



THIRTY-EIGHTH PARLIAMENT

REPORT 37

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

**REPORT IN RELATION TO A POSSIBLE CONTEMPT
REGARDING SUMMONSES TO PRODUCE
DOCUMENTS ISSUED PURSUANT TO SECTION 5 OF
THE *PARLIAMENTARY PRIVILEGES ACT 1891***

Presented by Hon Giz Watson MLC (Chair)

November 2012

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Date first appointed:

30 June 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“2. Standing Committee on Estimates and Financial Operations

- 2.1 *An Estimates and Financial Operations Committee* is established.
- 2.2 The Committee consists of 5 Members, 3 of whom shall be non-government Members.
- 2.3 The functions of the Committee are to consider and report on –
 - (a) the estimates of expenditure laid before the Council each year;
 - (b) any matter relating to the financial administration of the State;
 - (c) any bill or other matter relating to the foregoing functions referred by the House;
 - (d) to consult regularly with the Auditor General and any person holding an office of a like character.”

Members as at the time of this inquiry:

Hon Giz Watson MLC (Chair)

Hon Philip Gardiner MLC (Deputy Chair)

Hon Liz Behjat MLC

Hon Ljiljanna Ravlich MLC

Hon Ken Travers MLC

Staff as at the time of this inquiry:

Steve Hales (Advisory Officer)

Alex Hickman (Advisory Officer (Legal))

Samantha Parsons (Committee Clerk)

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Government Response

This Report is subject to Standing Order 191(1):

Where a report recommends action by, or seeks a response from, the Government, the responsible Minister or Leader of the House shall provide its response to the Council within not more than 2 months or at the earliest opportunity after that time if the Council is adjourned or in recess.

The two-month period commences on the date of tabling.

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REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

IN RELATION TO THE

REPORT IN RELATION TO A POSSIBLE CONTEMPT REGARDING SUMMONSES TO PRODUCE DOCUMENTS ISSUED PURSUANT TO SECTION 5 OF THE *PARLIAMENTARY PRIVILEGES ACT 1891*

1 BACKGROUND

- 1.1 On 29 October 2012 the Standing Committee on Estimates and Financial Operations (**Committee**) resolved to commence an inquiry into certain matters pertaining to Peel Health Campus (**PHC**) with the following terms of reference.

The Committee will inquire into -

1. *the circumstances surrounding the overpayment by the Department of Health of approximately \$1.8 million and subsequent recovery from the Peel Health Campus or Health Solutions (WA) Pty Ltd;*
2. *whether arrangements for fees, bonuses, remuneration or other payments for services made to doctors of the Peel Health Campus or Health Solutions (WA) Pty Ltd included a payment for each admission of a patient from the Emergency Department to the hospital; and*
3. *any other relevant matter.*

- 1.2 This inquiry arose out of an Annual Report hearing held with the Department of Health on 4 October 2012 as part of the Committee's 2011/2012 Agency Annual Reports hearings (further background material will be contained within a separate report of the Committee).

- 1.3 Before and after the commencement of this inquiry, the Committee issued a number of summons to attend hearings as well as produce documents pursuant to sections 4 and 5 of the *Parliamentary Privileges Act 1891* (WA).

2 FAILURE TO COMPLY WITH SUMMONS TO PRODUCE DOCUMENTS

First summons issued on 24 October 2012

- 2.1 On 22 October 2012 the Committee resolved to issue a summons to produce documents (**First Summons**) to Health Solutions (WA) Pty Ltd (**the Company**), the operator of PHC. The First Summons was issued on 24 October 2012 to be complied

with by 3pm on 26 October 2012. A copy of the First Summons is attached as Appendix 1.

2.2 On 25 October 2012 the Company (through its legal advisors, Clayton Utz) requested an extension of time to comply with the First Summons to midday on 29 October 2012.¹

2.3 The Clerk of the Legislative Council (**the Clerk**), acting under instruction from the Committee granted an extension of time in the following terms.

*The Standing Committee on Estimates and Financial Operations has confirmed that it will grant an extension of time in accordance with my advice to you. That is, Health Solutions (WA) Pty Ltd must provide all material that they could reasonably gather by 3pm Friday, 26 October 2012 with the remainder due by 12:00 mid-day Monday, 29 October 2012.*²

2.4 On 26 October 2012 the Company delivered various documents to the Clerk in partial compliance with the First Summons and stated it would:

*...continue its efforts to find additional documents and will provide further materials in response to the Summons on Monday.*³

2.5 On 29 October 2012, the Company delivered further documents to the Clerk in partial compliance with the First Summons.

2.6 The Company failed to fully comply with the First Summons by not providing, by midday on Monday 29 October 2012, the balance of all the documentation specified in the First Summons, namely, those described in paragraphs 3, 4, 6 and 7. No further request for an extension of time was received by the Committee prior to the deadline.

2.7 The Company subsequently supplied, on 30 October 2012 and 9 November 2012, additional documents to the Committee described in paragraph 2, 6 and 7 of the First Summons, in further breach of the deadline for the return of the First Summons.⁴

¹ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 25 October 2012.

² Letter from Mr Malcolm Peacock, Clerk of the Legislative Council to Mr Cameron Belyea, Clayton Utz, 25 October 2012.

³ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 26 October 2012.

⁴ It was not previously apparent to the Committee that the Company had not produced all documents within the category described in paragraph 2 of the First Summons.

Second summons issued on 31 October 2012

- 2.8 On 30 October 2012 the Committee resolved to issue a second summons to produce documents to Health Solutions (WA) Pty Ltd (**Second Summons**), summoning the documentation that had not been produced in compliance with the First Summons as well as additional documents.
- 2.9 The Second Summons was issued on 31 October 2012 to be complied with by midday on 2 November 2012. A copy of the Second Summons is attached as Appendix 2.
- 2.10 At 3.05pm on 2 November 2012 the Company provided some documentation to the Clerk with respect to the Second Summons.
- 2.11 The Company failed to fully comply with the Second Summons by not providing, by midday on 2 November 2012, the balance of all documentation specified in the Second Summons, namely, documentation described under the heading ‘Documents Not Produced’ and documentation described in paragraphs 1 and 7 under the heading ‘Additional Documents To Be Produced’. No request for an extension of time was received by the Committee prior to the deadline.
- 2.12 Three hours after the deadline a request was received for an extension of time to comply with the Second Summons with respect to the production of documentation described in paragraph 7 under the heading ‘Additional Documents To Be Produced’ to midday on Monday 5 November 2012.⁵
- 2.13 The Committee received from the Company, on 12 November 2012, additional documents described under the heading ‘Document Not Produced’ and documentation described in paragraphs 5, 7 (see paragraph 2.26 below) and 11 under the heading ‘Additional Documents To Be Produced’. The failure to produce these documents prior to the return date was in further breach of the deadline for the return of the Second Summons.⁶

Minutes of Board meetings and board documents – 1/3/2010 to 30/06/2011

- 2.14 The documents described in paragraphs 3 and 4 of the First Summons (reproduced in paragraphs 1 and 2 of the Further Summons) are:
1. *Minutes of any Board Meeting and any Board documents relating to any payment, bonus or remuneration in any manner to doctor(s) or any related entity between 1 March 2010 and 30 June 2011;*

⁵ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 9 November 2012, p3.

⁶ Ibid.

2. *Minutes of any Board Meeting and any Board documents relating to the contract between the State of Western Australia and Health Solutions (WA) Pty Ltd and its related companies between 1 March 2010 and 30 June 2011;*

2.15 The Company initially told the Committee:

*These documents are kept in Fremantle under the supervision of Diane Prince, who only works on Wednesday and Thursday each week. HSWA has tried to obtain the keys to the Fremantle premises but has not yet received a response from Ms Prince. It will continue to try and obtain these documents. HSWA's best estimate is that these documents will be made available to it later today or tomorrow.*⁷

2.16 The Company subsequently told the Committee it did not have any documentation as described in paragraphs 3 and 4 of the First Summons.⁸

2.17 However, oral and written evidence received by the Committee referred to various concerns being raised with, as well as decisions made by, the Board of Directors of the Company with respect to matters relevant to the terms of reference for the inquiry into PHC.

2.18 For instance, in a file note dated 21 February 2011 it states:

The Board of Health Solutions (WA) Pty Ltd has directed that an internal audit of admissions via ED be completed to ensure compliance with:

1. *Technical Bulletin 17/3 Admission Policy for WA Hospitals*
2. *Peel Health Campus Health Services Agreement (1997)*
3. *Peel Health Campus Notice of 2010/11 Maximum Payment Amount and Schedule 6*
4. *Coding outcomes based on 2010/11 DRG v5, r11*

2.19 Also, in an email dated 27 April 2010, the following text appears:

Attached is the proposal that has gone to the Board in relation to the CDU trial.

⁷ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 29 October 2012.

⁸ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 2 November 2012.

- 2.20 Accordingly, the Committee is of the view there is sufficient evidence to indicate that documents within this category may exist.

Minutes of Board or Board sub-committee meetings – 1/1/2009 to present

- 2.21 The documents described in paragraph 1 of the Second Summons are as follows.

With respect to the meeting(s) of the Board or any sub-committee of the Board of Health Solutions (WA) Pty Ltd from 1 January 2009 to present:

- a. Minutes of any Board Meeting or any other record of Board decision or deliberation;*
- b. Agendas of any Board Meeting;*
- c. Board papers of any matter relevant to the Committee's Terms of Reference.*

- 2.22 The Company objected to the production of these documents on the following basis:

We note that the Further Summons appears to seek the production of documents that would appear to be outside the Terms of Reference. For example, it is the function of a board to receive its accounts and determine strategies unrelated to the Peel Health Campus. These are not matters relevant to the Services Contract with the Department.

We respectfully suggest to the Committee that such matters are not relevant to the Terms of Reference, which we understand to concern overpayments of the Department of Health of approximately \$1.8 million and subsequent recovery of fees, bonuses and other payments made to doctors for admission of patients to the Emergency Department.

We respectfully draw the attention of the Committee to Standing Order 184(1) which allows the President to make a procedural ruling to the Committee.⁹

- 2.23 This objection was received at 3.05pm on 2 November 2012, three hours after the deadline for production of these documents.

- 2.24 The Committee notes that it is for the Committee to interpret its own terms of reference, subject always to an order from the Legislative Council¹⁰ and brings this

⁹ Letter from Mr Cameron Belyea, Clayton Utz, to Mr Malcolm Peacock, Clerk of the Legislative Council, 2 November 2012, p2.

matter to the attention of the Legislative Council, as required by section 7 of the *Parliamentary Privileges Act 1891* (WA). Attached as Appendix 4 is an extract of section 7.

Redacted copies of minutes of executive meetings

2.25 On 12 November 2012 the Committee received from the Company redacted copies of minutes of various meetings of executive staff at PHC between 23 March 2011 and 13 December 2011.

2.26 The Company objected to the full production of these documents pursuant to section 7 of the *Parliamentary Privileges Act 1891* (WA) on the following basis.

Due to the private nature of an (sic) non-relevance to the matters of the terms of reference of items discussed in the executive meeting and the minutes and agendas thereof, we provide you with redacted copies of these minutes which include only items relevant to the Emergency Department or the Clinical Decisions Unit (CDU).¹¹

2.27 Without having seen the redacted material, the Committee is unable to consider whether it is relevant to the terms of reference of the inquiry into PHC. The Committee also brings this matter to the attention of the Legislative Council, as required by section 7 of the *Parliamentary Privileges Act 1891* (WA).

Third Summons issued on 21 November 2012

2.28 On 21 November 2012 the Committee resolved to issue a third summons to the Company to produce documents (**Third Summons**).

2.29 The Third Summons was issued on 21 November 2012 to be complied with by 2pm on 23 November 2012. A copy of the Third Summons is attached as Appendix 3.

2.30 In breach of the Third Summons, the Company did not provide any documentation specified in the Third Summons.

2.31 At 3.20pm on 23 November 2012 the Company's legal advisors stated:

Our client is considering its position with regards to section 7 of the Parliamentary Privileges Act 1981 (WA) given our client's view that the summons seeks documents:

(a) of a private nature; and

¹⁰ Erskine-May, *The Law, Privileges, Proceedings and Usage of Parliament*, 1989, pp618-619.

¹¹ Letter from Mr Cameron Belyea, Clayton Utz to Mr Malcolm Peacock, Clerk of the Legislative Council, 9 November 2012.

(b) *do not concern the subject of the terms of reference of the Inquiry.*¹²

2.32 The Committee notes that simply stating that it is ‘considering its position’ does not amount to a formal objection to providing this documentation.

Committee comment

2.33 The Committee is of the view that the failure to comply with the First Summons, Second Summons and the Third Summons constitutes contempt of the Legislative Council.

2.34 In addressing the criteria that the Legislative Council shall take into account when determining whether matters possibly involving contempt should be referred to the Procedure and Privileges Committee under Schedule 4 of the Standing Orders of the Legislative Council, the Committee makes the following observations:

- The Committee was substantially obstructed by the Company in the performance of its functions by:
 - a) Failing to produce documentation in the time period required by the First Summons, Second Summons and Third Summons; and
 - b) Failing to provide all the documentation summonsed by the Committee.

2.35 This prevented the Committee from considering them in a timely manner before hearings with witnesses and during its deliberations. It also prevented the Committee from examining all of the documentation it believed may be relevant. The Committee notes the following reports which gave rise to a recommendation that a fine be imposed for failure to produce documents in compliance with a summons.

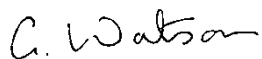
- *Report of the Standing Committee on Estimates and Financial Operations in relation to the Summons to Produce Documents issued pursuant to section 5 of the Parliamentary Privileges Act 1891;*¹³
- *Report of a Select Committee of Privilege on a failure to Produce Documents under Summons.*¹⁴

¹² Letter from Mr Cameron Belyea, Clayton Utz, to Mr Malcolm Peacock, Clerk of the Legislative Council, 23 November 2012.

¹³ Western Australia, Legislative Council, Standing Committee on Estimates and Financial Operations, Report 24, *Summons to Produce Documents issued pursuant to section 5 of the Parliamentary Privileges Act 1891*, 14 October 1998.

¹⁴ Western Australia, Legislative Council, Select Committee of Privilege, *Report of a Select Committee of Privilege on a Failure to Produce Documents under Summons*, 16 December 1998.

Recommendation 1: The Committee recommends that the Legislative Council refer to the Procedure and Privileges Committee, for consideration and report back to the Legislative Council, the question of whether Health Solutions (WA) Pty Ltd was in contempt of the Legislative Council by failing to comply with the summonses to produce documents issued on 24 and 31 October 2012 and 21 November 2012.



**Hon Giz Watson MLC
Chair**

Date: 27 November 2012

APPENDIX 1
SUMMONS TO PRODUCE DOCUMENTS ISSUED ON
24 OCTOBER 2012

APPENDIX 1

SUMMONS TO PRODUCE DOCUMENTS ISSUED ON 24 OCTOBER 2012

Parliamentary Privileges Act 1891, ss 4, 5

SUMMONS TO ATTEND TO PRODUCE DOCUMENTS

Take notice that you –

Health Solutions (WA) Pty Ltd
ACN: 065 481 049
138 Stirling Highway
North Fremantle WA 6159

by resolution passed on 22 October 2012 by the Standing Committee on Estimates and Financial Operations in relation to the *Annual Reports Inquiry*, are required to give your attendance before the Clerk of the Legislative Council at 3pm on Friday, 26 October 2012 at Parliament House, West Perth, to produce the documents listed below -

DOCUMENTS TO BE PRODUCED:

1. Any current contract, agreement or other binding arrangement between Health Solutions (WA) Pty Ltd and the State of Western Australia;
2. Any correspondence, e-mail, memorandum or other document relating to the Clinical Decisions Unit or the Emergency Department of the Peel Health Campus between 1 March 2010 and 30 June 2011 regarding:
 - a. any awards, contracts of service or contracts of employment for the Clinical Decisions Unit and the Emergency Department doctors and staff;
 - b. the establishment of the Clinical Decisions Unit;
 - c. the relationship between the Clinical Decisions Unit and the Emergency Department; and
 - d. any payment, bonus or remuneration of doctors.
3. Minutes of any Board Meeting and any Board documents relating to any payment, bonus or remuneration in any manner to doctor(s) or any related entity between 1 March 2010 and 30 June 2011;
4. Minutes of any Board Meeting and any Board documents relating to the contract between the State of Western Australia and Health Solutions (WA) Pty Ltd and its related companies between 1 March 2010 and 30 June 2011;

5. A schedule of all payments made between 1 March 2010 and 30 June 2011 to doctor(s) or any related entity of the Clinical Decisions Unit or the Emergency Department of the Peel Health Campus representing any payment, bonus or remuneration including:
 - a. the date of payment;
 - b. the amount of payment; and
 - c. the name of the relevant doctor or any related entity.
6. A schedule of all payments made between 1 March 2010 to 30 June 2011 to doctors of the Clinical Decisions Unit or the Emergency Department of the Peel Health Campus representing any payment, bonus, remuneration, commission or any other kind of payment for services through Locumforce Pty Ltd including:
 - a. the date of payment;
 - b. the amount of payment; and
 - c. the name of the relevant doctor or related entity.
7. A copy of any audit report into Emergency Department admissions, any correspondence in regards to the establishment of the audit and a breakdown of payments repaid to the Department of Health including the amount and date of repayment.

If originals of any of the above documents are not within your possession or control, then the production of copies, certified to the satisfaction of the Clerk of the Legislative Council, may be produced in lieu of that document.

Issued by **Malcolm Peacock**, Clerk of the Legislative Council, under section 5 of the *Parliamentary Privileges Act 1891* on Wednesday, 24 October 2012.



Clerk of the Legislative Council

Authorised by **Hon Giz Watson MLC** under section 5 of the *Parliamentary Privileges Act 1891* on 24 October 2012.



Chairman, Standing Committee on Estimates and Financial Operations

APPENDIX 2
SUMMONS TO PRODUCE DOCUMENTS ISSUED ON
31 OCTOBER 2012

APPENDIX 2

SUMMONS TO PRODUCE DOCUMENTS ISSUED ON 31 OCTOBER 2012

Parliamentary Privileges Act 1891, ss 4, 5

SUMMONS TO ATTEND TO PRODUCE DOCUMENTS

Take notice that you –

Health Solutions (WA) Pty Ltd
ACN: 065 481 049
138 Stirling Highway
North Fremantle WA 6159

by resolution passed on 22 October 2012 by the Standing Committee on Estimates and Financial Operations in relation to the *Annual Reports Inquiry*, was required to give your attendance before the Clerk of the Legislative Council at 3pm on Friday, 26 October 2012 at Parliament House, West Perth, to produce certain documents.

The Standing Committee on Estimates and Financial Operations notes that you have not complied in full with the summons to produce the following:

DOCUMENTS NOT PRODUCED:

1. Minutes of any Board Meeting and any Board documents relating to any payment, bonus or remuneration in any manner to doctor(s) or any related entity between 1 March 2010 and 30 June 2011;
2. Minutes of any Board Meeting and any Board documents relating to the contract between the State of Western Australia and Health Solutions (WA) Pty Ltd and its related companies between 1 March 2010 and 30 June 2011;
3. A schedule of all payments made between 1 March 2010 to 30 June 2011 to doctors of the Clinical Decisions Unit or the Emergency Department of the Peel Health Campus representing any payment, bonus, remuneration, commission or any other kind of payment for services through Locumforce Pty Ltd including:
 - a. the name of the relevant doctor or related entity.
4. A copy of any audit report into Emergency Department admissions, any correspondence in regards to the establishment of the audit and a breakdown of payments repaid to the Department of Health including the amount and date of repayment.

By resolution passed on 30 October 2012 by the Standing Committee on Estimates and Financial Operations in relation to the *Annual Reports Inquiry*, are required to give your attendance before the Clerk of the Legislative Council at 12 Noon on Friday, 2 November 2012 at Parliament House, West Perth, to produce the documents listed below –

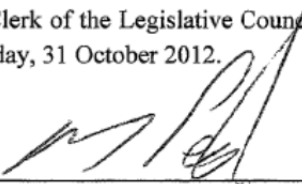
ADDITIONAL DOCUMENTS TO BE PRODUCED:

1. With respect to the meeting(s) of the Board or any sub-committee of the Board of Health Solutions (WA) Pty Ltd from 1 January 2009 to present:
 - a. Minutes of any Board Meeting or any other record of Board decision or deliberation;
 - b. Agendas of any Board Meeting;
 - c. Board Papers of any matter relevant to the Committee's Terms of Reference.
2. A Schedule of all Board meetings held from 1 January 2009 to present;
3. An organisational chart of the Peel Health Campus from 2010 to present;
4. The Constitution, Board Charter, Terms of Reference of any Board Committee of Health Solutions (WA) Pty Ltd;
5. List of all senior managers of the Peel Health Campus from 1 January 2009 to present including:
 - a. Name;
 - b. Position;
 - c. Date of appointment; and
 - d. Date of termination.
6. A list of all management, executive or other decision making bodies of the Peel Health Campus from 1 January 2009 to present that includes the Director of Nursing, Chief Financial Officer, Chief Operating Officer, Chief Executive Officer and the Director of Clinical Services as members;
7. With respect to item 6:
 - a. Minutes of the meetings of any management, executive or other decision making bodies of the Peel Health Campus from 1 January 2009 to present;
 - b. Agendas of the meetings of any management, executive or other decision making bodies of the Peel Health Campus from 1 January 2009 to present;
 - c. Papers of any meetings of any management, executive or other decision making bodies of the Peel Health Campus of any matter relevant to the Committee's Terms of Reference of the Peel Health Campus from 1 January 2009 to present; and
 - d. Chief Operating Officer's report(s) to the Chief Executive Officer or Board of the Peel Health Campus from 1 January 2009 to present.

8. All e-mail(s) and attachments (unaltered) provided under the original summons dated 24 October 2012 and all threads (or other linked e-mails). These e-mails are to be provided to the Committee as individual documents.
9. Any correspondence, e-mail(s), file notes or other communications relating to the decision to create the Clinical Decision Unit of the Peel Health Campus, and in particular:
 - a. Identifying the person who authorised the creation of the Clinical Decisions Unit; and
 - b. Identifying the person who authorised the policy of the payment of additional remuneration or fee of any kind above the Emergency Department doctor's salary.
10. A diagram outlining the corporate ownership structure of Health Solutions (WA) Pty Ltd including:
 - a. Related parties;
 - b. Significant shareholdings;
 - c. The ultimate shareholding entity; and
 - d. Shareholdings in the ultimate shareholding entity (if applicable).
11. Any audit report(s) provided by Health Solutions (WA) Pty Ltd or the Peel Health Campus to the Department of Health relating to overpayments relevant to the Committee's Terms of Reference.
12. Any report of the PWC audit undertaken on Health Solutions (WA) Pty Ltd or the Peel Health Campus relating to overpayments relevant to the Committee's Terms of Reference.

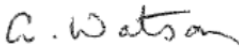
If originals of any of the above documents are not within your possession or control, then the production of copies, certified to the satisfaction of the Clerk of the Legislative Council, may be produced in lieu of that document.

Issued by **Malcolm Peacock**, Clerk of the Legislative Council, under section 5 of the *Parliamentary Privileges Act 1891* on Wednesday, 31 October 2012.



Clerk of the Legislative Council

Authorised by **Hon Giz Watson MLC** under section 5 of the *Parliamentary Privileges Act 1891* on Wednesday, 31 October 2012.



Chairman, Standing Committee on Estimates and Financial Operations

APPENDIX 3
SUMMONS TO PRODUCE DOCUMENTS ISSUED ON
21 NOVEMBER 2012

APPENDIX 3

SUMMONS TO PRODUCE DOCUMENTS ISSUED ON 21 NOVEMBER 2012

Parliamentary Privileges Act 1891, ss 4, 5

SUMMONS TO ATTEND TO PRODUCE DOCUMENTS

Take notice that you –

Health Solutions (WA) Pty Ltd
ACN: 065 481 049
of c/- 110 Lakes Road, Mandurah, WA 6210

by resolution passed on 21 November 2012 by the Standing Committee on Estimates and Financial Operations, in relation to matters pertaining to the Peel Health Campus which have arisen out of the Annual Report hearing held with the Department of Health on 4 October 2012 as part of the 2011/2012 *Annual Reports Inquiry* are required to give your attendance before the Clerk of the Legislative Council at 2pm on Friday 23 November 2012 at Parliament House, West Perth, to produce the documents listed below -

DOCUMENTS TO BE PRODUCED:

1. Any contract, agreement or arrangement in force since 1 January 2009 under which Mr Jonathan Alfred Fogarty (aka John Fogarty) and any related party, including those under the *Corporations Act 2001*, receives funds from Health Solutions (WA) Pty Ltd.
2. A schedule of all payments made to Jonathan Alfred Fogarty and any related party, including those under the *Corporations Act 2001*, by Health Solutions (WA) Pty Ltd, broken down by category, for the last three financial years.

If originals of any of the above documents are not within your possession or control, then the production of copies, certified to the satisfaction of the Clerk of the Legislative Council, may be produced in lieu of that document.

Issued by Nigel Lake, Acting Clerk of the Legislative Council, under section 5 of the *Parliamentary Privileges Act 1891* on Wednesday 21 November 2012.



Acting Clerk of the Legislative Council

Authorised by Hon Giz Watson MLC under section 5 of the *Parliamentary Privileges Act 1891* on Wednesday 21 November 2012.



Chairman, Standing Committee on Estimates and Financial Operations

APPENDIX 4
SECTION 7 OF THE *PARLIAMENTARY PRIVILEGES ACT*
1891 (WA)

APPENDIX 4

SECTION 7 OF THE *PARLIAMENTARY PRIVILEGES ACT 1891* (WA)

7. Objection to answer questions or produce documents to be reported to the House

If any person ordered to attend or produce any paper, book, record, or other document to either House, or to any Committee of either House, shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document on the ground that the same is of a private nature and does not affect the subject of inquiry, the President, or Speaker, or Chairman of the Committee, as the case may be, shall report such refusal, with the reason thereof, to the House, who shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require.