



Committee	Parliamentary Joint Committee on Corporations and Financial Services
Inquiry	Oversight of ASIC, the Takeovers Panel and the Corporations Legislation
Question No.	086
Topic	External advice on Nuix
Reference	Spoken, 30 April 2024, Hansard page 22
Committee member	Senator O'Neill

Question

Mr Mullaly: Nuix being case study No. 5 ... In forming the final view in relation to that matter, we did obtain external counsel advice. I know it sounds a little bit trite to say, but the DPP is not an investigatory agency; it relies upon ASIC and other agencies providing briefs of evidence to them for them to assess. They don't look at a general composite of evidence, form a view themselves around it and form views as to what investigation steps ought to be taken. That's not their function. It's the function of ASIC to undertake the investigation. When we consider that there is sufficient evidence and it's in the public interest to do so, we refer the matter to the DPP for their independent assessment. In this case, as I said, we did get external counsel advice in relation to the matter to get that independent view of our assessment.

CHAIR: Who was the external provider?

Mr Mullaly: External counsel? I would have to look at that. It's a senior counsel from the bar. I could probably provide that in a short while.

Answer

Counsel engaged to provide advice in the alleged insider trading by NUIX CEO, Jonathon Rubinsztein, was Justin Hewitt SC.