



Document tendered by
Mr TOMY CHAPPEL
Received by
Helen HONG
Date: 23 / 8 / 2022
Wanted to publish Yes / No

DOC22/705336

By email:

12 August 2022

Dear

I refer to the EPA's notice of decision dated 15 July 2022 in relation to GIPA EPA811.

I am writing to you on an urgent basis, as it has just come to the EPA's attention this afternoon, that one of the documents disclosed in the above matter, being a report by the Office of Chief Scientist and identified as document 21, was released to you in error.

The document should not have been released to you but was done so in error due to a numbering error during the consultation process with affected agencies. The error has been identified today as part of processing an internal review request by an affected agency.

Given this, I request that you immediately delete and destroy this document from your records, whether held by you in electronic or in hard copy.

I also request that you immediately confirm to me via return email to
that the document has been deleted and destroyed. Please
also confirm that you have not provided this document to any other person.

I wish to remind you that the NSW Civil and Administrative Tribunal has held that inadvertent disclosure of a document does not change the underlying classification of the document.

If you have any questions, please contact me on

Yours sincerely

JACQUELEINE MOORE
Executive Director Legal and Corporate



Document tendered by
Mr Tony CHAPPEL
Received by
Helen HUNG
Date: 23 / 8 / 2022
Resolved to publish Yes / No

DOC22/714479

Mr Justin Field, MLC

Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: justin.field@parliament.nsw.gov.au

16 August 2022

Dear Mr Field

I refer to my letter of 12 August 2022 and our conversation on 15 August 2022. I note that you have advised that the application made by _____ on 19 May 2022 and recorded as GIPA EPA811 should be considered to be an application made by you even though this was not indicated in any way on the application. The Environment Protection Authority (EPA) disclosure log will reflect this request from you.

The EPA reiterates that the Office of the Chief Scientist and Engineer (OCSE) report *Advice on the koala protections in the proposed new Private Native Forestry Codes of Practice* dated September 2021 and marked as "Sensitive: NSW Cabinet" was inadvertently disclosed to you.

Other agencies that received applications from you in comparable terms withheld access to the OCSE report on the grounds that it was Cabinet information. The EPA consulted with the Department of Regional NSW (DRNSW) about the disclosure of the OCSE report and DRNSW objected to the report's disclosure on the grounds that the document was Cabinet information.

Based on that objection the EPA intended to withhold disclosure of that document while DRNSW considered whether it would request an internal review. The EPA has received an internal review request from DRNSW relating to the report. The EPA intends to proceed to determine the internal review and will notify you of the outcome.

As a member of Parliament you are required to act in accordance with the conventions of Parliament, which include upholding Cabinet in confidence conventions, and I request that you treat the OCSE report accordingly. I also wish to remind you that the NSW Civil and Administrative Tribunal has held that inadvertent disclosure of a document does not change the underlying classification of the document (*Robinson v Transport for NSW [2017] NSWCATAD 353*).

I wish to reiterate my request in my letter of 12 August that you immediately delete and destroy the OCSE report from your records, whether held by you in electronic or in hard copy. I also request that you confirm to me via return email to _____ that the document has been deleted and destroyed. As per my previous correspondence on this matter I also ask you to confirm that you have not provided this document to any other person.

As noted above the EPA will update you about the outcome of the internal review.

Yours sincerely

Jacqueline Moore
Executive Director Legal and Corporate