
177.	INSW.003.001.8222	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2	Personal information I would uphold the claim for privilege in respect of the name of the candidate and of the potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and it may well have an adverse impact on them.
178.	INSW.003.001.8225	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2	Personal information I would uphold the claim for privilege in respect of the name of

			the candidate and of the potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and it may well have an adverse impact on them.
179.	INSW.003.001.8231	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2 / SelectionReport	Personal information I would uphold the claim for privilege in respect of the name of the candidate and of the potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may have an adverse impact on them.
180.	INSW.003.001.8241	Re: UPDATE – NSW Agent-General Final Shortlist - Round 2 / SelectionReport	Personal information I would uphold the claim for privilege in respect of the name of the candidate and of the potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and it may well have an adverse impact on them.
181.	INSW.003.001.8245	Re: Update on Advertising Timeline?	Personal information

			I do not see that there is any personal information in this document, apart from the contact details which will be redacted. I would not uphold the claim for privilege.
182.	INSW.003.001.8249	Re: Update on Advertising Timeline?	Personal information I do not see that there is any personal information in this document, apart from the contact details which will be redacted. I would not uphold the claim for privilege.
183.	INSW.003.001.8266	Re: Update re Agent General approval process	Personal information I do not see that there is any personal information in this document, apart from the contact details which will be redacted. I would not uphold the claim for privilege.
184.	INSW.003.001.8277	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them.

185.	INSW.003.001.8279	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them.
186.	INSW.003.001.8283	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them.
187.	INSW.003.001.8286	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may

			well have an adverse impact on them.
188.	INSW.003.001.8288	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and it may well have an adverse impact on them.
189.	INSW.003.001.8292	RE: Updated Client Progress Reports -A/G London, STIC Nth Asia	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them.
191.	INSW.003.001.8308	RE: Updated Proposal - STIC Americas	PII/CIC personal information In my opinion there is no personal information in this document, apart from the contact details which will be redacted. Further, I do not regard the issue of fees as commercial in confidence so as to

			found a claim for public interest immunity. I would not uphold the claims for privilege.
192.	INSW.003.001.8314	RE: Updates+ Question	Personal information I would uphold the claim for privilege in respect of the name of the candidate or potential candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of that person and may well have an adverse impact on him. Otherwise, in my view, the claim for privilege is not made out.
193.	INSW.003.001.8399	RE: What to expect from NSW Treasury	Personal information I would uphold the claim for privilege in respect of the name and personal details of the candidate. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of that person and may well have an adverse impact on him. Otherwise, in my view, the claim for privilege is not made out.
199.	INSW.003.001.8679	STIC Candidates - Notice periods etc	Personal information I would uphold the claim for privilege in

			respect of personal details, but not the names, of the successful candidates. In my opinion, to have the personal material in the public domain would be an unreasonable intrusion on the personal and professional life of that person and may well have an adverse impact on him. In my view, the claim for privilege is made out in respect of the whole of the substantive email, apart from the names and the "Note" at the end.
205.	INSW.003.001.8919	UK Role & NE Asia - Status Update	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them. I would not otherwise uphold the claim for privilege.
206.	INSW.003.001.8936	Update Agent General and STIC North Asia roles	Personal information I would uphold the claim for privilege in respect of the names of the candidates or potential candidates.

			In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them. I would not otherwise uphold the claim for privilege.
233.	INSW.003.005.8939	FW: Update re Agent General approval process	Personal information I would not uphold this claim for privilege as I do not see that the document contains any personal information, other than the contact details which will be redacted.
270.	INSW.003.006.1632	A5059487 Premier Brief – Appointment of Senior Trade & Investment Commissioner - Americas.docx	Personal information I would uphold the claim for privilege in respect of the names of the unsuccessful candidates. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of those persons and may well have an adverse impact on them. I would not otherwise uphold the claim for privilege. The name of the then successful candidate is in the public domain.

271.	INSW.003.006.2354	UK & Japan Rem.xlsx	PII/CIC personal information I would uphold the claim for privilege in respect of the personal information, being integers of the remuneration of the two individuals. However I am not persuaded that the material is commercial in confidence so as to found a claim for public interest immunity.
272.	INSW.003.006.2489	TA21 1396 – Minister Ayres Brief – Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP personal information I would not uphold the claim for legal professional privilege as no legal advice is disclosed. Since the name of the successful candidate is in the public domain, I do not accept the claim for privilege on the basis of personal information. I would not accept the claims for privilege.
286.	INSW.003.006.4537	TA21 1397 – DP Brief – Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP personal information I would not uphold the claim for legal professional privilege as, subject to a small exception, no legal advice is disclosed. The exception, concerning the Executive Council, is very minor and, in my view, the public interest in the Parliament supervising the

			activities of the Executive has the result that the claim of legal professional privilege should not be sustained in this instance. Since the name of the successful candidate is in the public domain, I do not accept the claim for privilege on the basis of personal information. I would not accept the claims for privilege.
287.	INSW.003.006.4540	TA21 1396 – Minister Ayres Brief – Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP personal information I would not uphold the claim for legal professional privilege as, subject to a small exception, no legal advice is disclosed. The exception, concerning the Executive Council, is very minor and, in my view, the public interest in the Parliament supervising the activities of the Executive has the result that the claim of legal professional privilege should not be sustained in this instance. Since the name of the successful candidate is in the public domain, I do not accept the claim for privilege on the basis of personal information. I would not accept the claims for privilege.
288.	INSW.003.006.4543	TA21 1064 - Premier Briefing - Endorsement of Agent General in London.docx	LPP personal information

			I would not uphold the claim for legal professional privilege as, subject to a small exception, no legal advice is disclosed. The exception, concerning the Executive Council, is very minor and, in my view, the public interest in the Parliament supervising the activities of the Executive has the result that the claim of legal professional privilege should not be sustained in this instance. Since the name of the successful candidate is in the public domain, with one exception, I do not accept the claim for privilege on the basis of personal information. The exception is that I would uphold the claim for privilege in relation to the integers of the remuneration, being the Australian dollar figures and the British pound figures. Otherwise, I would not accept the claims for privilege.
289.	INSW.003.006.4547	TA21 1395 – Treasurer Brief – Endorsement of Agent-General to the UK and STIC for EU and Israel.docx	LPP personal information I would not uphold the claim for legal professional privilege as, subject to a small exception, no legal advice is disclosed. The exception, concerning the Executive Council,

			is very minor and, in my view, the public interest in the Parliament supervising the activities of the Executive has the result that the claim of legal professional privilege should not be sustained in this instance. Since the name of the successful candidate is in the public domain, I do not accept the claim for privilege on the basis of personal information. I would not accept the claims for privilege.
290.	INSW.003.007.3683	AG-STIC Candidate CV.pdf	Personal information I would uphold the claim for privilege in respect of this application and resume. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of the individual.
291.	INSW.003.007.4985	TA21 1064 - Attachment B - Stephen Cartwright CV.pdf	Personal information As with the previous document, I would uphold the claim for privilege in respect of this application and resume. In my opinion, to have this material in the public domain would be an unreasonable intrusion on the personal and professional life of the individual.

293.	INSW.003.017.6839	A5116597 - DP - Event Brief - Trade Statement AG UK Launch.docx	PII/CIC I am not persuaded that this document is commercial in confidence so as to found a claim for public interest immunity. The substance of the document is a script or draft script for a livestream launch, a broadcast. I would not uphold this claim for privilege.
296.	INSW.003.024.0955 (volume 3 of 3)	Attachment B - Timeline of appointment of Agent-General.xlsx	PII/CIC I would not accept this claim for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity.
297.	INSW.003.025.8222	STICS Salary Packaging Advice – UK - 22MAR22.pdf	PII/CIC I would not accept this claim for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. Legal professional privilege is not claimed.
298.	INSW.003.028.7543	Cover brief for 12 April SEB presentation.docx	PII/CIC I would not accept this claim for privilege. I see nothing that is commercial in confidence or

			commercial in confidence that would found a claim for public interest immunity.
310.	INSW.003.038.0796	Global NSW – Agent General UK Contract – Stephen Cartwright.docx	PII/CIC personal information I would not accept these claims for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. As to personal information, while the document refers to overall salary, I do not consider that to be confidential or information that is personal.
311.	INSW.003.045.0184	RE: Appointment of NSW's Agent General to the UK [SEC=OFFICIAL:Sensitive]	Personal information I would not accept this claim for privilege. I do not see any personal information in this document.
312.	INSW.003.045.0266	Re: London, Tokyo timeframe	PII/CIC personal information I would not accept these claims for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. As to personal information, I do not see any personal

			confidential information in the document.
313.	INSW.003.045.0298	FW: Appointment of Agent General (CSO Ref 202003250)	LPP personal information I would uphold the claim for legal professional privilege as the document sets out the content of legal advice. This covers the entirety of the document, the email being forwarded for the purpose of communicating the legal advice. I would not uphold the claim on the basis of personal information.
315.	INSW.003.045.0348	RE: … and … contacts for designate STICs US and China	PII/CIC personal information I would not accept these claims for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. As to personal information, I do not see any personal confidential information in the document, given that the name of the successful candidate is in the public domain.
316.	INSW.003.045.0363	Re: London, Tokyo timeframe	PII/CIC personal information I would not accept these claims for privilege.

			I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. As to personal information, I do not see any personal confidential information in the document.
318.	INSW.003.045.0401	Re: London, Tokyo timeframe	PII/CIC personal information I would not accept these claims for privilege. I see nothing that is commercial in confidence or commercial in confidence that would found a claim for public interest immunity. As to personal information, I do not see any personal confidential information in the document.
319.	INSW.003.045.0404	FW: AG approval for London (Important)	Personal information I would not accept this claim for privilege. I do not see any personal confidential information in the document, apart from the contact details which will be redacted.
323.	INSW.003.045.0873	Re: STIC and AG interviews/Treasurer meeting	PII/CIC personal information I would not accept these claims for privilege. I see nothing that is commercial in confidence or

			commercial in confidence that would found a claim for public interest immunity. As to personal information, I do not see any personal confidential information in the document.
332.	INSW.003.045.1136	Fw: FOR ACTION – Confidential: Draft Agreement – AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I refer here to the material on the following pages: INSW.003.045.1136 - INSW.003.045.1140 and INSW.003.045.1142 – INSW.003.045.1145 I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
334.	INSW.003.045.1246	RE: Confidential: Draft Agreement - AG London	LPP PII/CIC

			personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I refer here to the material on the following pages: INSW.003.045.1246 - INSW.003.045.1250 and INSW.003.045.1252 – INSW.003.045.1255 I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
335.	INSW.003.045.1285	RE: Weekly look ahead	Personal information I would not uphold this claim for privilege. I do not see any personal information in the document, apart from the contact details which are to be redacted.
336.	INSW.003.045.1287	FW: FOR ACTION – Confidential: Draft Agreement – AG London	LPP PII/CIC personal information

			This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I refer here to the material on the following pages: INSW.003.045.1287 - INSW.003.045.1291 and INSW.003.045.1293 – INSW.003.045.1296 I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
337.	INSW.003.045.1309	RE: Conflict. of Interest Declarations	LPP personal information I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer. In respect of personal information, I would

			uphold the claim in relation to the four-line email at the top of page INSW.003.045.1309 but otherwise I would not accept the claim as there is no disclosure of personal information.
338.	INSW.003.045.1341	RE: Confidential - Employment Offer and Side Letter (final)	LPP PII/CIC personal information I would not accept these claims for privilege. This material does not set out contract negotiations. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
339.	INSW.003.045.1361	RE: Confidential: Follow up on Contract Queries	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept the claim for legal professional privilege as no legal advice is set out

			and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
341.	INSW.003.045.1478	RE: Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
344.	INSW.003.045.1608	RE: FOR ACTION – Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in

			contractual negotiations not being publicly disclosed. I refer here to the material on the following pages: INSW.003.045.1609 - INSW.003.045.1613 and INSW.003.045.1615 – INSW.003.045.1618 I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
346.	INSW.003.045.1684	RE: Confidential: Follow up on Contract Queries	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The relevant parts for which I would uphold the claim for privilege are: INSW.003.045.1686 to INSW.003.045.1691

			I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
347.	INSW.003.045.1705	RE: FOR ACTION – Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The relevant parts for which I would uphold the claim for privilege are: INSW.003.045.1706 to INSW.003.045.1710 and INSW.003.045.1712 to INSW.003.045.1715 I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing

			legal advice as between client and lawyer.
348.	INSW.003.045.1721	Re: Confidential - Responses to outstanding contract items	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
350.	INSW.003.045.1817	Re: response to Stephen Cartwright	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept the claim for legal

			professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
351.	INSW.003.045.1904	RE: Confidential: Follow Up on Contract Queries	PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would exclude from this conclusion page INSW.003.045.1904. I would not accept a claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
352.	INSW.003.045.1978	FW: FOR ACTION - Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis

			of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
353.	INSW.003.045.1993	FW: FOR ACTION - Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The relevant parts for which I would uphold the claim for privilege are: INSW.003.045.1993 to INSW.003.045.2002. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the

			communications was obtaining or providing legal advice as between client and lawyer.
355.	INSW.003.045.2151	FW: Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The relevant parts for which I would uphold the claim for privilege are: INSW.003.045.2151 to INSW.003.045.2160. I would not accept the claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
357.	INSW.003.045.2217	Confidential - Responses to outstanding contract items	LPP PII/CIC personal information This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim

			for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would not accept a claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
358.	INSW.003.045.2326	RE: Request for hold on Cabinet agenda 5 July for AG appointment SENSITIVE: NSW CABINET	PII/CIC personal information I would not accept these claims for privilege. In my view there is no commercial in confidence material and no personal information.
359.	INSW.003.045.2399	RE: Urgent – coordination of advice for Special Determination for UK Agent General	LPP personal information In my assessment, this document is covered by legal professional privilege and there are no public interest factors that should qualify or displace that claim for privilege. I would uphold the claim.
361.	INSW.003.045.2435	FW: Confidential –…	LPP PII/CIC personal information

			In my assessment, the substance of this material is for the most part in the public domain and I would not uphold the claims. I would however accept the claim for legal professional privilege in respect of the top two thirds of page INSW.003.045.2435. This is a communication between lawyer and client, the dominant purpose of which is to provide legal advice. I see no countervailing public interest.
364.	INSW.003.045.3094	RE: FOR ACTION - Confidential: Draft Agreement - AG London	LPP PII/CIC personal information This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The relevant parts for which I would uphold the claim for privilege are: INSW.003.045.3096 to the top half of INSW.003.045.3100 and

			the bottom half of INSW.003.045.3101 to the top half of INSW.003.045.3105 I would not accept a claim for legal professional privilege as no legal advice is set out and I do not see that the purpose of the communications was obtaining or providing legal advice as between client and lawyer.
368.	INSW.003.045.3623	RE: Confidential - Employment Offer and Side Letter (final)	LPP Personal information I would not uphold these claims. In my view there is no personal information disclosed that is not already in the public domain. In relation to legal professional privilege no legal advice is disclosed and, in my view, the relationship of client and lawyer between the two named individuals is not established.
369.	INSW.003.045.3694	RE: For DP Approval by 2 July - TA21 1397 – DP Brief – Endorsement of Agent-General to the UK and STIC for EU and Israel	Personal information I would not uphold this claim. In my view there is no personal information disclosed that is not already in the public domain.
370.	INSW.003.045.3712	RE: New Instructions – Appointment of Agent General	LPP PII/CIC

			personal information I would accept these claims for privilege. This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. I would also accept the claim for legal professional privilege as legal advice is set out and the communications were for the purpose of obtaining or providing legal advice as between client or client's lawyer, and external lawyer.
371.	INSW.003.045.3775	FW: AG approval protocol / UK Foreign & Commonwealth Office	LPP PII/CIC personal information I would not uphold these claims. In my view there is no basis for a legal professional privilege claim. Neither is there a basis for personal information privilege. I do not consider that the material is commercial in confidence or commercial in confidence such as to

			found a public interest immunity claim.
373.	INSW.003.045.4044	Heads up - AG endorsement briefs for DPO, TO and MO Ayres coming to you for Lisa first thing tomorrow for rapid approval please	Personal information I would not uphold this claim. In my view, no personal information is disclosed.
375.	INSW.003.045.4130	RE: Information - STIC Timings	PII/CIC personal information I would not uphold these claims. In my view, there is no personal information in the material. Also I do not consider there to be any commercial in confidence material which would found a claim of public interest immunity privilege.
377.	INSW.003.045.4219	FW: AG London - Candidate Endorsement	Personal information I would not uphold this claim. In my view, there is no personal information in the material.
378.	INSW.003.045.4408	RE: For Review ASAP please - TA21 1064 - Premier Briefing - Endorsement of Agent General in London	LPP I would uphold this claim. The purpose of the communications is obtaining legal advice and I see no public interest to qualify or override that claim for privilege.
380.	INSW.003.045.4731	RE: Confidential: Draft Agreement – AG London	LPP personal information PII/CIC

			I would not accept the claim for legal professional privilege. Otherwise, I would accept these claims for privilege in part. This document in part sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. The parts in respect of which I would uphold the claim for privilege are: INSW.003.045.4731 to INSW.003.045.4735 and INSW.003.045.4737 to INSW.003.045.4740.
382.	INSW.003.045.5104	RE: Confidential: Follow Up on Contract Queries	LPP PII/CIC personal information I would uphold these claims. This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there

			is a public interest in contractual negotiations not being publicly disclosed. I would also uphold the claim for legal professional privilege for INSW.003.045.5104 to INSW.003.045.5105.
388.	INSW.003.045.5382	RE: IMPORTANT - For Approval - TA21/1064 - Investment NSW - Agent General London Appointment (qA530433)	Personal information I would not uphold this claim. I do not consider that the material discloses any personal information.
390.	INSW.003.045.5692		LPP PII/CIC personal information I would uphold these claims. This document sets out negotiations in terms of the integers of the proposed agreement. I would uphold the claim for privilege on the basis of personal information and commercial in confidence in that there is a public interest in contractual negotiations not being publicly disclosed. This material is also the subject of legal professional privilege.
401.	INSW.003.051.5619	RE: : A4995936 – Premier Briefing – Endorsement of Agent General in London: NOTIFICATION (Progress update)	PII/CIC personal information I would not accept these claims.

			In my view, there is no personal information in this material. Further, I see no basis for a claim for commercial in confidence such as to found a public interest immunity.
402.	INSW.003.051.6190	RE: : A4995936 – Premier Briefing – Endorsement of Agent General in London: NOTIFICATION (Progress update)	PII/CIC personal information I would not accept these claims. In my view, there is no personal information in this material. Further, I see no basis for a claim for commercial in confidence such as to found a public interest immunity.
403.	INSW.003.053.3317	: A5059533 Treasurer Brief - Appointment of Senior Trade & Investment Commissioner - Americas : NOTIFICATION (Changes made)	Personal information I would not accept this claim. In my view, there is no personal information in this material.
406.	INSW.001.003.7346	Note Verbale to Australian High Commission – Reinstatement of Agent-General for New South Wales.pdf	IRDR I would not uphold this claim: I am not persuaded that the public disclosure of this formal document could have any adverse implications for the maker of the note, for the addressee of the note or their mutual relations.
407.	INSW.003.045.2617	New York	Personal information I would not uphold this claim as I do not

			consider that any personal information is disclosed.

11. These are my conclusions.

The Hon Alan Robertson SC

17 August 2022

Appendix 3 Report of the Independent Legal Arbiter - Appointment of Senior Trade and Investment Commissioner (22 August 2022)

FOURTH REPORT UNDER STANDING ORDER 52 ON DISPUTED CLAIMS OF PRIVILEGE

REPORT OF INDEPENDENT LEGAL ARBITER

THE HON ALAN ROBERTSON SC

1. On 19 August 2022, the Hon Daniel Mookhey MLC disputed a claim of privilege made over a document produced in Tranche 10, being document 348, INSW.003.006.0314.

2. In accordance with paragraph 7 of Standing Order 52, the Acting President of the Legislative Council, the Hon Wes Fang MLC, appointed me as an independent legal arbiter to evaluate the claim of privilege.

3. The document was delivered to me on 19 August 2022.

4. The Department of Enterprise, Investment and Trade made a Return to the 22 June 2022 call for papers by the Legislative Council. The description of document 348 in the Schedule to that Return is: Email FW: Follow Up 31/03/21, and the claim for privilege is Personal Information.

5. The Hon Daniel Mookhey MLC submitted that the document was subject to media reporting on 18 August 2022 in an article published by the ABC and that he had used this article to question extensively a witness, Dr Broadbent of NGS Global, in the hearing on 18 August 2022. As such, Mr Mookhey submitted, as most of the contents of the document were already in the public domain, no damage would arise by removing its privileged status. He further submitted the document was not entitled to privilege, regardless.

6. I have read the media article and the transcript of 18 August 2022. The relevant pages of the transcript begin at 18.8 and go to 21.9. They then recommence briefly at 23.7. At page 21.5 Mr Mookhey asked the witness, Dr Broadbent, to table the email. Dr Broadbent said she did not have a physical copy of it with her but could provide it and she took on notice the provision of the email.

7. Document 348 comprises three emails.

8. In my assessment, the first email in the chain, the email of 30 March 2021 at 9:42 PM does not contain any personal information which would found a claim for privilege. Neither does the third and last email in the chain, dated 31 March 2021 at 10:28. I would not uphold the claim for privilege in respect of those parts of document 348.

9. As to the balance of document 348, the second email in the chain, dated 31 March 2021 at 9:47 AM, I consider the first four paragraphs do not contain any personal information which would found a claim for privilege. I reach the same conclusion in relation to the ninth and tenth paragraphs, being the second last and the last paragraph.

10. Paragraphs 5 and 7 of this email seem to me to be of a different character. Those paragraphs contain personal information but are of apparent significance to the supervision by the Parliament of the activities of the Executive. I would not uphold the claim for privilege in respect of those paragraphs. It is unnecessary to this conclusion whether, and I make no comment as to, the material in those paragraphs is accurate.

11. The remaining paragraph of the email, paragraph 6, in my assessment is of a different character to paragraphs 5 and 7. The first four lines of paragraph 6, including the first two words of line 5, apparently relate to a conversation with an individual unrelated to the NSW Executive government, and is personal information, which does not have to do with the supervision by the Parliament of the activities of the Executive. I would uphold that claim for privilege.

12. I exclude from that conclusion the final sentence of paragraph 6 and I would not uphold the claim for privilege in respect of that final sentence as it may be of significance to the decision-making process of the Executive being examined by the Parliament.

13. In summary, I would uphold the claim for privilege only in respect of part of paragraph 6 of the document, being the first four lines, including the first two words of line 5. For the reasons I have given, I would not uphold the claims of privilege in respect of the balance of document 348.

The Hon Alan Robertson SC

22 August 2022