

RECEIVED
16 SEP 2013

LEGISLATIVE
COUNCIL

Ron Taylor

Response to Questions on Notice

The following response is provided to matters taken as 'Questions on Notice' during my appearance before the Legislative Council Privileges Committee on Monday 26 August 2013.

Question at page 4

Reverend the Hon. FRED NILE: The Maddocks report refers to you accessing one document on Trim four times, are you now aware which document it was and why you appeared to have difficulty deciding whether you should provide it to include it?

Mr TAYLOR: I do not know which document that was.

Reverend the Hon. FRED NILE: Can you take that on notice and see if you can find out?

Response:

The document in question is a Ministerial briefing note entitled "Extension of Coal Allocation Areas Expressions of Interest" with the document number BN08/2311. The final version of this briefing note was produced at Item a)5 in the Return, however, two earlier versions of the briefing note were not and these were therefore included in the list of 139 documents not produced.

Maddocks advise they were unable to ascertain which version of the document was accessed as the IT file audit logs do not include this information.

I am currently a basic user and, as at 2009, had minimal experience or involvement with TRIM. At that time I would not have been aware previous versions of documents were accessible nor known how to search TRIM for them. I therefore believe the version I accessed was the 'final' version that was provided in the Return at item a)5.

Question at page 12

Mr TAYLOR: I do not have it with me, but one of the documents I gave Maddocks was my flex sheet, my time sheet for that period, and there may have been an entry on there that said that I was in the Sydney office on the Monday and might have taken it in for the Standing Order 52.

CHAIR: Do you still have that time sheet?

Mr TAYLOR: I can get it. I will take that as a question on notice, if you like.

Response:

Item 1 is a copy of my Flexsheets for the periods 26 October – 22 November 2009 and 23 November – 20 December 2009.

Items 13, 14, 15 and 18 are also relevant in that they indicate arrangements to work from the Sydney Office.

Question at page 15

CHAIR: Are you able to go back through your system and determine when you received from Mr Sheldrake's office the letter from Leigh Sanderson regarding the SO 52?

CHAIR: What I want to know is did this letter sit in the in tray-out tray of Richard Sheldrake's office, and that includes obviously his administrative staff, or frankly was it sitting in yours?

CHAIR: That means there is an email to you on 19 November indicating that you have some work to do on this SO 52?

Mr TAYLOR: There is a notification from TRIM. I am not sure if it is an email notification or not—sorry, it must be, yes.

CHAIR: Will you take on notice that you produce to this Committee evidence that demonstrates when you received the Leigh Sanderson letter?

Mr TAYLOR: Yes.

CHAIR: Could I invite you to do a search of your emails and find all emails relevant to this SO 52, that is, any email with anyone during the relevant period?

Question at page 19

CHAIR: ...one of the documents that we would like you to find and produce to us—so you are taking this on notice—is your email of 23 November 2009, being the one that attaches the draft response. The draft response might be there but what I want you to do is find the email itself that is on your system and also—

Mr TAYLOR: Sorry, the email that attached the draft response?

CHAIR: Yes, the email that attached the draft response. It is on the second-last line in the middle of the page; it is your email sent at 10.23 on 23 November 2009. We would like that email together with the draft response that was attached. So we are also clear: specifically we request the email that you received from William Hughes on 23 November 2009 at approximately 10.31 a.m., which is the email attaching the letter from Loyal Coal. What I ask is, because I assume it is a Word document, that you also provide the copy of the draft index that would have been attached to the draft response that you provided to Phil Anquitel in some way prior to 11.44 on 23 November 2009.

But I really do encourage you, Mr Taylor—and this is not meant in a threatening way—to search your system as thoroughly as you can for every email relevant to this between, and I think we can take the dates of, 19 November 2009 and 26 November 2009.

Response:

The questions at pages 15 and 19 each required a search of my email account.

Item 2 is a 'screenshot' of the results of a search by IT to identify all messages held in my account for the period 19 November to 26 November 2009. This was undertaken by an IT staff member remotely accessing my desktop computer.

I reviewed each of these messages and highlighted those that have relevance to the Standing Order. These are attached and have been numbered as Items 3 to 21.

I have reproduced these messages and their attachments in full unless otherwise indicated.

Item 3 is the notification from the TRIM system sent to me at 9:02am on 19 November 2009. Although it appears to be an attached document, the icon '*URGENT- Standing Order 52 – Exploration Licence – Mt Penny.tr5*' is a button that, when pressed separately opens the TRIM system and takes the user to the TRIM document to be actioned. I have included this document as part of Item 3 to provide a complete response.

Item 8 – the message attachment '*Western_Coalfield_Notes.pdf*' is 190 pages. The first page has been provided for identification of the document in the Return at item a)40.

Items 9, 10 and 11 contain multiple attachments. The first page of each attachment has been provided for identification of these documents in the Return at item a)39

Item 12 contains two attachments - the EOI Information Packs dated August 2008 and January 2009. The first page of each has been provided for identification of these documents in the Return at items a)3 and a)6 respectively.

Item 13 is my message 8:55am Friday 20 November 2009 that I needed to do some urgent work in the Sydney Office that morning and needed to know as soon as possible if I could access my electronic accounts and files from that office.

Item 15 is my request 9:49am Friday 20 November 2009 to access a workstation and computer in the city that morning/afternoon.

Item 16 is information sent to William Hughes at 10am Friday 20 November 2009 on previous claims for privilege.

Item 18 is the response 10:32am Friday 20 November 2009 to my request for access to a workstation in the Sydney Office.

Item 19 was sent at 11:23am on Monday 23 November 2009 to Phil Anquetil, William Hughes, Brad Mullard, Jeannine Biviano and Tony Heffernan. The attachment '*Standing Order 52 EL 3772 23.11.09 response.doc*' is the 'draft response' queried by the Chair at Page 19 and has been reproduced in full. This is the covering letter responding to the Order to be signed by the Director General with an attached Claim for Privilege. I drafted this document and sent it to the people listed to ensure they were satisfied with the Claim for Privilege. This did not include the Index of documents – that was being progressed separately in Excel format.

Item 20 was sent to me by William Hughes at 11:31am on Monday 23 November 2009. The attachment is the Loyalty Coal document and is reproduced in full as it was received.

Item 21 is the Index provided with the Return. This comprises three Excel spreadsheets sent to Phil Anquetil at 3:48pm Wednesday 25 November 2009. These are reproduced in full.



Ron Taylor
16 September 2013

FLEXI-TIME RECORD		DEPT. OF PRIMARY INDUSTRIES						Name: Ron Taylor				
Branch: Cronulla Fisheries		Section: FO										
Period From: 26 Oct 09		To: 22 Nov 09		Study Leave - Hours Per Week:		0:00	Bal B/Fwd: 20 :52		Credit		Supervisors use	
Date	Arrive	Lunch	Depart	Comments		Adjust ments	Daily Hours	Tally of Hours	Standard Hours	Leave Form	Init.	
Mon 26 Oct 09	8:55	0:30	16:50				7:25	28 :17				
Tue 27 Oct 09	8:50	0:30	16:40				7:20	35 :37				
Wed 28 Oct 09	8:40	0:30	16:15				7:05	42 :42				
Thu 29 Oct 09	8:40	0:30	16:10				7:00	49 :42				
Fri 30 Oct 09	7:30	0:30	15:45				7:45	57 :27				
Sat 31 Oct 09							0:00	57 :27				
Sun 01 Nov 09							0:00	57 :27	35			
Mon 02 Nov 09	8:10	0:30	16:20				7:40	65 :07				
Tue 03 Nov 09	8:15	0:30	15:45				7:00	72 :07				
Wed 04 Nov 09	8:40	0:30	16:30				7:20	79 :27				
Thu 05 Nov 09	8:10	0:30	16:15				7:35	87 :02				
Fri 06 Nov 09	9:00	0:30	16:00				6:30	93 :32				
Sat 07 Nov 09							0:00	93 :32				
Sun 08 Nov 09							0:00	93 :32	70			
Mon 09 Nov 09	8:05	0:30	16:10				7:35	101 :07				
Tue 10 Nov 09	8:15	0:30	16:45				8:00	109 :07				
Wed 11 Nov 09	8:00	0:30	17:20				8:50	117 :57				
Thu 12 Nov 09	7:30	0:30	17:15				9:15	127 :12				
Fri 13 Nov 09	7:30	0:30	17:25				9:25	136 :37				
Sat 14 Nov 09							0:00	136 :37				
Sun 15 Nov 09							0:00	136 :37	105			
Mon 16 Nov 09	8:00	0:30	16:15				7:45	144 :22				
Tue 17 Nov 09	8:10	0:30	16:00				7:20	151 :42				
Wed 18 Nov 09	8:30	0:30	16:30				7:30	159 :12				
Thu 19 Nov 09	9:00	0:30	18:20	SO 52			8:50	168 :02				
Fri 20 Nov 09	8:00	0:30	17:30	SO52 City			9:00	177 :02				
Sat 21 Nov 09							0:00	177 :02				
Sun 22 Nov 09							0:00	177 :02	140			
Recreation R	Public Holiday	PH	Certified Correct:			Total time worked					177 :02	
Sick	Military Leave	ML				- Contract hours					140 :00	
Extended E	Without Pay	LWOP	Calculations Checked and all			Balance					Credit 37 :02	
Family F	Full Day Flexi	F	Leave Applications Submitted:			- Excess credit forfeited or					2 :02	
Study Time ST	Half day flexi	1/2 F				+ Leave taken for excess debit					0 :00	
Study Leave SL	Special	SP				Nett carried forward					Credit 35 :00	

Item 1

CS

FLEXI-TIME		DEPT. OF PRIMARY INDUSTRIES						Name: Ron Taylor			
RECORD	Branch: Cronulla Fisheries			Section: FOI							
Period From:	23 Nov 09	To:	20 Dec 09	Study Leave - Hours Per Week:		0:00	Bal B/Fwd:	35 :00	Credit		Supervisors use
Date	Arrive	Lunch	Depart	Comments		Adjust ments	Daily Hours	Tally of Hours	Standard Hours	Leave Form	Init.
Mon 23 Nov 09	8:30	0:30	18:00	SO 52			9:00	44 :00			
Tue 24 Nov 09	6:55	0:30	17:00	SO52			9:35	53 :35			
Wed 25 Nov 09	8:55	0:30	16:15				6:50	60 :25			
Thu 26 Nov 09	7:50	0:30	17:00	SO52			8:40	69 :05			
Fri 27 Nov 09	8:30	0:30	16:00				7:00	76 :05			
Sat 28 Nov 09							0:00	76 :05			
Sun 29 Nov 09							0:00	76 :05	35		
Mon 30 Nov 09	7:50	0:30	16:30				8:10	84 :15			
Tue 01 Dec 09	9:00	0:30	16:15				6:45	91 :00			
Wed 02 Dec 09	9:00	0:30	15:45				6:15	97 :15			
Thu 03 Dec 09				Flex			0:00	97 :15			
Fri 04 Dec 09	8:40	0:30	16:40				7:30	104 :45			
Sat 05 Dec 09							0:00	104 :45			
Sun 06 Dec 09							0:00	104 :45	70		
Mon 07 Dec 09	9:10	0:30	16:45				7:05	111 :50			
Tue 08 Dec 09	9:10	0:30	15:50				6:10	118 :00			
Wed 09 Dec 09	9:00	0:30	17:50	SO52			8:20	126 :20			
Thu 10 Dec 09	8:15	1:00	22:00	SO52			12:45	139 :05			
Fri 11 Dec 09	8:20	1:00	22:00	SO52			12:40	151 :45			
Sat 12 Dec 09	9:45	0:30	16:00	SO52			5:45	157 :30			
Sun 13 Dec 09							0:00	157 :30	105		
Mon 14 Dec 09	9:10	0:30	16:45				7:05	164 :35			
Tue 15 Dec 09				Flex			0:00	164 :35			
Wed 16 Dec 09	8:20	0:30	16:30				7:40	172 :15			
Thu 17 Dec 09				Flex			0:00	172 :15			
Fri 18 Dec 09	8:40	0:30	15:45				6:35	178 :50			
Sat 19 Dec 09							0:00	178 :50			
Sun 20 Dec 09							0:00	178 :50	140		
Recreation	R	Public Holiday	PH	Certified Correct:						Total time worked	178 :50
Sick		Military Leave	ML							- Contract hours	140 :00
Extended	E	Without Pay	LWOP	Calculations Checked and						Balance	Credit 38 :50
Family	F	Full Day Flexi	F	Leave Applications Submitted						- Excess credit forfeited or	3 :50
Study Time	ST	Half day flexi	1/2 F							+ Leave taken for excess debit	0 :00
Study Leave	SL	Special	SP							Nett carried forward	Credit 35 :00

RTaylor
[Signature]

Trade & Investment NSW
Mail
Inbox (16)
Starred
Important
Sent Mail
Drafts
Spam
Copied Journal Entr...
Baha ADFA
Groupwise Folders
Holiday
ICAD - Rob Larking
Notes
Notes Archive
Baha ADFA
Groupwise Folders
Holiday
ICAC - Rob Larking
Notes
Mail - Minerals Near
More >

after:2009/11/18 before:2009/11/26

- More >
james.henford@ashley
ntaylor
newsletter.mply
glean.tiffin
william.huggins
Douglas_Rotherham@DNISW

- 18 Re: Access to desk with PC in Elizabeth St - Ron - Should be no problem finding a...
17 (no subject) - Louise Hobbs - AS - Assistant I Executive Services...
16 Elephants and Forests - (See attached file: Standing Order 52 Elephants...
15 Access to desk with PC in Elizabeth St - Wayne - Need to work from the Sydney Office...
14 Call No 167659 has been logged by infraEnterprise...
13 Accessing Cronulla H drive from Sydney Office - Hi, need to do some urgent work...
FW: Great Story - Regards, Tracey A. Taylor...
FCI Application - Barfield - Dear Mr Jobbins, Industry & Investment NSW have received...
FW: Attached Image - Forwarded by James Henford-Ashley...
Commencement of Works - 32 Wilshire Avenue, Cronulla (4001645) - Attached is the...
TicketAlert - getting the word out on the hottest entertainment! - Official Ticketmaster...
FW: FCI re Gear Seizures - SMH - Phil Davies please discuss when convenient...
Coal Release Areas EOF Information Package - William Huggins Knowledge Advisor...
FCI - Brian Cook incident - Newcastle Colliery, April 2007 - Phil, Can you please...
Re: Jobling Email? - James, Was an email from John Lewis, dated 7/20/09...
Seminar this afternoon - Melbourne, A seminar from Tony Search from...
Fw: Government Information (Public Access) Act: 2009 Training - 1 December2009

- Amy Brock
Anusawa Kumbur
Ben Cramer
Beth Taylor
Daren Anderson
David Campbell
Helen Sims
Janet Fisher
Jessica Bramble
Teresa Hising
Trish Williams
Andrea Gil
Barham Jones
Eura Stafford
Jaqueline Murr
Kyle Broughton
Ola Knudina
Thomas Kwo
Andrew Vandermere
Annamaree Burke
Jocely Otton
Lucinda Warren
OrangeHQ Legal
Stephanie Lane
Tina Holden
Joannina Divano

No documents matched your search.

Show only Docs and Sites results

after:2009/11/18 before:2009/11/26

- Mail
- COMPUTER**
- Inbox (1)
- Starred
- Important
- Sent Mail
- Drafts
- Spam
- Copied Journal Entry
- Gabe ADFA
- Groupwise Folders
- Holiday
- ICAC - Rob Larking
- Notes
- Notes Archive
- Gabe ADFA
- Groupwise Folders
- Holiday
- ICAC - Rob Lark
- Inbox
- PIC - Minerals Res
- More

Mail	Notes	Date	Time
me	Re: FOI Return w/o 25.11.2006 - Country Energy - Thanks Cindy Roberts, Ron Taylor Manager (Corporate Projects) (industry & resources) (NSW) (6534239999211462F2562E)		11/26/09
Vito Tetto	FOI Report - Good morning Ron. Will report for integral Energy. Regards Vito Tetto Corporate Lawyer		11/26/09
Cindy Owen	FOI Return w/o 25.11.2006 - Country Energy - Hi Ron. No return for me to draft. Thanks		11/25/09
Kylio Broughton	(no subject) - Hi Ron. Please find enclosed the FOI. Substantively Ministers' Report for the week ending 27/11/09		11/25/09
larr	Re: FOI Reports 26.11.09 reminder + update from the Information Commissioner - Hi Ron. No return for us. On 25/11/09 9:48 AM "ron.taylor@nsw.gov.au" wrote:		11/25/09
bm	RE: FOI Reports 26.11.09 reminder + update from the Information Commissioner - Hi Ron. Please see FOI report (Info Protection Business Manager) (HOME OFFICE) (6534239999211462F2562E)		11/25/09
me	Re: FOI Return - Delta Electricity - F/N ending 26 November 2009 - Thanks Ron Roberts, Ron Taylor Manager (Corporate Projects) (industry & resources) (NSW) (6534239999211462F2562E)		11/25/09
Beverley Taylor	FOI Return - Delta Electricity - F/N ending 26 November 2009 - Hi Ron. No return on Delta Electricity for this request. Regards Bev Taylor		11/25/09
me	FOI Reports 26.11.09 reminder + update from the Information Commissioner - Dear Ron. Reminder FOI returns as at 26.11.09 required where available. No returns issued today		11/25/09
no-reply	Jetstar's Starclass Sale - Please click here if you cannot read this email (email client issue) (airline) (http://www.jetstar.com.au)		11/24/09
Fiona Schoeman	GIPA Act update from the OIC and new training data - Dear Ron. You recently attended a CSO training course on the new (evaporation) information Privacy Act.		11/24/09
Sylvia Lowe	RE: FOI re Lightning Ridge Opal Prospecting Area (OPA 4) - Thanks Ron. Will get back to you as I look as I can. Sorry about open request of information today		11/24/09
Sylvia Lowe	RE: FOI Ref: FIN1290 Modelling Costs of Feed-in tariffs - Thanks, Ron. I am sorry to hear it would be a problem. Please let me know how we can help		11/24/09
me	FOI re Lightning Ridge Opal Prospecting Area (OPA 4) - Sylvia. No documents it could be processed a week ago today by Friday 17.11.09 at my direction		11/24/09
me	FOI Ref: FIN1290 Modelling Costs of Feed-in tariffs - Sylvia. Industry Development expect to be the source of financial details (you can ask them)		11/24/09
no-reply	Christmas Hotties for Under \$100 - Free Express shipping. This offer is only available \$100 and under. See details on the website for more information		11/24/09
mparl	Time to Indulge Ron - Having trouble reading this email recently, click here for the help video Home Page Page Page		11/24/09
expedia	72 Hour Sale - Gold Coast & Brisbane Save 50% on hotels - View this email in a web browser Google.com.au HOME PAGE HOTEL BOOKING HOTELS ONLY HERE HOLIDAY HOMES BOOKING		11/24/09
OcClenn_Bennett-Milbourn	Fw: MEDIA RELEASE: Get Hooked Fishing Workshop in Sydney - Great Photo: NSW FISHING NOTES 10.27.09 (4) (http://www.nsw.gov.au/MEDIA-RELEASE) - See attached for more information		11/24/09
Grace_FONG	Fw: Message to NSW FOI/Privacy Practitioners - To members of the NSW FOI/Privacy Practitioners Network (Dear All - the long message is the last)		11/24/09

Docs and Sites

No documents matched your search.

Show only Docs and Sites results

- Asya Bice
- Anastasia Kalognou
- Ben Cramer
- Beth Taylor
- Brian Andersen
- Erica Stallord
- Helen Sims
- Janet Fisher
- Jessica Rundle
- Terica Hislop
- Trish Williams
- Arden Gill
- Barbara Jones
- David Campbell
- Jacqueline Moore
- Kylie Doughton
- Ola Kloudina
- Thomas Kink
- Andrew Vancouver
- Annmarie Beake
- Jeddy Otton
- Lucinda Warren
- GrangeHo Legal
- Stephanie Lang
- Tim Holden
- Jeanne Devans

Mail - More

COMPOSE

- [Inbox \(1\)](#)
- [Starred](#)
- [Important](#)
- [Sent Mail](#)
- [Drafts](#)
- [Spam](#)
- [Copied Journal Entr...](#)
- [Gabe ADFA](#)
- [Groupwise Folders](#)
- [Holiday](#)
- [ICAC - Rob Larkin's](#)
- [Notes](#)
- [Notes Archive](#)
- [Gabe ADFA](#)
- [Groupwise Folders](#)
- [Holiday](#)
- [ICAC - Rob Lark...](#)
- [Inbox](#)
- [MID - Minerals Rec...](#)
- [More](#)

- Mail
- no-reply
 - me
 - Kevin
 - me
 - brian.vandergaalt
 - me
 - Maria_Kornikamian@INSW
 - staff messages
 - Luke Scott
 - me
 - lm
 - phil.lanquar
 - Sylvia Lawe
 - top2lisa
 - Clare Mannan
 - me
 - Je Slater
 - m.blake
 - me

21

- After Archive Item - **Your e-Bill (incident091126-000153)** - Response: You've responded to m... 11/25/09
- Fw: URGENT: NOXIOUS WEEDS: PRWET** - Suzanne - This was received through the Complaints email system. Can you please specify whether you... 11/25/09
- After Archive Item - **FNSW FOI Return** - Ron Please see attached. Thanks Kasia Lindsay 94374284 **DISCLAIMER**: This Email message is for the sole... 11/25/09
- After Archive Item - **Your e-Bill** - Hi, Your latest online Bill is ready & waiting for you! Here's a quick preview: Your account... 11/25/09
- After Archive Item - **Recaptures recorded within the Great Barrier Reef Marine Park and Coral Sea** - Hi Ron Here is 169 addresses city of areport - 4135 recapture records within the Great Barrier... 11/25/09
- (no subject)** - (See attached for EL 3771 19 11 09 Summary info)(See attached for EL 3771 19 11 09 Non-Privileged... 11/25/09
- Fw: FOI - Power Stations and Climate Change** - Kasia, is this now more manageable? Regards Ron Taylor, Manager Database Project, Industry B... 11/25/09
- After Archive Item - **Xmas party invitation** - Hi all, attached is the invitation for the Xmas party. Tickets to the party costs \$25 and the... 11/25/09
- After Archive Item - **INBrief, Issue 163, 25 November 2009** - This issue of INBrief is available on the internet at <http://www.inbrief.gov.au> and on subscription... 11/25/09
- After Archive Item - **Re: FOI - Power Stations and Climate Change** - Hello Ron - refer to the FOI application received 12/11/09 from Michael Radakovich, 4135, see the copy... 11/25/09
- FOI Reporting Protocol** - Phil, DPI have confirmed the content attached is for DPI's to forward their return. :)... 11/25/09
- After Archive Item - **RE: FOI Reports 26 11.09 reminder + update from the Information Commissioner** - Hi Ron - Sorry about the delay in this reply but I have now followed up... 11/25/09
- After Archive Item - **Re: Contacts for FOI Returns in new Minister's Offices** - Ron, cannot recall the Minister's Office - can't help in this regard. However, please use... 11/25/09
- After Archive Item - **FW: FOI re Lightning Ridge Opal Prospecting Area (OPA 4)** - Hi Ron - REF:OVI has no responses to this request at the attached email. Thank you for your DEED... 11/25/09
- After Archive Item - **This Week's Top 20 \$588 Fiji 4-Night Package inc Flights** - Traveltree was your Week Top 20 item with an average 4700+ comments for the week ending 23/11/09... 11/25/09
- After Archive Item - **RE: FOI Reports 26 11.09 reminder + update from the Information Commissioner** - Hello Ron Please see attached Tracey's return. Regards Ron Taylor, Manager Database Project... 11/25/09
- Contacts for FOI Returns in new Minister's Offices** - Phil, Can you please advise the contact details for forwarding the relevant FOI Returns to... 11/25/09
- After Archive Item - **RE: FOI Reports 26 11.09 reminder + update from the Information Commissioner** - Hi Ron, RE: RETURN FOR BRAPING SHEEPs - regards to latest comments regarding the... 11/25/09
- After Archive Item - **RE: FOI Reports 26 11.09 reminder + update from the Information Commissioner** - Hi Ron, RE: MISE - regards Mike Clarke, Secretary, and Marianne Brando, accountants partner... 11/25/09
- RE: FOI Reports 26 11.09 reminder + update from the Information Commissioner** - Kylie, Copy of the return I prepare so you know what I did - here. Cheers (see attached for... 11/25/09

- [Amy Brock](#)
- [Anastasia Kruger](#)
- [Ben Cramer](#)
- [Beth Taylor](#)
- [Damon Anderson](#)
- [David Campbell](#)
- [Erica Stafford](#)
- [Helen Sims](#)
- [Janet Flisner](#)
- [Jessica Bramble](#)
- [Teresa Helepp](#)
- [Trish Williams](#)
- [Andrea Gill](#)
- [Barbara Jones](#)
- [Justacoluma Moor](#)
- [Kylio Broughton](#)
- [Olga Kludina](#)
- [Thomas Kwok](#)
- [Andrew Vanderm...](#)
- [Arnonara Reake](#)
- [Joedy Otton](#)
- [Lucinda Warren](#)
- [Stephane Lang](#)
- [Jim Holden](#)
- [Jennifer Blizard](#)

Docs and Sites

No documents matched your search.

Show only Docs and Sites results

Trade & Investment after:2009/11/18 before:2009/11/26

Mail More

COMPOSE	Mail		1-20 of about 21	Next
	tony.haffernan	Re: Revised FOI Reporting Arrangements - Phil and Ron would like a sensible response. They mention Director Corporate Services. PH		11/26/09
Inbox (11)	me	Fw: FOI Return - State Development - Pat Davis from the Treasurer's Office requested the information be forwarded to DFC for as		11/26/09
Starred	me	Revised FOI Reporting Arrangements - Phil to the creation of the Super Departments, practice and proposal was for individual		11/26/09
Important	me	RE: FOI Return - Mineral Resources - Jason, Aside from the memo mentioned earlier on the current status the eight Mineral Resources reported		11/26/09
Sent Mail	Jason Kara	Notes Archived: RE: FOI Return - Mineral Resources - Thanks, Carl. Also have a document with the major FOIs you to make sure I don't forget		11/26/09
Drafts	Tanya.Frazier	Notes Archived: FOI RETURN FOR MACQUARIE GENERATION - Dear Ron My apologies for late reply - out of office most of last and this week. You are correct the		11/26/09
Spam	me	Laptop fix - Good. I was unable to tell the garage what the problem was with your laptop. They seem to think it's		11/26/09
Copied Journal Ent...	me	FOI Return - State Development - Phil, Please find attached the FOI Return for the State Development component of industry a		11/26/09
Sale ADFA	me	FOI Return - Mineral Resources - Jason, Please find attached the FOI Return for the Mineral Resources component of industry a		11/26/09
Groupwise Folders	me	Primary Industries FOI Return 26.11.09 - Karndine, Please find attached the FOI Return for the Primary Industries component of industry a		11/26/09
Holiday	me	Energy FOI Return 26.11.09 - Carlo, Please find attached the FOI Return for the Energy component of industry & investment NSW.		11/26/09
ICAC - Rob Larking	me	FOI Return 26.11.09 - Attached is the Consolidated FOI Return for industry & investment NSW for law forgoth, wrong		11/26/09
Notes	me	Re: freedom of information fortnightly reports for 27 November 2009 - Noted, thanks Ben. Regards Ron Taylor Manager, Office of Projects, Assets & Investment NSW PH 02		11/26/09
Notes Archive	me	Notes Archived: Ron, last chance to WIN a \$2,000 travel voucher, entries close 30th November! - Having trouble leaving this one? Try to be a winner! Terms and conditions about the award		11/26/09
John ADFA	me	Notes Archived: Re: FOI Reports 26.11.09 reminder + update from the Information Commissioner - Hi Ron, As I'm making my final report to you, I'm sorry to hear the East project is		11/26/09
Groupwise Folders	me	Phone costs - Eric, Attached is my calculations for how much you would be charged at full price for the costs		11/26/09
Holiday	me	Notes Archived: freedom of information fortnightly reports for 27 November 2009 - Hi Ron - Please find attached the reports of information fortnightly reports for 27 November 2009		11/26/09
ICAC - Rob Lark	me	Notes Archived: Philip McCarthy is out of the office. - I will be out of the office starting 26/11/09 and will not return until 29/11/09. I am currently		11/26/09
Notes	me	Notes Archived: Re: FOI Reports 26.11.09 reminder + update from the Information Commissioner - Hi Ron, Since NSW is a public authority, the General Information		11/26/09
PH - Minerals Resources	me	SMH FOI re Sizaire information - Phil, Can you please ring me to discuss when convenient? Thanks. Regards Ron Taylor Manager, Corporate		11/26/09
Msg				

- Amy Duce
- Anastasia K
- Andrea Full
- Ben Craine
- Beth Taylor
- Damon Andr
- David Camp
- Erica Stralke
- Helen Sims
- Janet Flisha
- Jessica Brar
- Kyle Brugh
- Teresa Histo
- Irish Millen
- Barbara Jone
- Jacquelena
- Orla Keudrn
- Thomas Kyr
- Andrew Van
- Annmaree B
- Joey Otton
- Lucinda Wa
- OrangeHO L
- Stephane I
- Tim Litten
- Jeannine Eiv

No documents matched your search.

Show only Docs and Sites results



Trade &
Investment

TRIM Notification - DF09/1360 Action Assigned. Draft Reply

trimuser@dpi.nsw.gov.au <trimuser@dpi.nsw.gov.au>
To: ron.taylor@industry.nsw.gov.au


Thu, Nov 19, 2009 at 9:02 AM

New to TRIM Actions? Try this link to the Ready Reckoner
<http://intranet.dpi.nsw.gov.au/admin/records/trim/faqs/trim-documents/action-tracking-TRIM.pdf>

This Action has been recently created and assigned to you and is due to be started on 11/19/2009 at 8:54 AM. Could you please ensure that it is completed by 12/3/2009 at 9:00 AM.

Record Number: DF09/1360
Title: URGENT - Standing Order 52 - Exploration Licence - Mt Penny
Action: Draft Reply
Responsible Location: Taylor, Ron
Due Date: 12/3/2009 at 9:00 AM

(See attached file: URGENT - Standing Order 52 - Exploration Licence - Mt Penny.tr5)

 **URGENT - Standing Order 52 - Exploration Licence - Mt Penny.tr5**
1K



**Premier
& Cabinet**

DF09/1360
DGJ09/1360

URGENT

13 NOV 2009

Dr Richard Sheldrake
Director General
Department of Industry and Investment
161 Kite Street
ORANGE NSW 2800

Facsimile: (02) 6391 3336

BY FACSIMILE AND POST

Dear Dr Sheldrake

Standing Order 52 – Exploration Licence – Mt Penny

I write to inform you that on Thursday, 12 November 2009 the Legislative Council agreed to the following Resolution:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) – Mt Penny, including any documents relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

An extract from the Minutes of the Proceedings of the Legislative Council, Thursday 12 November 2009, entry 9, page 1516, is attached.

The resolution requires the documents to be tabled within 14 days.

The following guidelines apply to your response to the Resolution.

1. Provision of Papers

All papers (other than Cabinet documents) which fall within the terms of the Resolution must be produced. Cabinet documents must not be produced (see section 6 below).

Papers which fall within the terms of the Resolution should be produced in full, even if they contain irrelevant information. That is, material should not be blacked out or otherwise masked when photocopying papers which fall within the terms of the Resolution.

It may, however, be appropriate to mask some material in documents if a claim for privilege is made (see section 3 below).

Please note that only photocopies of original papers and files are to be provided. All papers should be delivered by close of business on **Friday, 20 November 2009** to:

Mr Paul Miller
Executive Director, Legal Branch
Department of Premier and Cabinet
Level 37, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Please contact Mr George Makrides, Senior Project Officer, Legal Branch, on (02) 9228 5871 if you wish to discuss any aspect of this request.

2. Non-privileged papers

Standing Order 52(3) provides that, 'A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document'.

A document showing the standard format to be used when preparing an index under Standing Order 52 is enclosed at **Annexure A**. Please adhere to the standard format when preparing an index of documents.

Please note that the index should contain the following information:

<i>Document Number</i>	The document number should follow the format '(a)(i) 1', where '(a)' refers to the relevant paragraph of the Resolution, '(i)' refers to the relevant subparagraph of the Resolution, and '1' refers to the first document in the group of documents that fall within subparagraph (a)(i).
<i>Item</i>	The description of the relevant item as per the Resolution. For example, 'Documents relating to concept formulation and cost benefit analyses'.
<i>Document</i>	A short description of the relevant document. For example, 'Letter from X to Y'.
<i>Date of creation</i>	Where the exact date is unknown, insert an estimated date range if possible.
<i>Author</i>	The agency or organisation that created the document.
<i>Privilege Claim</i>	If the index relates to privileged documents, write 'Yes'. If the index relates to non-privileged documents, write 'No'.

3. Claims of Privilege

A document showing the standard format to be used when making claims for privilege is enclosed at **Annexure B**. Please adhere to the standard format, where appropriate, when making a claim for privilege.

If a privilege claim is subsequently challenged, the question of whether the document is privileged will be referred to a legal arbiter for a ruling.

It is important, therefore, that the basis of the claim is clearly set out in the response to the Resolution so that the arbiter can properly assess the validity of the claim. There will be no opportunity to provide further submissions in support of a claim of privilege if it is challenged.

Please note that a **separate index** is required for 'non-privileged' and 'privileged' documents as these types of documents are returned separately.

If a document contains only a minor amount of privileged material, it may be appropriate to produce two copies of the document: a full copy of the document as a 'privileged' document, and a copy of the document with the privileged material blacked out or otherwise masked as a 'non-privileged' document.

This approach may be appropriate where, for example, a document contains a relatively small amount of personal information which may be subject to a claim for privilege on the grounds of privacy, but which is not needed for the document to be understood. For example, letters to the Government on a particular issue could be produced on a 'non-privileged' basis with the names and addresses of the authors blacked out, with full copies provided on a 'privileged' basis.

4. Delivery and Identification

As time is critical, it would be appreciated if all papers could be delivered in file record boxes with the corresponding parts of the index affixed to the top of each box. For example, that part of the index which lists the documents contained in Box 1 should be attached to the top of Box 1.

Please place 'privileged' and 'non-privileged' documents in separate boxes.

The Legislative Council has also requested that agencies return documents in standard archive boxes (Type 1 boxes). Further information about this type of box may be obtained from State Records at <http://www.records.nsw.gov.au/crr/docs/storageboxes.doc>

5. Certification by CEO

Papers should be accompanied by a letter signed by you stating, "I certify to the best of my knowledge all documents held by the Department of Industry and Investment and covered by the terms of the resolution have been provided".

6. Cabinet Documents

Cabinet documents should not be produced or referred to in responding to the Resolution.

All agencies are obliged to protect the confidentiality of Cabinet documents (refer to Premier's Memorandum 2006-08 *Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions*).

7. Agency Contact

Could you please provide the contact details of the officer assigned to coordinate your agency's response to George Makrides as soon as possible.

8. Estimated Cost of Compliance

Consistent with the usual practice, it will be necessary for your agency to provide details of the costs incurred in complying with the resolution under **separate cover** for the Cabinet Standing Committee on Public Administration.

I seek your assistance in ensuring that your agency's documents are with the Legal Branch of the Department no later than by close of business on **Friday, 20 November 2009**.

Yours sincerely



Leigh Sanderson
Deputy Director General (General Counsel)

LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

12 November 2009

Mr John Lee
Director General
Department of Premier and Cabinet
Level 39, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Lee

Attention: Mr George Makrides, Legal Branch

Order for Papers—Exploration Licence – Mt Penny

I am writing to inform you that, on Thursday 12 November 2009, the Legislative Council agreed to the following resolution:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any document relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

An extract from the Minutes of the Proceedings of the Legislative Council, Thursday 12 November 2009, entry 9 page 1316, is attached. The resolution requires the documents to be tabled within 14 days, that is Thursday 26 November 2009.

Yours sincerely


Lynn Lovelock
Clerk of the Parliaments

cc: The Hon John Hatzistergos MLC

1516

Legislative Council Minutes No. 127—Thursday 12 November 2009

**8 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ORDER FOR PAPERS—
EXPLORATION LICENCE—MT PENNY**

On the President calling on the Clerk to read the order of the day, Mr Gay moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved forthwith that private members' business item no. 231 outside the order of precedence relating to an order for papers regarding the Exploration Licence—Mt Penny be called on forthwith.

Question put and passed.

Mr Gay then moved: That private members' business item no. 231 outside the order of precedence be called on forthwith.

Question put and passed.

9 ORDER FOR PAPERS—EXPLORATION LICENCE—MT PENNY

Mr Gay moved, according to notice: That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any document relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

Question put and passed.

ENERGYAUSTRALIA

ORDER FOR PAPERS – REDEVELOPMENT OF WALSH BAY

Document No.	Item	Document	Date of Creation	Author	Privilege Claim Y/N?
Item 1 (a)(1)	Any proposal, agreement or tender between Walsh Bay Properties, Walsh Bay Partnership or Walsh Bay Finance Pty Ltd and the Government	Letter from Barry Webb & Associates to EnergyAustralia cc: Walsh Bay Properties	14 May 1996	Steven Markis, Barry Webb & Associates	No
Item 1 (a)(2)	Any proposal, agreement or tender between, Walsh Bay Properties, Walsh Bay Partnership, Walsh Bay Finance Pty Ltd and the Government	Letter from Department of Urban Affairs & Planning to EnergyAustralia	8 July 1996	David Hume, Manager, Sydney South, Department of Urban Affairs and Planning.	No
Item 1 (a)(3)	Any proposal, agreement or tender between, Walsh Bay Properties, Walsh Bay Partnership, Walsh Bay Finance Pty Ltd and the Government	Letter from EnergyAustralia to George Fiott Pty Ltd	15 August 1996	Ian Swords for Manager Network Connections – South, EnergyAustralia	No

**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE
BY THE DEPARTMENT OF PUBLIC WORKS & SERVICES AND
MARINE MINISTERIAL HOLDING CORPORATION
WALSH BAY**

The Marine Ministerial Holding Corporation ("MMHC") has entered into an agreement, for the redevelopment of a 15 hectare waterfront heritage site at Walsh Bay, with Walsh Bay Properties Pty Limited, Transfield (Walsh Bay) Pty Limited, Mirvac (Walsh Bay) Pty Limited and Walsh Bay Finance Pty Limited ("the Walsh Bay parties"). The Department of Public Works & Services ("DPWS") has been appointed MMHC's agent in respect of the project.

All documents and material passing to MMHC from the Walsh Bay parties were provided on the basis that they, and all material arising out of those documents, were, and would continue to remain, "commercial in confidence". Further, under the terms of the Project Delivery Agreement dated October 1997 between MMHC and the Walsh Bay parties, the parties have specifically agreed to maintain confidential all information relating to the project.

Clause 27.16 of the Project Delivery Agreement provides:

- "(a) Each party agrees and undertakes to keep and maintain confidential all the terms covenants and conditions of this agreement any information supplied by one party to another under this agreement including but not limited to information provided by the Contractor to MMHC under clause 3.2(b) and not to disclose those terms, covenants and conditions or any part of them or any information or part of that information to any person, company or organisation except as provided in this clause.
- (b) Nothing in this clause will prohibit the parties from disclosing any term, covenant or condition of this agreement:
1. Which it believes in good faith is required to be disclosed by law or by the ASX Listing Rules; or
 2. Which was already in the lawful possession of the recipient in written form; or
 3. Is generally available to the public otherwise than by disclosure in breach of the terms of this clause; or
 4. To any consultant or contractor of a party, to any proposed assignee or mortgagee or Financier of a party and their consultants, or to any person considering investing in the Project or their consultants for the purposes of or in connection with any matter contemplated by this agreement; or
 5. With the prior written consent of the other party.

- (c) Nothing in this clause will prohibit MMHC from disclosing any term, covenant or condition of this agreement to the Government of the State of New South Wales or any Minister of the Crown.
- (d) Media releases in respect of the Project must be jointly agreed between the parties. Both the Contractor and MMHC must keep each other informed of a name and emergency contact details of their representative who has authority to approve media releases on their behalf. Both parties must ensure their representative is available on 24 hours notice to approve a media release. The Contractor acknowledges that the Minister for Ports has the right to make press releases in respect of the Project and is not bound by the provisions of this clause. MMHC must ensure the Minister is informed of the contents of this clause."

Obligations of confidentiality were also imposed by the terms of the original tender documents. The parties, including MMHC, are therefore bound to keep confidential all documents or information dating from either before or after the date of the Project Delivery Agreement.

Notwithstanding this obligation, the Walsh Bay parties have agreed that MMHC may provide to the Parliament and make available to the public all documents other than those specified in the Return in Support of Claim for Privilege prepared by MMHC and DPWS.

The Walsh Bay parties have indicated that they regard the documents specified in the Returns, whether coming into existence before or after the Project Delivery Agreement, to be of such a commercially sensitive nature that release of the material contained in those documents will have serious adverse commercial implications for the Walsh Bay parties. Those adverse commercial implications include the following consequences:

1. Disclosure to competitors of the methods and costings for the implementation, construction, financing and marketing of the project; and
2. Disclosure to potential purchasers of the costings for the projects.

It is submitted that the documents should not be made public as the following detriment may arise:

1. Breach of contractual promises of confidentiality.
2. Prejudice current or future contractual or other relationships between Government and the private sector.
3. Discourage future dealings with Government.
4. Cause loss of commercial advantage and competitiveness within the private sector.
5. Cause detriment to private sector participants.
6. Reduce Government's ability to deliver the maximum public benefit.

We attach a letter from the Walsh Bay parties in respect of their concerns.

Claims for legal professional privilege

It is submitted that those documents listed in Department of Public Works Return as DPWS Departmental Files marked "Legal" and those documents which include legal advice in the Waterways Authority (Maritime Assets Division) Return are privileged and should not be made public on one or more of the available grounds of privilege pursuant to both common law doctrines and the statutory regime, in that:

1. they are, or contain a record of, confidential communications or documents brought into existence for the purpose of:
 - (a) enabling MMHC and DPWS ("Client") to obtain, or its legal advisers to give, legal advice; or
 - (b) for use in actual litigation or litigation reasonably contemplated by the Client and in respect of which privilege has not been waived (legal professional privilege);
2. they are confidential communications or documents between the Client or its legal advisers and persons with whom the Client shares or shared a common interest in relation to the subject matter of the advice received by one of them (common interest privilege).

Claims for public interest immunity

It is submitted that those documents listed in the Department of Public Works Return and those documents listed in the Waterways Authority (Maritime Assets Division) Return are privileged and should not be made public on the grounds of privilege pursuant to both common law doctrines and the statutory regime, in that:

1. they are the subject of a claim of public interest immunity because the public interest in their disclosure is outweighed by a competing public interest in their suppression (public interest immunity) as:
 - it would involve disclosure of communications made in the course of development and promulgation of policy;
 - disclosure would inhibit frankness and candour in future pre-decision communications;
 - disclosure will lead to confusion and unnecessary debate resulting from disclosure of decisional possibilities considered;
 - it would involve disclosure of documents which do not fairly disclose the reasons for a decision subsequently taken, being unfair to a decision-maker and prejudicial to the integrity of the decision-making process;
 - the disclosure would impede the free flow of commercially sensitive information to the Government; and
 - because of all of the above, the ordinary business of Government, which engages in contractual relationships with commercial parties, will be prejudiced by the disclosure.

Mr Dick Persson
Director General
Department of Public Works and Services
Level 21, McKell Building
2- 24 Rawson Place
SYDNEY NSW 2000

Dear Sir

Re: Walsh Bay – Upper House Motion dated 24 November 1999

We refer to the above Motion and to the documents in the possession of Government relating to the redevelopment of Walsh Bay. We request that those documents for which the department intends to make a claim for privilege and/or confidentiality should be kept confidential and not made public.

We believe that public disclosure of those documents would adversely affect the ability of Project to achieve its full potential and reduce our ability to deliver the maximum public benefit.

The making public of the details of commercial arrangements between private enterprise and Government is a dangerous precedent as disclosure of commercially sensitive information will significantly prejudice the future ability of such private enterprise groups to prepare competitive bids and carry out commercial negotiations. Pursuant to that bid process, private participants provide commercially sensitive information to Government and then proceed to treat with Government in reliance upon Government keeping all such information and negotiations confidential. If such information is to be made public, this will discourage the private sector from future dealings with Government which will, of course, be to the ultimate detriment of the New South Wales public.

We believe that we, and the joint venture partners Transfield and Mirvac, will suffer direct and material commercial prejudice in relation to future dealings both with respect to the Walsh Bay Project and to commercial transactions and dealing with other parties should this information come within the public domain.

In particular, disclosure of those materials which contain commercially sensitive information will directly and materially commercially prejudice us by revealing information about project development, delivery methods, transaction structures, "know how", operations and maintenance methods and engineering and construction methods, and, in the context of the Walsh Bay Redevelopment Project, by revealing overall pricings, details of overheads and profit margins, level of bonding and the overall commercial delivery structure for the Walsh Bay Project.

The overall complexity of the project arrangements, restaging and reordering of the timing of the project, the intricacies of the approvals process and a number of essential commercial terms which have changed in the finalisation of the agreements should very easily give rise to confusion and misinterpretation in relation to the project and could be of material detriment to the Government and the participants.

The feasibilities and any material concerning those feasibilities disclose highly commercially sensitive information about proposed prices for property at Walsh Bay and commercial rent structures allowed for in the feasibilities. Disclosure of any of this information will adversely affect the financial returns for the Walsh Bay Project by prejudicing future negotiations for prices and rentals for the Walsh Bay Precinct.

Accordingly, we support your claim for privilege in respect of all the documents relating to Walsh Bay which contain any commercially sensitive information particularly in respect of costings, financing, economic analysis and marketing.

Yours faithfully
WALSH BAY FINANCE PTY LIMITED

GAVIN D.M. CARRIER
Project Director

ROBERT G. McFEETER
Project Director



Trade &
Investment

Standing Order 52 - Mt Penny EL

David Agnew <david.agnew@trade.nsw.gov.au> Thu, Nov 19, 2009 at 11:04 AM
To: ron.taylor@trade.nsw.gov.au
Cc: william.hughes@trade.nsw.gov.au, tracey.godwin@trade.nsw.gov.au, julie.moloney@trade.nsw.gov.au

Ron

As we now process our exploration licence applications using electronic document management in TRIM, all documents associated with the application and grant of the licence over the Mt Penny area are in TRIM in folder 09/5739. Although this folder is classified as a physical file all the documents are scanned and contained in it. If you run a search on Mt Penny in TRIM you will find some other documents not directly associated with the processing but equally relevant.

Cheers

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au



Trade &
Investment

Standing Order 52 - Exploration Licence - Mt Penny

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>
To: mark.duffy@trade.nsw.gov.au
Cc: william.hughes@trade.nsw.gov.au, sara.macwilliam@trade.nsw.gov.au
Bcc: tony.heffernan@trade.nsw.gov.au, phil.anquetil@trade.nsw.gov.au

Thu, Nov 19, 2009 at 11:18 AM

Dear Mr Duffy,

Attached is advice from the Department of Premier and Cabinet regarding an order by the Legislative Council under Standing Order 52 for the production of documents concerning Exploration Licence 3771 (now EL 7406) - Mt Penny.

In responding to this Order, the Director General must certify that ***all documents held by Industry & Investment NSW and covered by the terms of the resolution have been provided.***

It is therefore essential that all documents potentially within the scope of the resolution are identified and referred for assessment. This should include a schedule of the document title, author and date created.

The Order requires documents to be provided in full - ie, no deletions or edits.

Where any portion of a document is to be claimed as privileged two versions are to be provided for assessment.

A 'full' copy and an edited version supported with the rationale as to why the information concerned should not be made available for public inspection.

As the Deputy Director General Minerals & Energy you are requested to make the necessary enquiries within your area of responsibility for any and all related documents.

This will allow Industry & Investment NSW to demonstrate full compliance with the Orders.

Please note the Orders include a requirement to provide all documents produced 'as a result of this order' - this means all emails sent/received in satisfying the Order (including for example, this email message) are themselves to be included in the schedule of documents finally submitted.


DPC requires our response by the close of business Friday 20.11.09 - your assistance in meeting this timeframe is appreciated.

If you or any of your staff requires further assistance or advice in this matter please do not hesitate to contact me on 9527 8453.

(See attached file: *EL 3771 19.11.09.pdf*)

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453

 **EL 3771 19.11.09.pdf**
367K



DF09/1360
DGI09/1360

Premier & Cabinet

URGENT

13 NOV 2009

Dr Richard Sheldrake
Director General
Department of Industry and Investment
161 Kite Street
ORANGE NSW 2800

Facsimile: (02) 6391 3336

BY FACSIMILE AND POST

Dear Dr Sheldrake

Standing Order 52 – Exploration Licence – Mt Penny

I write to inform you that on Thursday, 12 November 2009 the Legislative Council agreed to the following Resolution:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) – Mt Penny, including any documents relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

An extract from the Minutes of the Proceedings of the Legislative Council, Thursday 12 November 2009, entry 9, page 1516, is attached.

The resolution requires the documents to be tabled within 14 days.

The following guidelines apply to your response to the Resolution.

1. Provision of Papers

All papers (other than Cabinet documents) which fall within the terms of the Resolution must be produced. Cabinet documents must not be produced (see section 6 below).

Papers which fall within the terms of the Resolution should be produced in full, even if they contain irrelevant information. That is, material should not be blacked out or otherwise masked when photocopying papers which fall within the terms of the Resolution.

It may, however, be appropriate to mask some material in documents if a claim for privilege is made (see section 3 below).

Please note that only photocopies of original papers and files are to be provided. All papers should be delivered by close of business on **Friday, 20 November 2009** to:

Mr Paul Miller
Executive Director, Legal Branch
Department of Premier and Cabinet
Level 37, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Please contact Mr George Makrides, Senior Project Officer, Legal Branch, on (02) 9228 5871 if you wish to discuss any aspect of this request.

2. Non-privileged papers

Standing Order 52(3) provides that, 'A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document'.

A document showing the standard format to be used when preparing an Index under Standing Order 52 is enclosed at **Annexure A**. Please adhere to the standard format when preparing an index of documents.

Please note that the index should contain the following information:

<i>Document Number</i>	The document number should follow the format '(a)(i) 1', where '(a)' refers to the relevant paragraph of the Resolution, '(i)' refers to the relevant subparagraph of the Resolution, and '1' refers to the first document in the group of documents that fall within subparagraph (a)(i).
<i>Item</i>	The description of the relevant item as per the Resolution. For example, 'Documents relating to concept formulation and cost benefit analyses'.
<i>Document</i>	A short description of the relevant document. For example, 'Letter from X to Y'.
<i>Date of creation</i>	Where the exact date is unknown, insert an estimated date range if possible.
<i>Author</i>	The agency or organisation that created the document.
<i>Privilege Claim</i>	If the index relates to privileged documents, write 'Yes'. If the index relates to non-privileged documents, write 'No'.

3. Claims of Privilege

A document showing the standard format to be used when making claims for privilege is enclosed at **Annexure B**. Please adhere to the standard format, where appropriate, when making a claim for privilege.

If a privilege claim is subsequently challenged, the question of whether the document is privileged will be referred to a legal arbiter for a ruling.

It is important, therefore, that the basis of the claim is clearly set out in the response to the Resolution so that the arbiter can properly assess the validity of the claim. There will be no opportunity to provide further submissions in support of a claim of privilege if it is challenged.

Please note that a **separate Index** is required for 'non-privileged' and 'privileged' documents as these types of documents are returned separately.

If a document contains only a minor amount of privileged material, it may be appropriate to produce two copies of the document: a full copy of the document as a 'privileged' document, and a copy of the document with the privileged material blacked out or otherwise masked as a 'non-privileged' document.

This approach may be appropriate where, for example, a document contains a relatively small amount of personal information which may be subject to a claim for privilege on the grounds of privacy, but which is not needed for the document to be understood. For example, letters to the Government on a particular issue could be produced on a 'non-privileged' basis with the names and addresses of the authors blacked out, with full copies provided on a 'privileged' basis.

4. Delivery and Identification

As time is critical, it would be appreciated if all papers could be delivered in file record boxes with the corresponding parts of the index affixed to the top of each box. For example, that part of the index which lists the documents contained in Box 1 should be attached to the top of Box 1.

Please place 'privileged' and 'non-privileged' documents in separate boxes.

The Legislative Council has also requested that agencies return documents in standard archive boxes (Type 1 boxes). Further information about this type of box may be obtained from State Records at <http://www.records.nsw.gov.au/grr/docs/storageboxes.doc>

5. Certification by CEO

Papers should be accompanied by a letter signed by you stating, "I certify to the best of my knowledge all documents held by the Department of Industry and Investment and covered by the terms of the resolution have been provided".

6. Cabinet Documents

Cabinet documents should not be produced or referred to in responding to the Resolution.

All agencies are obliged to protect the confidentiality of Cabinet documents (refer to Premier's Memorandum 2006-08 *Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions*).

7. Agency Contact

Could you please provide the contact details of the officer assigned to coordinate your agency's response to George Makrides as soon as possible.

8. Estimated Cost of Compliance

Consistent with the usual practice, it will be necessary for your agency to provide details of the costs incurred in complying with the resolution under separate cover for the Cabinet Standing Committee on Public Administration.

I seek your assistance in ensuring that your agency's documents are with the Legal Branch of the Department no later than by close of business on **Friday, 20 November 2009**.

Yours sincerely



Leigh Sanderson
Deputy Director General (General Counsel)



LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

12 November 2009

Mr John Lee
Director General
Department of Premier and Cabinet
Level 39, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Lee

Attention: Mr George Makrides, Legal Branch

Order for Papers—Exploration Licence – Mt Penny

I am writing to inform you that, on Thursday 12 November 2009, the Legislative Council agreed to the following resolution:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any document relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

An extract from the Minutes of the Proceedings of the Legislative Council, Thursday 12 November 2009, entry 9 page 1516, is attached. The resolution requires the documents to be tabled within 14 days, that is Thursday 26 November 2009.

Yours sincerely

Lynn Lovelock
Clerk of the Parliaments

cc: The Hon John Hatzistergos MLC

1516

Legislative Council Minutes No. 127—Thursday 12 November 2009

**8 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ORDER FOR PAPERS—
EXPLORATION LICENCE—MT PENNY**

On the President calling on the Clerk to read the order of the day, Mr Gay moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved forthwith that private members' business item no. 231 outside the order of precedence relating to an order for papers regarding the Exploration Licence—Mt Penny be called on forthwith.

Question put and passed.

Mr Gay then moved: That private members' business item no. 231 outside the order of precedence be called on forthwith.

Question put and passed.

9 ORDER FOR PAPERS—EXPLORATION LICENCE—MT PENNY

Mr Gay moved, according to notice: That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any document relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

Question put and passed.

ENERGYAUSTRALIA

ORDER FOR PAPERS – REDEVELOPMENT OF WALSH BAY

Document No.	Item	Document	Date of Creation	Author	Privilege Claim Y/N?
Item 1 (a)(1)	Any proposal, agreement or tender between Walsh Bay Properties, Walsh Bay Partnership or Walsh Bay Finance Pty Ltd and the Government	Letter from Barry Webb & Associates to EnergyAustralia cc: Walsh Bay Properties	14 May 1996	Steven Markis, Barry Webb & Associates	No
Item 1 (a)(2)	Any proposal, agreement or tender between, Walsh Bay Properties, Walsh Bay Partnership, Walsh Bay Finance Pty Ltd and the Government	Letter from Department of Urban Affairs & Planning to EnergyAustralia	8 July 1996	David Hume, Manager, Sydney South, Department of Urban Affairs and Planning.	No
Item 1 (a)(3)	Any proposal, agreement or tender between, Walsh Bay Properties, Walsh Bay Partnership, Walsh Bay Finance Pty Ltd and the Government	Letter from EnergyAustralia to George Fiott Pty Ltd	15 August 1996	Ian Swords for Manager Network Connections – South, EnergyAustralia	No

**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE
BY THE DEPARTMENT OF PUBLIC WORKS & SERVICES AND
MARINE MINISTERIAL HOLDING CORPORATION**

WALSH BAY

The Marine Ministerial Holding Corporation ("MMHC") has entered into an agreement, for the redevelopment of a 15 hectare waterfront heritage site at Walsh Bay, with Walsh Bay Properties Pty Limited, Transfield (Walsh Bay) Pty Limited, Mirvac (Walsh Bay) Pty Limited and Walsh Bay Finance Pty Limited ("the Walsh Bay parties"). The Department of Public Works & Services ("DPWS") has been appointed MMHC's agent in respect of the project.

All documents and material passing to MMHC from the Walsh Bay parties were provided on the basis that they, and all material arising out of those documents, were, and would continue to remain, "commercial in confidence". Further, under the terms of the Project Delivery Agreement dated October 1997 between MMHC and the Walsh Bay parties, the parties have specifically agreed to maintain confidential all information relating to the project.

Clause 27.16 of the Project Delivery Agreement provides:

- (a) Each party agrees and undertakes to keep and maintain confidential all the terms covenants and conditions of this agreement any information supplied by one party to another under this agreement including but not limited to information provided by the Contractor to MMHC under clause 3.2(b) and not to disclose those terms, covenants and conditions or any part of them or any information or part of that information to any person, company or organisation except as provided in this clause.
- (b) Nothing in this clause will prohibit the parties from disclosing any term, covenant or condition of this agreement:
1. Which it believes in good faith is required to be disclosed by law or by the ASX Listing Rules; or
 2. Which was already in the lawful possession of the recipient in written form; or
 3. Is generally available to the public otherwise than by disclosure in breach of the terms of this clause; or
 4. To any consultant or contractor of a party, to any proposed assignee or mortgagee or Financier of a party and their consultants, or to any person considering investing in the Project or their consultants for the purposes of or in connection with any matter contemplated by this agreement; or
 5. With the prior written consent of the other party.

- (c) Nothing in this clause will prohibit MMHC from disclosing any term, covenant or condition of this agreement to the Government of the State of New South Wales or any Minister of the Crown.
- (d) Media releases in respect of the Project must be jointly agreed between the parties. Both the Contractor and MMHC must keep each other informed of a name and emergency contact details of their representative who has authority to approve media releases on their behalf. Both parties must ensure their representative is available on 24 hours notice to approve a media release. The Contractor acknowledges that the Minister for Ports has the right to make press releases in respect of the Project and is not bound by the provisions of this clause. MMHC must ensure the Minister is informed of the contents of this clause."

Obligations of confidentiality were also imposed by the terms of the original tender documents. The parties, including MMHC, are therefore bound to keep confidential all documents or information dating from either before or after the date of the Project Delivery Agreement.

Notwithstanding this obligation, the Walsh Bay parties have agreed that MMHC may provide to the Parliament and make available to the public all documents other than those specified in the Return in Support of Claim for Privilege prepared by MMHC and DPWS.

The Walsh Bay parties have indicated that they regard the documents specified in the Returns, whether coming into existence before or after the Project Delivery Agreement, to be of such a commercially sensitive nature that release of the material contained in those documents will have serious adverse commercial implications for the Walsh Bay parties. Those adverse commercial implications include the following consequences:

1. Disclosure to competitors of the methods and costings for the implementation, construction, financing and marketing of the project; and
2. Disclosure to potential purchasers of the costings for the projects.

It is submitted that the documents should not be made public as the following detriment may arise:

1. Breach of contractual promises of confidentiality.
2. Prejudice current or future contractual or other relationships between Government and the private sector.
3. Discourage future dealings with Government.
4. Cause loss of commercial advantage and competitiveness within the private sector.
5. Cause detriment to private sector participants.
6. Reduce Government's ability to deliver the maximum public benefit.

We attach a letter from the Walsh Bay parties in respect of their concerns.

Claims for legal professional privilege

It is submitted that those documents listed in Department of Public Works Return as DPWS Departmental Files marked "Legal" and those documents which include legal advice in the Waterways Authority (Maritime Assets Division) Return are privileged and should not be made public on one or more of the available grounds of privilege pursuant to both common law doctrines and the statutory regime, in that:

1. they are, or contain a record of, confidential communications or documents brought into existence for the purpose of:
 - (a) enabling MMHC and DPWS ("Client") to obtain, or its legal advisers to give, legal advice; or
 - (b) for use in actual litigation or litigation reasonably contemplated by the Client and in respect of which privilege has not been waived (legal professional privilege);
2. they are confidential communications or documents between the Client or its legal advisers and persons with whom the Client shares or shared a common interest in relation to the subject matter of the advice received by one of them (common interest privilege).

Claims for public interest immunity

It is submitted that those documents listed in the Department of Public Works Return and those documents listed in the Waterways Authority (Maritime Assets Division) Return are privileged and should not be made public on the grounds of privilege pursuant to both common law doctrines and the statutory regime, in that:

1. they are the subject of a claim of public interest immunity because the public interest in their disclosure is outweighed by a competing public interest in their suppression (public interest immunity) as:
 - it would involve disclosure of communications made in the course of development and promulgation of policy;
 - disclosure would inhibit frankness and candour in future pre-decision communications;
 - disclosure will lead to confusion and unnecessary debate resulting from disclosure of decisional possibilities considered;
 - it would involve disclosure of documents which do not fairly disclose the reasons for a decision subsequently taken, being unfair to a decision-maker and prejudicial to the integrity of the decision-making process;
 - the disclosure would impede the free flow of commercially sensitive information to the Government; and
 - because of all of the above, the ordinary business of Government, which engages in contractual relationships with commercial parties, will be prejudiced by the disclosure.

Mr Dick Persson
Director General
Department of Public Works and Services
Level 21, McKell Building
2- 24 Rawson Place
SYDNEY NSW 2000

Dear Sir

Re: Walsh Bay - Upper House Motion dated 24 November 1999

We refer to the above Motion and to the documents in the possession of Government relating to the redevelopment of Walsh Bay. We request that those documents for which the department intends to make a claim for privilege and/or confidentiality should be kept confidential and not made public.

We believe that public disclosure of those documents would adversely affect the ability of Project to achieve its full potential and reduce our ability to deliver the maximum public benefit.

The making public of the details of commercial arrangements between private enterprise and Government is a dangerous precedent as disclosure of commercially sensitive information will significantly prejudice the future ability of such private enterprise groups to prepare competitive bids and carry out commercial negotiations. Pursuant to that bid process, private participants provide commercially sensitive information to Government and then proceed to treat with Government in reliance upon Government keeping all such information and negotiations confidential. If such information is to be made public, this will discourage the private sector from future dealings with Government which will, of course, be to the ultimate detriment of the New South Wales public.

We believe that we, and the joint venture partners Transfield and Mirvac, will suffer direct and material commercial prejudice in relation to future dealings both with respect to the Walsh Bay Project and to commercial transactions and dealing with other parties should this information come within the public domain.

In particular, disclosure of those materials which contain commercially sensitive information will directly and materially commercially prejudice us by revealing information about project development, delivery methods, transaction structures, "know how", operations and maintenance methods and engineering and construction methods, and, in the context of the Walsh Bay Redevelopment Project, by revealing overall pricings, details of overheads and profit margins, level of bonding and the overall commercial delivery structure for the Walsh Bay Project.

The overall complexity of the project arrangements, restaging and reordering of the timing of the project, the intricacies of the approvals process and a number of essential commercial terms which have changed in the finalisation of the agreements should very easily give rise to confusion and misinterpretation in relation to the project and could be of material detriment to the Government and the participants.

The feasibilities and any material concerning those feasibilities disclose highly commercially sensitive information about proposed prices for property at Walsh Bay and commercial rent structures allowed for in the feasibilities. Disclosure of any of this information will adversely affect the financial returns for the Walsh Bay Project by prejudicing future negotiations for prices and rentals for the Walsh Bay Precinct.

Accordingly, we support your claim for privilege in respect of all the documents relating to Walsh Bay which contain any commercially sensitive information particularly in respect of costings, financing, economic analysis and marketing.

Yours faithfully
WALSH BAY FINANCE PTY LIMITED

GAVIN D.M. CARRIER
Project Director

ROBERT G. McFEETER
Project Director



Trade &
Investment

Fw: Standing Order 52 - Mt Penny EL

David Agnew <david.agnew@trade.nsw.gov.au>

Thu, Nov 19, 2009 at 11:45 AM

To: ron.taylor@trade.nsw.gov.au

Cc: william.hughes@trade.nsw.gov.au, tracey.godwin@trade.nsw.gov.au, julie.moloney@trade.nsw.gov.au, kevin.ruming@trade.nsw.gov.au

Ron

Further to my email below, I now have all the geological information regarding the allocation of the Mt Penny area on a CD. How do you want it sent to you?

Cheers

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au

— Forwarded by David Agnew/DII/NSW on 19/11/2009 11:43 AM —

David Agnew/DII/NSW

19/11/2009 11:04 AM

To

Ron Taylor/DII/NSW

cc

William Hughes/DII/NSW@NSW, Tracey Godwin/DII/NSW@NSW,
Julie Moloney/DII/NSW@NSW

Subject

Standing Order 52 - Mt Penny EL

Ron

As we now process our exploration licence applications using electronic document management in TRIM, all documents associated with the application and grant of the licence over the Mt Penny area are in TRIM in folder 09/5739. Although this folder is classified as a physical file all the documents are scanned and contained in it. If you run a search on Mt Penny in TRIM you will find some other documents not directly associated with the processing but equally relevant.

Cheers

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au



Trade &
Investment

Fw: 11 EOI areas approval

william.hughes@trade.nsw.gov.au <william.hughes@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Thu, Nov 19, 2009 at 11:55 AM

Ron

Please see email below and Trim number re DDG approval for the 11 Coal Release Areas EOI

Kind Regards

Will

William Hughes
Principal Adviser Coal and Strategic Projects
NSW Department of Industry and Investment
Level 6, 201 Elizabeth Street
Sydney NSW 2000
Ph: +61 2 8289 3931
Fx: +61 2 9286 3208
Mob: +61418286530
E: william.hughes@industry.nsw.gov.au
Web: www.industry.nsw.gov.au

— Forwarded by William Hughes/DII/NSW on 19/11/2009 11:53 AM —

Julie Moloney/DII/NSW

To

William Hughes/DII/NSW@NSW

19/11/2009 10:10 AM

cc

Subject

11 EOI areas approval

Hi Will

DDG approved release of 11 EOI areas on 9 Sept 2008. Trim INTO08/62117

Cheers

Julie

Julie Moloney | Principal Adviser | Mineral Resources, Development Coordination
Industry & Investment NSW | 516 High St | Maitland NSW 2320 | PO Box 344 | Hunter Region Mail Centre NSW 2310
T: 02 4931 6549 | F: 02 4931 6776 | M: 0407 921 462 | E: julie.moloney@industry.nsw.gov.au
W: www.industry.nsw.gov.au



Trade &
Investment

(no subject)

david.agnew@trade.nsw.gov.au <david.agnew@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Thu, Nov 19, 2009 at 2:14 PM

(See attached file: Western_Coalfield_Notes.pdf)(See attached file: Mt Penny Boreholes.xls)

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au

2 attachments



Western_Coalfield_Notes.pdf
6950K



Mt Penny Boreholes.xls
22K

1. THE WESTERN COALFIELD

1.1 INTRODUCTION

These Notes have been prepared to accompany the geological maps of the southern and northern parts of the Western Coalfield of New South (Figure 1). The Notes are the result of the compilation and reinterpretation of available geological data and provide an up-to-date summary of the geology and coal resources of the Western Coalfield. The 1:100 000 scale geological map of the southern part of the Western Coalfield was published in 1992 (Yoo 1992) and that of the northern part in 1998 (Yoo 1998).

The Western Coalfield covers an area of approximately 17 000 square kilometres in the central western region of the Sydney-Gunnedah Basin (Figure 1 and 2). The then Standing Committee on Coalfield Geology of New South Wales (1986) (now Coalfield Geology Council of New South Wales) defined the Western Coalfield as being delineated along its eastern edge by a straight line which runs from Mount Lorimar in the western part of the Liverpool Range through Merriwa to Wisemans Ferry. The western boundary extends north to the Coolaburragundy River and then south to Warragamba Dam, where it has a common boundary with the Southern Coalfield (Figure 2). The westernmost outcrops of the main coal-bearing sequence, in the Illawarra Coal Measures, mark the western boundary of the Western Coalfield

The coal measures crop out close to the Wallerawang-Gwabegar Railway between

Lithgow and Ben Bullen, swing northeasterly to Glen Davis and then extend northwesterly to Leadville, parallel to the Wallerawang-Gwabegar Railway. There is a number of coal measures outliers, including the areas around Airly Mountain, Cherry Tree Hill, Cumbermelon Mountain, Barneys Reef, Long Mountain and Pantoneys Crown.

The 1:100 000 scale geological maps were prepared in two parts of roughly equal size: the southern part extends from Mount Victoria to Rylstone; and the northern part from Rylstone to Coolah (Figure 1; also see Appendix 5). These maps cover the majority of Permian outcrops, which are mainly along the western half of the Western Coalfield. The eastern portions of the mapped areas are covered by the Blue Mountains, Wollemi and Goulburn River National Parks. Most mining and coal exploration activities have been restricted to the western margin of the Coalfield, where the economic coal seams occur at a relatively shallow depth.

1.2 GEOLOGICAL SETTING

The Western Coalfield occupies the north-western and southwestern quadrants of the Sydney and Gunnedah Basins respectively. The Western half of the Coalfield is located on the western shelf areas of the Basins and the eastern half extends over the trough areas in the east.

Several structural elements were active during Late Permian sedimentation of the Illawarra Coal Measures, these are: the north-

Mt Penny Boreholes

Name	Lith	English	Graphic	Analysis	Photo	DIGS Report	Collar Level (m)	Total Depth (m)
ABBY01	Y	Y	Y	Y		MF22774	291.8	153.9
ABBY02	Y	Y	Y	Y		MF22774	256.5	104.35
ABBY03	Y	Y	Y	Y		MF22774	256.5	136.35
ABBY04	Y	Y	Y	Y		MF22774	300.3	77.5
ABBY05	Y	Y	Y	Y		MF22774	410.9	178.55
ABBY06	Y	Y	Y	Y		MF22774	390	268.4
ABBY07	Y	Y	Y	Y		MF22774	479	218.3
ABBY12	Y	Y	Y	Y		MF22774	479.5	298.7
ABBY17		Y	Y			MF22774	293.8	50.55
ABBY19	Y	Y	Y	Y		MF22774	385.4	56
ABBY20		Y	Y			MF22774	348.3	29.95
ABBY21		Y	Y			MF22774	266.6	24.1
ABBY22	Y	Y	Y	Y		MF22774	584.2	252.9
ABBY23	Y	Y	Y	Y		MF22774	576	248.8
ABBY24	Y	Y	Y	Y		MF22774	616.7	280.25
ABBY25	Y	Y	Y	Y		MF22774	221.05	99.2
ABBY26	Y	Y	Y	Y		MF22774	288.87	51.2
ABBY31	Y	Y	Y	Y		MF22774	333.3	37.1
ABBY33	Y	Y	Y	Y		MF22774	294.5	21.25
ABBY34	Y	Y	Y	Y		MF22774	306.4	30
ABBY35	Y	Y	Y	Y		MF22774	266	20.85
ABBY43	Y	Y	Y	Y	Y	MF22774	354.4	44.34

Name	LATITUDE	LONGITUDE	X_ORDIN	Y_ORDIN	Z_ORDIN	ZONE	COLLAR_I	TOTAL_DE
ABBY01	-32.3478	150.0393	221355	6417163	291.8	56	291.8	153.9
ABBY02	-32.3591	150.0626	223578	6415965	256.5	56	256.5	104.35
ABBY03	-32.328	150.0239	219838	6419310	256.5	56	256.5	136.35
ABBY04	-32.349	150.0102	218614	6416949	300.3	56	300.3	77.5
ABBY05	-32.388	150.0603	223454	6412758	410.9	56	410.9	178.55
ABBY06	-32.3806	150.0957	226760	6413667	390	56	390	268.4
ABBY07	-32.4118	150.0655	224017	6410131	479	56	479	218.3
ABBY12	-32.3991	150.0985	227083	6411625	479.5	56	479.5	298.7
ABBY17	-32.3613	150.0277	220298	6415635	293.8	56	293.8	50.55
ABBY19	-32.4429	150.0422	221919	6406616	385.4	56	385.4	56
ABBY20	-32.4467	150.0882	226258	6406314	348.3	56	348.3	29.95
ABBY21	-32.4239	150.0946	226792	6408861	266.6	56	266.6	24.1
ABBY22	-32.4173	150.0399	221626	6409454	584.2	56	584.2	252.9
ABBY23	-32.4086	150.0245	220151	6410380	576	56	576	248.8
ABBY24	-32.4373	150.0281	220572	6407201	616.7	56	616.7	280.25
ABBY25	-32.3425	150.0873	225856	6417867	221.05	56	221.05	99.2
ABBY26	-32.3842	150.0781	225120	6413225	288.87	56	288.87	51.2
ABBY31	-32.4464	150.1046	227798	6406390	333.3	56	333.3	37.1
ABBY33	-32.4354	150.0978	227120	6407589	294.5	56	294.5	21.25
ABBY34	-32.4361	150.1057	227874	6407533	306.4	56	306.4	30
ABBY35	-32.4232	150.0995	227246	6408955	266	56	266	20.85
ABBY43	-32.4519	150.105	227856	6405784	354.4	56	354.4	44.34



Trade &
Investment

(no subject)

david.agnew@trade.nsw.gov.au <david.agnew@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au


Thu, Nov 19, 2009 at 2:16 PM


(See attached file: [ABBY21.pdf](#))(See attached file: [ABBY22.pdf](#))(See attached file: [ABBY23.pdf](#))(See attached file: [ABBY24.pdf](#))(See attached file: [ABBY25.pdf](#))(See attached file: [ABBY26.pdf](#))(See attached file: [ABBY31.pdf](#))(See attached file: [ABBY33.pdf](#))(See attached file: [ABBY34.pdf](#))(See attached file: [ABBY35.pdf](#))(See attached file: [ABBY43.pdf](#))

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au

11 attachments


 **ABBY21.pdf**
59K


 **ABBY22.pdf**
1342K


 **ABBY23.pdf**
753K

 **ABBY24.pdf**
861K


 **ABBY25.pdf**
441K


 **ABBY26.pdf**
317K

 **ABBY31.pdf**
643K

 **ABBY33.pdf**
138K

 **ABBY34.pdf**
392K

 **ABBY35.pdf**
264K

 **ABBY43.pdf**
348K

BYLONG D.D.H. 21

<u>Location:</u>	Bylong A287	<u>County:</u>	Phillip
<u>AMG Co-ordinates:</u>	E 26 687.2	<u>Parish:</u>	Budden
(Zone 56)	N 08 672.3	<u>Portion:</u>	5
<u>ISG Co-ordinates:</u>	E 214 740.7	<u>Logged By:</u>	C.J. McElroy
(Zone 56/1)	N 10 809.4	<u>Drilled By:</u>	David Young Drilling (M. Sijabat)
<u>Collar R.L.:</u>	266.6 m	<u>For:</u>	Austen & Butta Limited
<u>Commenced:</u>	26.8.82	<u>Total Depth:</u>	24.10 m
<u>Completed:</u>	27.8.82		

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	12.000	12.000	
<u>COAL</u> , dull with minor bright bands, core broken	0.157	12.157	
SANDSTONE, medium light grey, fine, medium, quartz-lithic, poorly sorted, moderately well cemented, carbonaceous flecks, blebs and wisps common throughout, minor bright coal penny bands at top	0.526	12.683	
SANDSTONE, very light grey, generally fine to very fine, irregularly interbedded coarse phases in top 0.5m, quartz-lithic, generally well sorted, well cemented, minor bioturbation throughout, subvertical fracture from near middle to base, medium bedded, slabby	2.237	14.920	

BYLONG D.D.H. 21

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
SANDSTONE, medium grey, medium light grey, fine to medium, quartz-lithic, extensively bioturbated, sporadic coarse and granular phases from top to 15.5 m, ? erosional contact at top, irregular subvertical fracture from top to near base, blocky	1.526	16.446	
SILTSTONE AND SANDSTONE INTERMIXED, ratio 60:40. Siltstone, medium grey, compact, abundant carbonaceous flecks on partings, grades to very fine sandstone in part; sandstone, light grey, fine, lithic to quartz-lithic, wavy to planar bedding contacts throughout, dominant in basal 0.4m, unit is thinly bedded, slabby	1.597	18.043	
CLAYSTONE, medium dark grey, compact, minor coaly pennybands at top, silty in part, laminated towards base, minor pyrite on microfault at base, slabby to flaggy, air slaked	1.534	19.577	
SANDSTONE, very light grey, medium, lithic to quartz-lithic, abundant carbonaceous clasts, wisps and fleck laminae, sporadic claystone clast horizons, minor small scale			

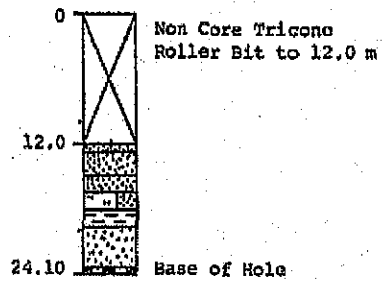
BYLONG D.D.H. 21

<u>Estimated Thickness</u> (m)	<u>Estimated Depth to Base of Stratum</u> (m)	<u>Remarks</u>
cross bedded section at base, minor pyrite on irregular partly closed fracture in top 1.1 m, indistinct bedding, generally blocky	4.074	23.651
CLAYSTONE, medium light grey, silty, thinly laminated, air slaked, intermixed contact at top	0.449	24.100

BASE OF HOLE

BYLONG PROJECT

D.D.H. 21



Prepared by
MCELROY BRYAN & ASSOCIATES PTY LTD
for
AUSTEN & BUTTA LIMITED

GRAPHIC SECTION

DRAWN BY K.W.B.

DATE DECEMBER 1982

SCALE 1:500

PAGE 1 of 1

BYLONG D.D.H. 22

<u>Location:</u> Bylong A287	<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 221 521.3 (Zone 56) N 64 09 263.7	<u>Parish:</u> Coggan
<u>ISG Co-ordinates:</u> E 209 589.3 (Zone 56/1) N 24 11 497.0	<u>Portion:</u> -
<u>Collar R.L.:</u> 584.2 m	<u>Logged By:</u> T. Barman
<u>Commenced:</u> 6.9.82	<u>Drilled By:</u> David Young Drilling (J. Booth)
<u>Completed:</u> 21.9.82	<u>For:</u> Austen & Butta Limited
	<u>Total Depth:</u> 252.900 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT TO	82.40	82.40	
SILTSTONE, brownish black, carbonaceous, hard	0.028	82.428)
<u>COAL</u> , stony, bright band at base	0.045	82.473)
SILTSTONE, brownish black, carbonaceous, coaly in part, hard, gradational basal contact	0.060	82.533) INTERVAL 1
CLAYSTONE, medium light grey, waxy, fissile, moderately soft, abrupt wavy basal contact	0.125	82.658) Thickness : 11.761 m
SILTSTONE, brownish black, carbonaceous to coaly, laminated, flaggy, abrupt wavy basal contact	0.114	82.772)
CLAYSTONE, yellowish grey, subvertical fracture at base, soft, sharp planar base	0.202	82.974)
SILTSTONE, black, coaly, grades to stony coal	0.266	83.240)

BYLONG D.D.H. 23

<u>Location:</u> Bylong A287	<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 220 045.7 (Zone 56)	<u>Parish:</u> Coggan
N 6410 189.8	<u>Portion:</u>
<u>ISG Co-ordinates:</u> E 208 132.0 (Zone 56/1)	<u>Logged By:</u> C.J. McElroy
N 1409 265.4	<u>Drilled By:</u> David Young Drilling (J. Booth)
<u>Collar R.L.:</u> 576.0 m	<u>For:</u> Austen & Butta Limited
<u>Commenced:</u> 9.9.82	<u>Total Depth:</u> 248.800m
<u>Completed:</u> 30.9.82	

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	82.550	82.550	
SANDSTONE, very light grey, lightly iron stained, medium, lithic, poorly sorted, well cemented, granular in part, high clay content	0.103	82.653	
CLAYSTONE, carbonaceous, coaly in part	0.108	82.761)
CLAYSTONE, light olive grey, silty, compact, fretted and waxy towards base	0.073	82.834) INTERVAL 1) Thickness
CLAYSTONE, carbonaceous, compact	0.080	82.914) 8.217 m)
CLAYSTONE, light greenish grey, fretted, compact and sandy at base, dark grey claystone inclusions near top	0.222	83.136)))

BYLONG D.D.H. 24

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 220 466.7 (Zone 56)	N 1407 010.9	<u>Parish:</u> Coggan
ISG Co-ordinates: E 208 493.3 (Zone 56/1)	N 1409 265.4	<u>Portion:</u> -
<u>Collar R.L.:</u> 616.7 m		<u>Logged By:</u> K.W. Bayly & C.J. McElro
<u>Commenced:</u> 15.9.82		<u>Drilled By:</u> David Young Drilling (Sadjabat)
<u>Completed:</u> 1.10.82		<u>For:</u> Austen & Butta Limited
		<u>Total Depth:</u> 280.250 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT TO 108.92 m	108.92	108.920	
CLAYSTONE AND COAL INTERBEDDED, ratio 70:30. Claystone, pale yellow grey, soft, friable, fretted and air slaked in part; coal, predominantly stony, tends to coaly claystone in part; stratum is thinly bedded, slabby	1.695	110.615	
SILTSTONE, pale yellow-grey, moderately hard, compact, thinly bedded, slabby	0.735	111.350	
CLAYSTONE AND COAL INTERBEDDED, ratio 50:50. Claystone, pale yellow grey and mid grey phases, carbonaceous in part; coal, mainly dull and stony	1.515	112.865) INTERVAL 1) Thickness:) 9.158m)

BYLONG D.D.H. 25

<u>Location:</u> A287		<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 25 750.65		<u>Parish:</u> Wollara
(Zone 56)	N 17 678.32	<u>Portion:</u> 39
<u>ISL Co-ordinates:</u> E 13 973.18		<u>Logged By:</u> K.W. Bayly
(Zone 56/1)	N 19 826.91	<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 221.05 m		(M. Sijabat)
<u>Commenced:</u> 15.10.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 19.10.82		<u>Total Depth:</u> 99.20 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	21.000	21.000	
SANDSTONE, light grey, fine, lithic, moderately soft, friable in part, clayey cement, subvertical fracture throughout, minor mid grey siltstone lenses, core broken in part	0.700	21.700	
SILTSTONE, light to mid grey, moderately hard to hard, compact, carbonate lined fracture from 23.1m, core badly broken in part, sporadic light grey, fine sandstone lenses	1.855	23.555	
CLAYSTONE, coaly to carbonaceous, sporadic thin coal bands	0.235	23.790	
<u>COAL</u> , dull with numerous bright bands	0.090	23.880	

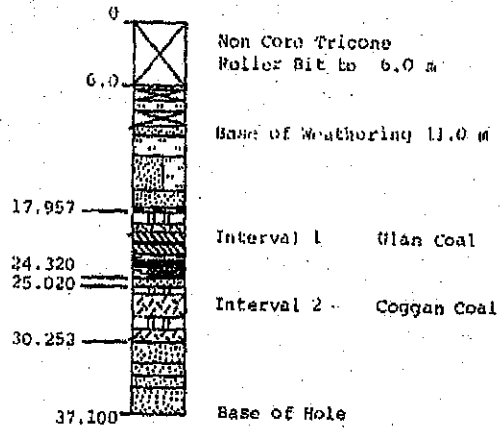
BYLONG D.D.H. 26

<u>Location:</u> Bylong, A287	<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 25 014.97	<u>Parish:</u> Coggan
(Zone 56) N 13 034.67	<u>Portion:</u> 72
<u>ISG Co-ordinates:</u> E 13 151.15	<u>Logged By:</u> C.J. McElroy
(Zone 56/1) N 15 200.12	<u>Drilled By:</u> David Young (Drilling (R. Langdon))
<u>Collar R.L.:</u> 288.87 m	<u>For:</u> Austen & Butta Limited
<u>Commenced:</u> 18.10.82	<u>Total Depth:</u> 51.20 m
<u>Completed:</u> 25.10.82	

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	6.000	6.000	
SANDSTONE, very light grey, fine to medium, lithic to quartz-lithic, clayey matrix, iron stained, core broken	0.605	6.605	
CLAYSTONE, very light grey, white, compact, iron stained, silty in part, moderately hard, core broken in basal 0.3m	1.135	7.740	
CORE LOSS	0.200	7.940	
SANDSTONE, light grey, fine to very fine at top, coarse to granular at base, irregularly fining upwards, quartz-lithic, poorly sorted, moderately well cemented, sporadic carbonaceous fleck laminae in top half of unit, minor small scale low angle cross bedding, micaceous			Base of Weathering -10.3 m

BYLONG PROJECT

D.D.H. 31



Logged by K.W.B.

Prepared by
MCELROY BRYAN & ASSOCIATES PTY LTD
 for
AUSTEN & BUTTA LIMITED

GRAPHIC SECTION

DRAWN BY **K.W.B.**

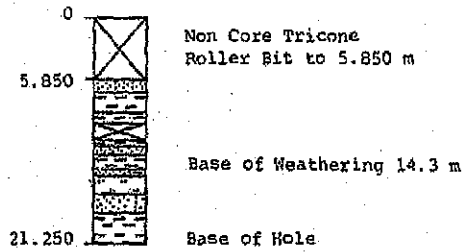
DATE **DECEMBER 1982**

SCALE **1:500**

PAGE **1** of **1**

BYLONG PROJECT

D.D.H. 33



Logged by C.J.M.

Prepared by
MCELROY BRYAN & ASSOCIATES PTY LTD
for
AUSTEN & BUTTA LIMITED

GRAPHIC SECTION

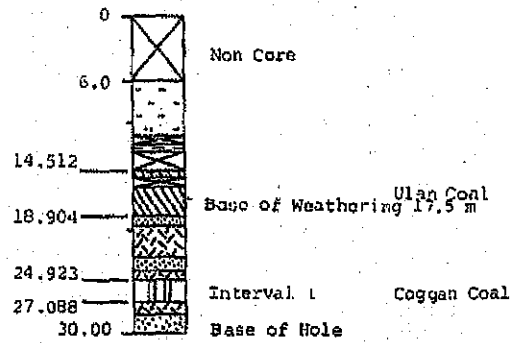
DRAWN BY: K.W.B. DATE DECEMBER 1982

SCALE 1:500

PAGE 1 of 1

BYLONG PROJECT

D.D.H. 34



Logged by C.J.M.

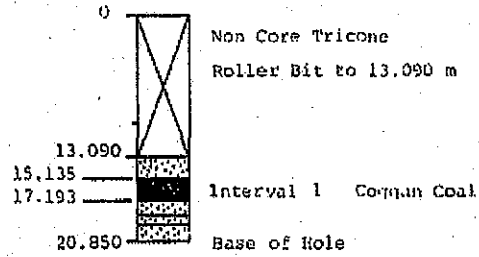
Prepared by
McELROY BRYAN & ASSOCIATES PTY LTD
for
AUSTEN & BUTTA LIMITED

GRAPHIC SECTION

DRAWN BY K.W.B. DATE DECEMBER 1982 SCALE 1:500 PAGE 1 of 1

BYLONG PROJECT

D.D.H. 35



Logged by C.J.M.

Prepared by
MCELROY BRYAN & ASSOCIATES PTY LTD
for
AUSTEN & BUTTA LIMITED

GRAPHIC SECTION

DRAWN BY K.W.B. DATE DECEMBER 1982

SCALE 1:500

PAGE 1 of 1

LOCATION OF DDH 43

LOCATION PORTION 54 WITHIN 'SUNNYSIDE' COLLY. HOLDING BYLONG

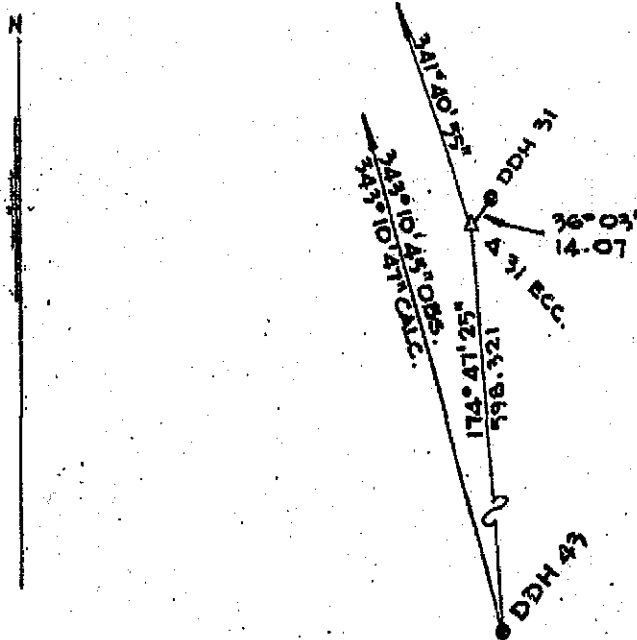
PARISH BUDDEN COUNTY PHILLIP

AZIMUTH DDH 31 - T.S. MT. PENNY DATUM A.H.D. ORIGIN OF LEVELS DDH 31	SURVEYOR G.M./R.G. DATE OF SURVEY 30-11-84 CALCULATED BY G.M. JOB No. 9/461 CHECKED <i>S.D. Lee</i>
--	--

GRID SYSTEM	UNITS	NORTH	EAST	REDUCED LEVEL
I.S.G. (56/1)	m	1407713.9	215745.7	354.4
I.S.G.				

DIAGRAM

SCALE 1:2,500



SURVEYED BEFORE AFTER DRILLING COMMENCED	CRAVEN, ELLISTON & HAYES PTY. LTD. 'ASTROLABE', RUTHERFORD LANE, LITHGOW 2790. PHONE 061-512281
---	---



Trade &
Investment

(no subject)

david.agnew@trade.nsw.gov.au <david.agnew@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Thu, Nov 19, 2009 at 2:20 PM

(See attached file: ABBY01.pdf)(See attached file: ABBY02.pdf)


David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310


T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au


W: www.industry.nsw.gov.au


(See attached file: ABBY03.pdf)(See attached file: ABBY04.pdf)(See attached file: ABBY06.pdf)


5 attachments

 **ABBY01.pdf**
2013K

 **ABBY02.pdf**
1257K

 **ABBY03.pdf**
2253K

 **ABBY04.pdf**
569K

 **ABBY06.pdf**
2943K

BYLONG D.D.H. 1

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 221 250.1 m		<u>Parish:</u> Coggan
(Zone 56)	N 16 973.0 m	<u>Portion:</u> 141
ISG Co-ordinates: E 209 462.6 m		<u>Logged By:</u> C.J. McElroy
(Zone 56/1)	N 19 206.2 m	<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 291.8 m (AHD)		(J. Booth)
<u>Commenced:</u> 4.2.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 17.2.82		<u>Total Depth:</u> 153.90 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT TO 6.20 m	6.20	6.20	
CLAYSTONE, light bluish-grey, moderate yellowish brown where iron stained, greenish black at base, compact, silty, sandy in part, speckled in part, laminated toward base, core broken near base, generally moderately fresh, flaggy, thinly bedded	0.790	6.990	
SANDSTONE, very light grey, fine to very fine, quartz-lithic, clayey matrix, well sorted, festoon cross bedded phases throughout marked by very thin (less than 1mm) fragmented carbonaceous laminae in top half of unit and by mid grey silt in basal half, massive, thinly bedded, fresh below 8.0 m	2.630	9.620	Base of Weathering 8.0 m

BYLONG D.D.H. 2

<u>Location:</u>		<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 223 472.6 m		<u>Parish:</u> Coggan
(Zone 56) N 15 775.4 m		<u>Portion:</u> 52
<u>ISG Co-ordinates:</u> E 211 661.2 m		<u>Logged By:</u> C.J. McElroy
(Zone 56/1) N 17 967.9 m		<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 256.5 m (AHD)		(J. Booth)
<u>Commenced:</u> 19.2.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 3.3.82		<u>Total Depth:</u> 104.85 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT TO 12.00 m	12.00	12.00	
CLAYSTONE, dusky yellow, medium grey interlaminated, weathered, soft in part, minor subvertical fracture at 14.10 m, core broken along partings on 5cm spacing	3.244	15.244	
SILTSTONE, dark grey, numerous fine (0.001m) yellowish grey claystone laminae throughout, carbonaceous at base, flaggy	0.681	15.925	
CLAYSTONE AND COAL INTERMIXED, ratio 50:50. Claystone, carbonaceous; coal, stony, core badly broken	0.111	16.036	

BYLONG D.D.H. 3

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 219 732.8 m		<u>Parish:</u> Coggan
(Zone 56) N 419 119.7 m		<u>Portion:</u> 133
ISG Co-ordinates: E 207 986.4 m		<u>Logged By:</u> C.J. McElroy
(Zone 56/1) N 421 379.8 m		<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 256.5 m (AHD)		(M. Sijabat)
<u>Commenced:</u> 22.2.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 3.3.82		<u>Total Depth:</u> 136.350 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER HIT TO 6.0 m	6.00	6.00	
CLAY, dark yellowish orange, very light grey, soft, plastic, iron stained, fretted	0.935	6.935	
CORE LOSS	1.665	8.600	
CLAY, as for 0.935 m unit above	0.144	8.744	
SILTSTONE, medium dark grey, medium grey cross bedded phases throughout, iron stained at base, flaggy, laminated	1.236	9.980	
CLAYSTONE, very light grey, soapy, subvertical fracture throughout, core broken on partings approx. 0.010 m, wavy basal contact, laminated at top, medium bedded to base	0.130	10.110	

BYLONG D.D.H. 4

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 218 508.8 m		<u>Parish:</u> Coggan
N 6416 759.1 m		<u>Portion:</u> 224
ISG Co-ordinates: E 206 719.2 m		<u>Logged By:</u> C.J. McElroy
N 1419 043.7 m		<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 300.3 m (AHD)		(J. Booth)
<u>Commenced:</u> 8.3.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 17.3.82		<u>Total Depth:</u> 77.50 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	11.500	11.500	
CLAY, very light grey, white, greyish orange, soft, pebbly, iron stained, core badly broken and deformed	0.500	12.000	
CLAYSTONE, pale yellowish brown, soft, competent, iron stained, core broken	0.090	12.090	
COAL, soft, smutty, clayey	0.375	12.465	
, dull, weathered, core broken, uneven subvertical fracture throughout	0.215	12.680	
, dull with minor bright bands, core broken, uneven sub- vertical fracture throughout	0.160	12.840	
, dull, stony in part	0.230	13.070	

BYLONG D.D.H. 6

<u>Location:</u>		<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 26654.7		<u>Parish:</u> Coggan
N 6413477.8		<u>Portion:</u> 162
<u>ISG Co-ordinates:</u> E 214798.1		<u>Logged By:</u> C.J. McElroy
N 1415612.3		<u>Drilled By:</u> David Young Drilling (J. Booth)
<u>Collar R.H.:</u> 390.0		<u>For:</u> Austen & Butta Limited
<u>Commenced:</u> 23.3.82		<u>Total Depth:</u> 268.40 m
<u>Completed:</u> 4.5.82		

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	3.400	3.400	
CONGLOMERATE, moderate brown, yellowish grey, rounded and subrounded pebbles and granules of green and red chert, yellowish grey siltstone and sparse dark grey ? claystone in a coarse quartz sand and white clay matrix, generally moderately ironstained, sporadic clay bands and pebbly sandstone phases, ratio matrix to clasts 70:30, indistinct bedding except from 6.0 m to 7.0 m, 9.5m to 10.0 m where unit shows low angle cross bedding in sandy phases, blocky to massive	15.705	19.105	



Trade &
Investment

(no subject)






david.agnew@trade.nsw.gov.au <david.agnew@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Thu, Nov 19, 2009 at 2:21 PM

(See attached file: ABBY07.pdf)(See attached file: ABBY12.pdf)(See attached file: ABBY17.pdf)(See attached file: ABBY19.pdf)(See attached file: ABBY20.pdf)

David Agnew | Manager Coal & Petroleum Titles and Systems | Titles Section | Mineral Resources, Branch
Industry & Investment NSW | 516 High St | Maitland | PO Box 344 | Hunter Regional Mail Centre NSW 2310
T: 02 4931 6442 | F: 02 4931 6776 | M: 0417 259 698 | E: david.agnew@industry.nsw.gov.au
W: www.industry.nsw.gov.au

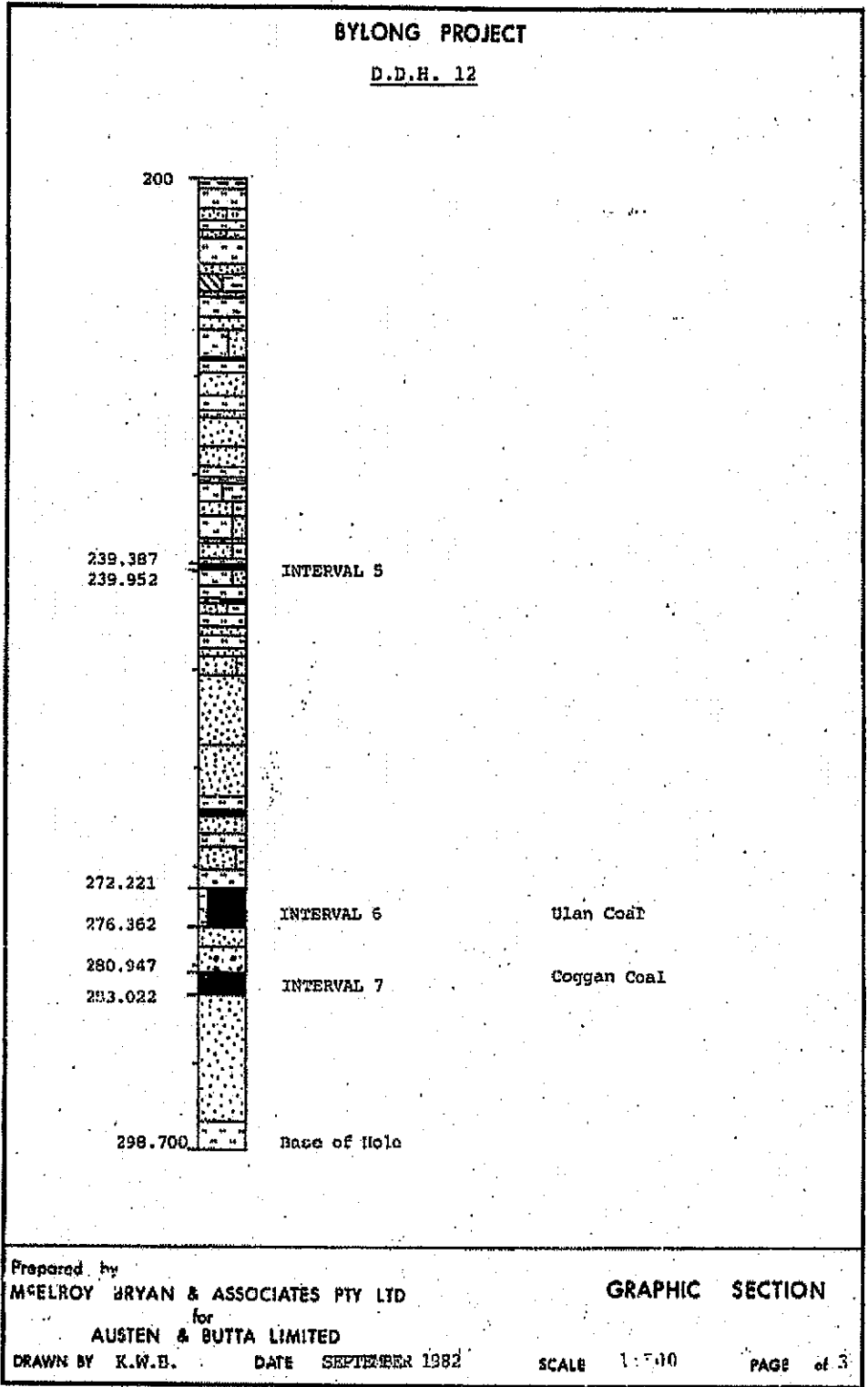
5 attachments

-  **ABBY07.pdf**
1099K
-  **ABBY12.pdf**
2605K
-  **ABBY17.pdf**
70K
-  **ABBY19.pdf**
536K
-  **ABBY20.pdf**
68K

BYLONG D.D.H. 7

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 23911.5		<u>Parish:</u> Burrumbelong
	N 6409941.4	<u>Portion:</u> Vacant Crown Land
ISG Co-ordinates: E 211990.7		<u>Logged By:</u> C.J. McElroy
	N 1412129.7	<u>Drilled By:</u> David Young Drilling (M. Sijabat)
<u>Collar R.L.:</u> 479.0 m (AHD)		<u>For:</u> Austen & Butta Limited
<u>Commenced:</u> 3.3.82		<u>Total Depth:</u> 218.30 m
<u>Completed:</u> 29.3.82		

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	1.000	1.000	
CONGLOMERATE, light brownish grey, greenish grey, moderate reddish brown, medium grey and white granules and pebbles of chert, ? acid volcanics and silicified siltstone in a clay and coarse quartz sand matrix, ironstained, poorly sorted, subrounded to subangular, high angular ? cross bedding phases throughout, medium sandstone interbed from 5.7m to 6.7m, ratio matrix to clasts 70:30, slabby to massive, medium bedded, high core loss throughout unit, weathered	16.400	17.400	



BYLONG D.D.H. 17

Location: Bylong A287
AMG Co-ordinates: E 20 193.8
 (Zone 56) N 645 395.4
ISG Co-ordinates: E 208 377.6
 (Zone 56/1) N 147 649.4
Collar R.L.: 293.8 m
Commenced: 12.8.82
Completed: 16.8.82

County: Phillip
Parish: Coggan
Portion: 123
Logged By: C.J. McElroy
Drilled By: David Young Drilling
 (M. Sijabat)
For: Austen & Butta Limited
Total Depth: 50.55 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	9.000	9.000	
CLAYSTONE, light grey, lightly iron stained bedding partings, silty iron stained where sandy at base, gradational basal contact, bedding disturbed to subhorizontal, flaggy, ? manganese lining on minor high angle fractures towards base	0.565	9.565	
SANDSTONE, greyish orange, light grey where silty, iron stained, fine to medium, lithic, sporadic light grey siltstone interbeds, minor carbonaceous flecks from middle to base, thinly bedded, flaggy	0.678	10.243	
CLAYSTONE, light grey, lightly iron stained, numerous thin dark grey interlaminae, iron stained bedding partings throughout, thinly laminated, flaggy, ? manganese lining on sub-vertical fracture near top	1.418	11.661	

BYLONG D.D.H. 19

<u>Location:</u>		<u>County:</u> Phillip
AMG Co-ordinates: E 21 814.1		<u>Parish:</u> Burrembelong
N 6406 425.6		<u>Portion:</u> 85
ISG Co-ordinates: E 209 828.9		<u>Logged By:</u> C.J. McElroy
N 1408 655.6		<u>Drilled By:</u> David Young Drilling
<u>Collar R.L.:</u> 385.4 m		
<u>Commenced:</u> 19.8.82		<u>For:</u> Austen & Butta Limited
<u>Completed:</u> 23.8.82		<u>Total Depth:</u> 56.0 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	6.000	6.000	
SILTSTONE AND SANDSTONE INTER-LAMINATED, interbedded in part, ratio 70:30. Siltstone, medium dark grey, sporadic coaly partings, lightly iron stained, intermixed sandy phase at 7.5 m; sandstone, very light grey, lightly iron stained, fine, medium in part, quartz-lithic, sparsely micaceous, thinly bedded, laminated in part, generally flaggy	4.012	10.012	
SILTSTONE, medium dark grey, sparsely micaceous, sporadic carbonaceous flecks, lightly iron stained towards base, gradational basal contact	0.780	10.792	

BYLONG D.D.H. 20

<u>Location:</u> Bylong A287	<u>County:</u> Phillip
<u>AMG Co-ordinates:</u> E 2 26132.7 (Zone 56) N 54 06125.2	<u>Parish:</u> Budden
<u>ISG Co-ordinates:</u> E 2 14158.9 (Zone 56/1) N 14 08274.1	<u>Portion:</u> 85
<u>Collar R.L.:</u> 348.3 m	<u>Logged BY:</u> C.J. McElroy
<u>Commenced:</u> 24.8.82	<u>Drilled BY:</u> David Young Drilling (M. Sijabat)
<u>Completed:</u> 25.8.82	<u>For:</u> Austen & Butta Limited
	<u>Total Depth:</u> 29.95 m

	<u>Estimated Thickness (m)</u>	<u>Estimated Depth to Base of Stratum (m)</u>	<u>Remarks</u>
NON CORE TRICONE ROLLER BIT	3.000	3.000	
SANDSTONE, very light grey, greyish orange speckled, medium, medium to coarse in part, quartz-lithic, lithic component iron stained, moderately sorted, sporadic granules from middle to base, indistinct bedding, slabby to blocky	0.636	3.636	
CLAYSTONE, greyish yellow, dark brown in part ? smutty, heavily iron stained, puggy in part, earthy, silty at base, core badly broken	0.265	3.901	
SANDSTONE, very light grey, greyish orange in part, very fine to fine, numerous medium interlaminae from middle to base, poorly sorted, silty and clayey at top, generally lightly iron stained, very thinly bedded, flaggy at top, slabby towards base, abrupt planar basal contact	0.448	4.349	



Trade &
Investment

Coal Release Areas EOI Information Package

william.hughes@trade.nsw.gov.au <william.hughes@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Thu, Nov 19, 2009 at 3:44 PM

William Hughes
Principal Adviser Coal and Strategic Projects
NSW Department of Industry and Investment
Level 6, 201 Elizabeth Street
Sydney NSW 2000
Ph: +61 2 8289 3931
Fx: +61 2 9286 3208
Mob: +61418286530
E: william.hughes@industry.nsw.gov.au
Web: www.industry.nsw.gov.au

— Forwarded by William Hughes/DII/NSW on 19/11/2009 03:43 PM —

Julie Moloney/DII/NSW

To

William Hughes/DII/NSW@NSW

19/11/2009 12:15 PM

cc

Subject

Re: 11 EOI areas approval

(See attached file: Release Areas Inform Pack Final August 2008.pdf)(See attached file: 2nd Release Areas Inform Pack January 2009.pdf)

Julie Moloney | Principal Adviser | Mineral Resources, Development Coordination
Industry & Investment NSW | 516 High St | Maitland NSW 2320 | PO Box 344 | Hunter Region Mail Centre NSW 2310
T: 02 4931 6549 | F: 02 4931 6776 | M: 0407 921 462 | E: julie.moloney@industry.nsw.gov.au
W: www.industry.nsw.gov.au

William Hughes—19/11/2009 11:57:32 AM—Julie Could you send me an electronic version of the EOI Booklet for the 11 Areas.

William Hughes/DII/NSW

To

Julie Moloney/DII/NSW@NSW

19/11/2009 11:56 AM

cc

Subject

Re: 11 EOI areas approval

Julie

Could you send me an electronic version of the EOI Booklet for the 11 Areas.

ta

Will

William Hughes
Principal Adviser Coal and Strategic Projects
NSW Department of Industry and Investment
Level 6, 201 Elizabeth Street
Sydney NSW 2000
Ph: +61 2 8289 3931
Fx: +61 2 9286 3208
Mob: +61418286530
E: william.hughes@industry.nsw.gov.au
Web: www.industry.nsw.gov.au

Julie Moloney—19/11/2009 10:10:25 AM—Hi Will DDG approved release of 11 EOI areas on 9 Sept 2008.
Trim INTO08/62117

Julie Moloney/DII/NSW

19/11/2009 10:10 AM

To

William.Hughes/DII/NSW@NSW

cc

Subject

11 EOI areas approval

Hi Will

DDG approved release of 11 EOI areas on 9 Sept 2008. Trim INTO08/62117

Cheers

Julie

Julie Moloney | Principal Adviser | Mineral Resources, Development Coordination
Industry & Investment NSW | 516 High St | Maitland NSW 2320 | PO Box 344 | Hunter Region Mail Centre NSW 2310
T: 02 4931 6549 | F: 02 4931 6776 | M: 0407 921 462 | E: julie.moloney@industry.nsw.gov.au
W: www.industry.nsw.gov.au

2 attachments

 **Release Areas Inform Pack Final August 2008.pdf**
2202K

 **2nd Release Areas Inform Pack January 2009.pdf**
2207K

COAL RELEASE AREAS

Gunnedah Coalfield

Hunter Coalfield

Western Coalfield

EXPRESSION OF INTEREST INFORMATION

NEW SOUTH WALES

August 2008



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

COAL RELEASE AREAS

Gunnedah Coalfield

Hunter Coalfield

Western Coalfield

EXPRESSION OF INTEREST INFORMATION

NEW SOUTH WALES

January 2009



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Trade &
Investment

Accessing Cronulla H drive from Sydney Office

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>

Fri, Nov 20, 2009 at 8:55 AM

To: Helpdesk/DII/NSW@nsw

Hi,

I need to do some urgent work in the Sydney Elizabeth St Office this morning - can I access my Cronulla account/H drive from the Sydney Office. Need to know asap please. Thanks

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453



Trade &
Investment

Call No 167659 has been logged by infraEnterprise.

helpdesk@industry.nsw.gov.au <helpdesk@industry.nsw.gov.au>
To: ron.taylor@industry.nsw.gov.au

Fri, Nov 20, 2009 at 8:55 AM

Call No 167659 has been logged by infraEnterprise.

Accessing Cronulla H drive from Sydney Office

Hi

I need to do some urgent work in the Sydney Elizabeth St Office this morning - can I access my Cronulla account/H drive from the Sydney Office. Need to know asap please. Thanks

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453



Trade &
Investment

Access to desk with PC in Elizabeth St

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>
To: wayne.jones@industry.nsw.gov.au

Fri, Nov 20, 2009 at 9:49 AM

Wayne,

I need to work from the Sydney Office later on this morning/afternoon - is there a desk available with a PC I can use? I will also need parking - not sure of plate number yet.

Can you please confirm asap this can be accommodated. Thanks

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453



Trade &
Investment

Elephants and Forests

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>
To: william.hughes@trade.nsw.gov.au

Fri, Nov 20, 2009 at 10:00 AM

(See attached file: Standing Order 52 Elephants 14.9.06.doc)(See attached file: Boral Timber Order for Papers 30.10.06.doc)

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453

2 attachments



Standing Order 52 Elephants 14.9.06.doc
30K



Boral Timber Order for Papers 30.10.06.doc
35K

Dr C Gellatly
Director General
Premier's Department
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

BY HAND

Attn: Joseph Hanna

Dear Dr Gellatly,

Order for Papers – Taronga Zoo Asian Elephants

I refer to your advice dated 6 September 2006 of the Order by the Legislative Council for the production of all documents held by the NSW Department of Primary Industries (NSW DPI) relating to the importation of Asian elephants by Taronga Zoo.

Enclosed are copies of the required documents presented in the suggested format. Separate indexed lists are provided for Privileged and Non-Privileged papers. Where privilege has been claimed two versions of the document have been provided where appropriate - a full copy in the schedule of Privileged Documents and, where possible, an edited version with the privileged information obscured in the schedule of Non-Privileged Documents.

I certify to the best of my knowledge all documents held by NSW DPI and covered by the terms of the resolution have been provided.

Yours sincerely

Alan Coutts
A/Director General

**Claims for Privilege
Taronga Zoo Asian Elephants**

NSW DPI is claiming privilege in regard to:

1. The names and contact details of individuals who have written to the Department complaining or expressing concern about the Taronga Zoo elephant issue. This claim is made on the grounds of maintaining the privacy of the individuals involved. Edited versions with these details obscured are referenced in the Non-Privileged Document schedule at items 1(j)(18) to 1(j)(40) inclusive with the author's initials only shown.
2. Details of consultations and deliberations on sensitive Animal Welfare issues outside the scope of the Order. The Department and the Exhibited Animals Advisory Committee (EAAC) deal with a range of emotive matters where key stakeholders and interest groups may have passionate though divergent and contrary positions. It is essential for NSW DPI to maintain frank and open channels of communication with all such groups to facilitate the development and implementation of effective policy and regulatory frameworks. It is also essential for the members of the EAAC to fully canvass and deliberate the matters referred to them.

Privilege is therefore claimed for these documents on the basis that disclosure would inhibit the frankness and candour of information and advice provided to the Government, that it would be detrimental to policy development and may affect the quality of recommendations and decisions made. It is emphasised this exemption is only being claimed for information outside the scope of the Order.

3. Documents and information concerning a compliance/regulatory matter where public disclosure of the alleged breach may prejudice the investigation of the allegation. Such disclosure may affect the Department's ability to subsequently sustain prosecution action and the effectiveness of any proposal for preventing, investigating and dealing with this possible contravention of the law.

Dr C Gellatly
Director General
Premier's Department
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

DF06/1156
D.IN06/1131

BY HAND

Attn: Joseph Hanna

Dear Dr Gellatly,

Order for Papers – Boral Timber

I refer to your advice dated 19 October 2006 of the Order by the Legislative Council for the production of documents held by the NSW Department of Primary Industries – Forests NSW concerning Boral Timber.

Enclosed are copies of the required documents presented in the suggested format. Separate indexed lists are provided for Privileged and Non-Privileged papers.

Due to the confidentiality provisions contained in the Contract documents covered by the order for papers, NSW DPI would normally be obliged to seek privilege for all such documents in their entirety.

In this instance Boral Timbers has advised they would not object to the disclosure of the majority of the content of these contracts, subject to privilege being maintained on commercially sensitive information. This approach is supported by NSW DPI – see Attachment.

Where privilege is being claimed two versions of the document have been provided - a full copy under the schedule of Privileged Documents and an edited version with the privileged information obscured in the schedule of Non-Privileged Documents.

I certify to the best of my knowledge all documents held by NSW DPI, including Forests NSW, and covered by the terms of the resolution have been provided.

Yours sincerely

Barry Buffier
Director General

ATTACHMENT

Order for Papers – Boral Timber Claim for Privilege

Forests NSW is a party to 5 current wood supply agreements with Boral related companies:

1. Agreement dated 26 August 2003 between two Boral timber division companies Allen Taylor & Co Limited and Duncans Holdings Limited, Forests NSW and the State of NSW ("the 2003 WSA"). The 2003 WSA terminated an earlier agreement between the same parties dated 5 March 1999 and provides for Forests NSW to supply an annual supply of high quality sawlog timber to the companies from supply zones on the northern NSW coast from 1 July 2004 until 31 December 2023.
2. Agreement dated 25 June 2004 between Allen Taylor & Co Ltd and State Forests of NSW providing for State Forests of NSW to supply an annual supply of pulplog to the company from the north coast from 1 January 2004 until 31 December 2007 with the possibility of extension for a further 4 years ("the 2004 Pulplog WSA")
3. Agreement dated 30 November 2004 between Allen Taylor & Co Ltd, Forests NSW, and the State of NSW entitled Type C being an agreement requiring Forests NSW to supply an annual supply of low grade sawlog to the company from the north coast until 31 December 2023 ("the 2004 Type C WSA").
4. Agreement dated 30 November 2004 between Allen Taylor & Co Ltd, Forests NSW, and the State of NSW entitled Type A being an agreement requiring Forests NSW to supply an annual supply of high quality sawlog to the company from the north coast until 31 December 2023 ("the 2004 Type A WSA").
5. Agreement dated 24 November 2003 between formerly between Davis & Herbert Forestry Pty Ltd, State Forests of NSW, and the State of NSW assigned to Allen Taylor & Co Ltd on 30 May 2005 requiring Forests NSW to supply an annual supply of high and low quality sawlogs to the company from the south coast from 1 January 2004 until 31 December 2020 ("the 2003 South Coast WSA").

Each of the wood supply agreements contains a "Confidentiality" condition in the following terms (see clauses 39 of the 2003 WSA, 2004 Pulplog WSA, 2004 Type C WSA, and the 2004 Type A WSA and clause 40 of the 2003 South Coast WSA).

39. CONFIDENTIALITY

No party will disclose the contents or terms of this Agreement or any information or documents received by it in connection with the negotiation of this Agreement or pursuant to the provisions of this Agreement without the prior written consent of the other parties, except to the extent that:

- 39.1 *the information is available to the public generally;*
- 39.2 *that party is required to make the disclosure by law or to make any filing, recording or registration required by law including without limitation any disclosure required by the listing rules of the Australian stock exchange;*
- 39.3 *the disclosure is necessary or advisable for the purpose of obtaining any consent, authorization, approval or licence from any public body or authority;*
- 39.4 *it is necessary that the disclosure be made to any taxation or fiscal authority;*
- 39.5 *the disclosure is made on a confidential basis to:*
- 39.5.1 *the professional advisers of that party (including any industry association) for the purpose of obtaining advice in relation to this Agreement or the enforcement of this Agreement or otherwise for the purpose of consulting those professional advisers; or*
 - 39.5.2 *any financier to the Companies or Boral; or*
 - 39.5.3 *any prospective purchaser of the Companies or of any of their assets or undertakings; or*
- 39.6 *the disclosure is required or desirable to be made in pursuance of any procedure for discovery of documents and any proceedings before any court, tribunal or regulatory body.*

The confidentiality clause has been inserted into each of the wood supply agreements in recognition that the terms and conditions of the agreement, including price and price review mechanisms, may be of such a commercially sensitive nature that release of those matters will have serious adverse commercial implications for the company.

It is submitted that those parts of the wood supply agreements of a commercially sensitive nature should not be made public as the following detriment may arise:

1. Breach of contractual promises of confidentiality.
2. Prejudice current or future contractual or other relationships between Government and the private sector.
3. Discourage future dealings with Government.
4. Cause loss of commercial advantage and competitiveness within the private sector.
5. Cause detriment to private sector participants.
6. Reduce Government's ability to deliver the maximum public benefit.



**Trade &
Investment**

(no subject)

louise.nobbs@trade.nsw.gov.au <louise.nobbs@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Fri, Nov 20, 2009 at 10:04 AM

Louise Nobbs | A/Executive Assistant | Executive Services
Industry & Investment NSW | 161 Kite Street | Locked Bag 21 | Orange NSW 2800
T: 02 6391 3319 | F: 02 6391 3199 |
E: louise.nobbs@industry.nsw.gov.au

Please consider the environment before printing this email

--- Forwarded by Louise Nobbs/DII/NSW on 20/11/2009 10:04 AM ---

Jeannine Biviano/DII/NSW

20/11/2009 09:45 AM

To

Louise Nobbs/DII/NSW@NSW

cc

Subject

Fw: Financial Review article question

Jeannine Biviano | Executive Director Corporate Services
Industry & Investment NSW | 161 Kite Street | Orange NSW 2800 | Locked Bag 21 | Orange NSW 2800
T: 02 6391 3319 | F: 02 6391 3199 | M: 0428 105 835 | E: jeannine.biviano@industry.nsw.gov.au
W: www.industry.nsw.gov.au

--- Forwarded by Jeannine Biviano/DII/NSW on 20/11/2009 09:44 AM ---

Jeannine Biviano/DPI/NSW

26/09/2008 03:52 PM

To

"Conan Yuen" <Conan.Yuen@treasury.nsw.gov.au>

cc

Tony Heffeman/DPI/NSW@NSW

Subject

Re: Financial Review article question [1]

Dear Conan,

New South Wales has a number of remnant and small coal deposits which could be of interest to smaller coal companies. Development of these resources would optimise resource recovery and generate additional royalty return to Government should mining be

approved in the future.

To progress the exploration of these resources the Minister approved a competitive expression of interest process where a number of smaller companies, who had previously expressed interest in developing coal resources in NSW, were invited to submit proposals.

Interested parties are required to submit an Expression of Interest/s to the Department of Primary Industries with details of an exploration and development program. Closing time and date for Expressions of Interest is **12 noon on Monday 24 November 2008**.

The exploration licence holder of any area which proceeds to; and is granted development approval for a future mine proposal under the *Environmental Planning and Assessment Act 1979* will be required to pay financial contributions for coal allocation area/s as per the Department of Primary Industries *Guidelines for Allocation of Future Coal Exploration Areas* (www.dpi.nsw.gov.au/minerals/titles/policies) **Copy attached**.

Financial contributions will be payable in instalments:

- 20% of required financial contribution at grant of Major Project Approval under the *Environmental Planning and Assessment Act 1979*
- Balance payable in five equal payments at yearly intervals.

The required financial contributions are based on the type of deposit (open cut or underground), quality (export or domestic) and saleable coal tonnage. These payments would only be expected to commence 5 to 6 years after the exploration title was granted (around 2015).

A Determination of how much of a return this might generate will not be known until after the areas have been explored and development consent is granted in 5 to 6 years. However a very rough estimate based on the above policy for each area would be as follows:

- Vickery South \$5 Million
- Goonbri \$5 Million
- Yarrowa \$3 Million
- Spur Hill \$20 Million
- Glendon Brook \$8 Million
- Mt Penny \$20 Million
- Long Mountain \$2 Million
- Ilford \$5 Million
- Cameron Road \$5 Million
- Melrose \$3 Million
- Ben Bullen \$8 Million

Total: \$84 Million

Apart from the standard application fees, expression of Interest applicants may nominate additional financial contributions as part of the evaluation process which would be payable within 30 days from the date of a registration of part transfer of the current exploration licence or within 30 days of the Minister granting consent to apply for a new exploration licence. These funds would be expected to be payable this financial year. However, while it is very difficult to estimate of how much money may be raised by this process, it is not expected to generate a significant return to Government (possibly in the range of \$5 -15

Million) for the following reasons.

1. The areas are relatively small with many likely to contain only lower quality coal suitable for the domestic market.
2. The majority have significant mining issues associated with the deposits which will increase mining costs and or constrain resource recovery (in many cases these resources have not been previously mined because of these difficulties.
3. All the areas have limited exploration data available and as such there is significant risk associated with the development of these areas.
4. Only smaller companies have been invited to apply. These companies are likely to have limited access to capital prior to exploring the areas and defining a bankable project.

(See attached file: *Guidelines-of-Allocation-of-Future-Exploration-Coal-Areas-Feb-08.pdf*)

I hope this answers some of your questions.

regards,

"Conan Yuen" <Conan.Yuen@treasury.nsw.gov.au>

"Conan Yuen"
<Conan.Yuen@treasury.nsw.gov.au>
23/09/2008 01:48 PM

To
<jeannine.biviano@dpi.nsw.gov.au>

cc
<tony.heffeman@dpi.nsw.gov.au>

Subject
Financial Review article question

Jeannine,

On the 19th of September, the Australian Financial Review newspaper reported that the NSW Government would auction 11 coal exploration licences to small and medium-sized miners. According to the article called "NSW coal licences raise hopes", the state government would auction the licences in Gunnedah, Hunter and Western coalfields. The article states that letters calling for expressions of interest were sent out early in September

Could you please provide further information regarding these auctions including the potential financial impacts of the auction of these licences?

Thanks.

Conan Yuen
Financial Analyst
Natural Resources and Environment
NSW Treasury
Tel: 9228 4165
Fax: 9228 3173



Guidelines-of-Allocation-of-Future-Exploration-Coal-Areas-Feb-08.pdf

159K

Guidelines for Allocation of Future Coal Exploration Areas
Introduced March 2006
Updated January 2008

1. Introduction

Following a recent order from the Governor of New South Wales, all of the coal deposits in NSW now lie within a Minerals Allocation Area (MAA) under the Mining Act 1992.

Within the MAA, the Minister's consent is required before an application can be made for a coal exploration licence. The MAA allows for the controlled and rational release of potential coal development areas and the setting of special conditions for each allocation.

Normally allocations are made on a competitive basis, however, there may be circumstances where coal allocations are made subject to certain conditions and including a financial contribution.

These guidelines apply to future coal exploration areas and not to existing titles.

2. Categories of Coal Allocation Areas

For the purpose of these guidelines potential coal allocation areas are categorised into four groups:

- (i) **Major Stand-Alone Areas**
These areas contain sufficient coal to develop a large new mine.
- (ii) **Substantial Additions to Existing Mines**
These areas are located adjacent to existing mines and could be mined from a continuation of the existing operations. Such areas may also have the potential to be 'major stand-alone' areas.
- (iii) **Minor Additions to Existing Mines**
These areas are small areas adjacent to existing mines and could be mined by a continuation of the existing mine. These areas are not large enough to develop 'major stand-alone' mines.
- (iv) **Small Areas Unrelated to Existing Mines**
These areas are small but may have the potential to be developed as stand-alone mines if located close to infrastructure or markets.

3. Process for Allocation

- (i) **Major Stand-Alone Areas**
A major stand-alone area is defined as an area containing sufficient coal to justify the establishment of a substantial new mine and infrastructure.

Stand-alone areas will be allocated by:

- (a) Tender or expressions of interest with open-ended financial contribution.
- (b) Tender or expressions of interest with minimum financial contribution but open-ended maximum contribution.
- (c) Tender or expressions of interests with a fixed financial contribution and a requirement to develop specific infrastructure or utilisation technologies or value adding processes.

- (d) Tender or expressions of interest to supply a specific end use such as a domestic power station with a financial contribution negotiated in advance of the tender or expression of interest.

(ii) Substantial Additions to Existing Mines

Substantial additions range in size from 20 Mt open cut or 50 Mt underground saleable reserves to major stand alone areas that are adjacent to existing mining projects.

(a) Potential Stand-Alone Areas

Unless the area is required to ensure the ongoing short to medium term future of the mine, competitive tendering or expression of interest would be used as per the process outlined in (i).

(b) Other Areas (>20Mt open cut or >50 Mt underground)

To add significant additional reserves (but not of stand-alone size) to existing mines, an assessment based on one or more of the following criteria will be employed:

- Current mine reserves are nearly depleted and grant of an adjoining area would ensure continuity of mining.
- The viability of the mine could be substantially improved.
- Significant capital expenditure would be incurred and the production levels increased/maintained.
- Sterilisation of the resource would be avoided or resource recovery from the area would be substantially enhanced.
- Allocation of the area would avoid duplication of infrastructure in environmentally sensitive areas or assist to ameliorate potential conflicts with other surface development.

If such a substantial allocation is made without competitive tendering, then a financial contribution will be negotiated. Minimum contributions are specified in the attached Appendix.

General

- For requests for substantial additions to mines which adjoin other mines or projects, consideration will be given to the current and possible future needs of those adjoining operations in regard to access to additional coal reserves.
- Geological structures which may form mining barriers will be taken into consideration.
- In some instances, the grant of additional reserves may be balanced by the relinquishment of areas effectively non-mineable from existing operations due to geological barriers.
- Substantial additions will not be granted to applicants who have not already carried out extensive exploration in existing holdings.

(iii) Minor Additions to Existing Mines

A minor addition is defined as a small area adjoining an existing mine or project. It may contain up to 20 million tonnes of open cut or 50 million tonnes of underground saleable coal reserves. Small areas may be allocated on the basis of one or more of the following criteria:

- Life of the existing mine will be extended (but there isn't necessarily any significant increase in employment, capital expenditure or production).
- Grant of the area will rationalise existing colliery boundaries in relation to surface features or geological constants.
- The area is threatened with sterilisation from competing land uses.
- The area would not be amendable to the development of a separate small stand-alone mine.
- Resource recovery will be maximised.

Where a proposed minor addition forms part of a larger unallocated area, consideration will be given to the possible deleterious effect on the future development potential of the larger area.

In the situation where a minor addition is adjacent to more than one existing mine or project, then a study needs to be undertaken prior to allocation, to ensure that the proposed allocation represents the most rational and equitable approach.

Prior to allocation to an existing mine or project, appropriate terms and conditions will be negotiated and the financial contribution will be set as per the attached Appendix.

Minor additions may be granted as mining leases rather than exploration licences where the geological data from adjoining areas can be reasonably extrapolated into the proposed addition.

(iv) Small Areas Unrelated to Existing Mines

Small areas include:

- Remnant coal resources left from previous mining operations.
- Small deposits with some development potential.

Allocation will be by priority of application or by some limited form of expression of interest.

A financial contribution based on the tonnes of saleable coal will be set as per the Appendix.

4. Refund of Exploration Expenditure

All categories require the refund of government exploration expenditure. Exploration adjacent to, but outside the allocation area, may be included as part of the expenditure.

Repayment schedules are negotiable.

5. Requirement to Develop Resources

All allocations of coal reserves are made to either allow the development of a new mine or to enhance an existing mine.

Where the conditions of the original allocation are not met by the title holder or the allocated resources are not developed within a reasonable time frame, the coal title may be cancelled by the Minister without compensation.

APPENDIX

Indicative Financial Contribution for Coal Allocation Areas

The Tables below set out indicative financial contributions for coal allocation areas. The contributions are based on the type of deposit (open cut or underground), quality (export or domestic) and size.

I. OPEN Cut

Saleable Tonnes (Mt)	Export Coal		Domestic Coal	
	Cents/Tonne	Minimum Contribution \$ million	Cents/Tonne	Minimum Contribution \$ million
> 100	Tender or Negotiation or 20 + negotiation	>20	Tender or Negotiation or 10 + negotiation	>10
50-100	15+ negotiation	>7.5	7.5 + negotiation	>3.75
5-50	10	>0.5	5	>0.25
<5	5	<0.25	2.5	<0.125

II. UNDERGROUND

Saleable Tonnes (Mt)	Export Coal		Domestic Coal	
	Cents/Tonne	Minimum Contribution \$ million	Cents/Tonne	Minimum Contribution \$ million
>100	Tender or Negotiation or 15+ negotiation	>15	Tender or Negotiation or 7.5 + negotiation	>7.5
50-100	10	>5	5	>2.5
<50	5	<2.5	2.5	<1.25

Payment of Financial Contributions

Unless allocated by open tender or negotiation, financial contributions will be payable in instalments:

- 20% at grant of Development Approval.
- balance payable in five equal payments at yearly intervals.

The financial contributions do not include the refund of government exploration and tender assessment costs if applicable.



Trade &
Investment

Re: Access to desk with PC in Elizabeth St

wayne.jones@trade.nsw.gov.au <wayne.jones@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Fri, Nov 20, 2009 at 10:32 AM

Ron - Should be no problem finding you a desk, however there won't be parking available until after 12 -12.30.
If you are coming after that there should be a spot available.

Regards
Wayne

Wayne Jones /Administration Officer/Executive Support
Industry & Investment NSW | Level 6 201 Elizabeth Street | Sydney NSW 2000|
T: 02 8289 393.3 | F: 02 9286 3208 | E: wayne.jones@industry.nsw.gov.au
W: www.industry.nsw.gov.au

Ron Taylor---20/11/2009 09:50:00 AM---Wayne,

Ron Taylor/DII/NSW

To

wayne.jones@industry.nsw.gov.au

20/11/2009 09:50 AM

cc

Subject

Access to desk with PC in Elizabeth St

Wayne,

I need to work from the Sydney Office later on this morning/afternoon - is there a desk available with a PC I can use? I will also need parking - not sure of plate number yet.

Can you please confirm asap this can be accommodated. Thanks

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453



Trade &
Investment

(no subject)

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>

Mon, Nov 23, 2009 at 11:23 AM

To: phil.anquetil@trade.nsw.gov.au

Cc: william.hughes@trade.nsw.gov.au, brad.mullard@trade.nsw.gov.au, jeannine.biviano@trade.nsw.gov.au

Bcc: tony.heffeman@trade.nsw.gov.au

(See attached file: Standing Order 52 EL 3772 23.11.09 response .doc)

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453



Standing Order 52 EL 3772 23.11.09 response .doc

28K

Mr Leigh Sanderson
Deputy Director General (General Council)
Department of Premier and Cabinet
GPO Box 5341
SYDNEY NSW 2001

Attn: Mr Paul Miller
Executive Director, Legal Branch

By Hand

Dear Mr Sanderson,

Standing Order 52 – Order for Papers – Exploration Licence – Pt Penny

I refer to your advice dated 13 November 2009 of the Order by the Legislative Council for the production of all documents held by Industry & Investment NSW (I&I NSW) relating to Exploration Licence 3771 – Mt Penny.

Enclosed are copies of the required documents presented in the suggested format.

Separate indexed lists are provided for Privileged and Non-Privileged papers.

Where privilege has been claimed over part of a document two versions of the document have been provided - a full copy in the schedule of Privileged Documents, and an edited version with the privileged information obscured in the schedule of Non-Privileged Documents.

I certify to the best of my knowledge all documents held by I&I NSW and covered by the terms of the resolution have been provided.

Yours sincerely

**RICHARD SHELDRAKE
DIRECTOR GENERAL**

**Claims for Privilege
Mt Penny**

Industry and Investment NSW is claiming privilege in regard to:

1. Information contained within the documents outside the scope of the Order.

Mt Penny was one of eleven areas for which concurrent action was taken to seek Expressions of Interest and issue Exploration Licences. The information contained in the documents concerning the other ten areas is outside the scope of the Order and contains commercially sensitive material provided in confidence by private sector parties.

Details of financing arrangements and expected returns, methodology, proposed recovery strategies and work programs are considered commercial-in-confidence and are held in the industry to be valuable intellectual property. There would be an unreasonable adverse effect upon the business, commercial, professional and/or financial affairs of these third parties if this information was made available to the public and their competitors.

The Expression of Interest process relies upon strong, detailed bids to ensure a robust and competitive selection. If sensitive commercial details were to be released this would impact upon the information included in bids and compromise confidence in the process and outcomes.

Release would also be a strong deterrent across the Industry to participation generally in future Expressions of Interest, reducing the Government's ability to deliver the maximum public benefit.

2. The four (4) Expressions of Interest submitted regarding the Mt Penny Exploration Licence.

These documents contain commercially sensitive material provided in confidence by private sector parties.

Details of financing arrangements and expected returns, methodology, proposed recovery strategies and work programs are considered commercial-in-confidence and are held in the industry to be valuable intellectual property. There would be an unreasonable adverse effect upon the business, commercial, professional and/or financial affairs of these third parties if this information was made available to the public and their competitors.

The Expression of Interest process relies upon strong, detailed bids to ensure a robust and competitive selection. If sensitive commercial details were to be released this would impact upon the information included in bids and compromise confidence in the process and outcomes.

Release would also be a strong deterrent across the industry to participation generally in future Expressions of Interest, reducing the Government's ability to deliver the maximum public benefit.

3. Information contained elsewhere within the documents referencing confidential material from the Expressions of Interest.

The processing and evaluation of the Expressions of Interest, granting the Exploration Licence to the successful party and subsequent documentation necessarily extracted and referred to critical, sensitive details of the bids and potential recovery.

Privilege is claimed over these details on a similar basis to that claimed for the documents from which this information was originally sourced.



Trade &
Investment

Re:

william.hughes@trade.nsw.gov.au <william.hughes@trade.nsw.gov.au>
To: ron.taylor@trade.nsw.gov.au

Mon, Nov 23, 2009 at 11:31 AM

As requested Ron.

(See attached file: 20091123113424.pdf)

William Hughes
Principal Adviser Coal and Strategic Projects
NSW Department of Industry and Investment
Level 6, 201 Elizabeth Street
Sydney NSW 2000
Ph: +61 2 8289 3931
Fx: +61 2 9286 3208
Mob: +61418286530
E: william.hughes@industry.nsw.gov.au
Web: www.industry.nsw.gov.au



20091123113424.pdf

26K

Loyal Coal Pty Limited

GPO Box 1810
Sydney NSW 2001

9 June 2009

Mr William Hughes
Principal Adviser Coal and Strategic Projects
Mineral Resources
NSW Department of Primary Industries
Level 6, 201 Elizabeth Street
SYDNEY NSW 2001

Dear Mr Hughes

RE: MONARO MINING NL'S EXPRESSIONS OF INTEREST IN COAL RELEASE AREAS WITHIN THE
SYDNEY & GUNNDAH BASINS AS PER THE NSW DEPARTMENT OF PRIMARY INDUSTRIES
INVITATION DATED 9 SEPTEMBER 2008

Further to Monaro Mining's advice to you last week regarding the nomination of Loyal Coal Pty Ltd as the party to all of the current Expressions of Interest lodged with the NSW Department of Primary Industries, we wish advise that we hereby formally withdraw our Expression of Interest for the MI Penny Coal Release Area, Glendon Brook Coal Release Area and Spur Hill Coal Release Area.

We wish to remain considered for the Coal Release Areas of, Yarrowa, Long Mountain, Ilford, Cameron Road, Melrose and Ben Bullen in accordance with the Expressions of Interest lodged by Monaro Mining currently being considered by your department.

If you have any questions in regards to the above or any other matter, please call me on 0488 080 101.

Yours faithfully

Gardner Brook
For and behalf of Loyal Coal Pty Ltd



Trade &
Investment

(no subject)

ron.taylor@trade.nsw.gov.au <ron.taylor@trade.nsw.gov.au>
To: phil.anquetil@trade.nsw.gov.au

Wed, Nov 25, 2009 at 3:48 PM

(See attached file: EL 3771 19.11.09 Summary.xls)(See attached file: EL 3771 19.11.09 Non-Privileged.xls)(See attached file: EL 3771 19.11.09 Privileged.xls)

Regards

Ron Taylor
Manager Corporate Projects
Industry & Investment NSW
Ph (02) 9527 8453

3 attachments



EL 3771 19.11.09 Summary.xls
33K



EL 3771 19.11.09 Non-Privileged.xls
32K



EL 3771 19.11.09 Privileged.xls
27K

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)1	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Coal Exploration Licence Application/Renewal ID Sheet	26.6.08	Fred Schiavo, Land Information Officer I&I NSW	No
a)2	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Mt Penny ID Diagram	7.7.08	Fred Schiavo, Land Information Officer I&I NSW	No
a)3	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Expression of Interest Information	Aug-08	I&I NSW	No
a)4	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Director General Briefing - Coal Allocation Proposal	9.9.08	Patricia Madden, Manager Operations, Mineral Resources I&I NSW	No
a)5	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Ministerial Briefing - Extension of Coal Allocation Areas Expressions of Interest	13.10.08	Patricia Madden, Manager Operations, Mineral Resources I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)6	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Expression of Interest Information	Jan-09	I&I NSW	No
a)7	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI - Jain Group	20.11.08	Jain Group	Yes
a)8	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI - Monaro Mining	21.11.08	Monaro Mining	Yes
a)9	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI - Cascade Coal Pty Ltd	16.2.09	Cascade Coal Pty Ltd	Yes
a)10	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI - Breakspheare Coal Mines Ltd	Feb-09	Breakspheare Coal Mines Ltd	Yes

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)11	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Evaluation of Expressions of Interest	Jun-09	Evaluation Team, I&I NSW	Yes
a)12	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Withdrawal by Monaro Mining from Mt Penny EOI	9.6.09	Loyal Coal Pty Ltd	No
a)13	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI Recommendation - Approved by Director General I&I NSW 19.6.09	18.6.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	Yes
a)14	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Successful letter	19.6.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No
a)15	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Unsuccessful letters	19.6.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)16	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Letter re Standard Licence Conditions	8.7.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
a)17	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Consent Letter Cascade Coal Pty Ltd	11.8.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
a)18	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA 3771 Co-ordinates	23.8.09	Cascade Coal Pty Ltd	No
a)19	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Underwriting agreement	24.8.09	Arthur Phillip Funding, Strategy & Business Investment	Yes
a)20	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Nomination Letter plus supporting information - ELA 3771 - Cascade Coal Pty Ltd	25.8.09	Cascade Coal Pty Ltd	Yes

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type.	Item	Date of Creation	Author	Privilege Claim
a)21	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Receipt - Contribution to Coal Development Fund by Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No
a)22	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Receipt - Assessment Fee - Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No
a)23	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Receipt - ELA 3771 - Application Fee - Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No
a)24	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Acknowledgement Letter - ELA 3771	28.8.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)25	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ID Diagram X	2.9.09	Gary Walker, Titles Officer Coal & Petroleum I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)26	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	ELA 3371 ID	2.9.09	Gary Walker, Titles Officer Coal & Petroleum I&I NSW	No
a)27	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents	Application Diagram E3771-01	11.9.09	Peter Hord, Land Information Co-ordinator I&I NSW	No
a)28	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Memorandum ELA3771 Cascade Coal	11.9.09	Sarah Jardine, Geoscientist I&I NSW	Yes
a)29	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Email exchange regarding Financial Review article	23.9.09	Conan Yuen, Financial Analyst, NSW Treasury. Jeannine Biviano, Executive Director Corporate Services I&I NSW	Yes
a)30	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Email re Exploration Licence Conditions	30.9.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)31	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Exploration Licence Conditions	6.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)32	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA 3771 Exploration Licence Document	6.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)33	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA 3771 Grant Proposal Letter	8.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)34	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Parliamentary House Folder Note - Mt Penny	14.10.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
a)35	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA Grant Submission	21.10.09	Peta Johannessen, Titles Administrator I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)36	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EL 7404 Grant Document	26.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)37	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EL 7404 Grant Letter	27.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)38	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Response to Notice of Motion	11.11.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No
a)39	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Drilling and Geological Data	1982	various	No
a)40	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	"The Western Coalfield" - Narrative	2001	I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - SUMMARY

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
b)1	Any document which records or refers to the production of documents as a result of this order	Letter - Order for Papers	13.11.09	Leigh Sanderson, Deputy Director General DPC	No
b)2	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	Ron Taylor, Manager Corporate Projects I&I NSW	No
b)3	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
b)4	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
b)5	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
b)6	Any document which records or refers to the production of documents as a result of this order	Letter - Response by Director General, Industry & Investment NSW	23.11.09	Ron Taylor, Manager Corporate Projects I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)1	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Coal Exploration Licence Application/Renewal ID Sheet	26.6.08	Fred Schiavo, Land Information Officer I&I NSW	No
a)2	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Mt Penny ID Diagram	7.7.08	Fred Schiavo, Land Information Officer I&I NSW	No
a)3	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Expression of Interest Information	Aug-08	I&I NSW	No
a)4	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Director General Briefing - Coal Allocation Proposal	9.9.08	Patricia Madden, Manager Operations, Mineral Resources I&I NSW	No
a)5	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Ministerial Briefing - Extension of Coal Allocation Areas Expressions of Interest	13.10.08	Patricia Madden, Manager Operations, Mineral Resources I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)6	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Expression of Interest Information	Jan-09	I&I NSW	No
a)12	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Withdrawal by Monaro Mining from Mt Penny EOI	9.6.09	Loyal Coal Pty Ltd	No
a)13	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	EOI Recommendation - Approved by Director General I&I NSW 19.6.09. EDITED VERSION with privileged information obscured	18.6.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
a)14	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Successful letter	19.6.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No
a)15	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Unsuccessful letters	19.6.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)16	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Letter re Standard Licence Conditions	8.7.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
a)17	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Consent Letter Cascade Coal Pty Ltd	11.8.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
a)18	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	ELA 3771 Co-ordinates	23.8.09	Cascade Coal Pty Ltd	No
a)21	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Receipt - Contribution to Coal Development Fund by Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No
a)22	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Receipt - Assessment Fee - Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)23	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Receipt - ELA 3771 - Application Fee - Cascade Coal Pty Ltd	25.8.09	Finance Branch, I&I NSW	No
a)24	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Acknowledgement Letter - ELA 3771	28.8.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)25	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	ID Diagram X	2.9.09	Gary Walker, Titles Officer Coal & Petroleum I&I NSW	No
a)26	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	ELA 3371 ID	2.9.09	Gary Walker, Titles Officer Coal & Petroleum I&I NSW	No
a)27	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents	Application Diagram E3771-01	11.9.09	Peter Hord, Land Information Co-ordinator I&I NSW	No
a)28	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents	Memorandum ELA3771 Cascade Coal - EDITED VERSION with privileged information obscured	11.9.09	Sarah Jardine, Geoscientist I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)29	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents	Email exchange regarding Financial Review article. EDITED VERSION with privileged information obscured	23.9.09	Conan Yuen, Financial Analyst, NSW Treasury. Jeannine Biviano,	No
a)30	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Email re Exploration Licence Conditions	30.9.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
a)31	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Exploration Licence Conditions	6.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)32	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA 3771 Exploration Licence Document	6.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)33	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA 3771 Grant Proposal Letter	8.10.09	Peta Johannessen, Titles Administrator I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)34	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Parliamentary House Folder Note - Mt Penny	14.10.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
a)35	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	ELA Grant Submission	21.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)36	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EL 7404 Grant Document	26.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)37	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EL 7404 Grant Letter	27.10.09	Peta Johannessen, Titles Administrator I&I NSW	No
a)38	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Response to Notice of Motion	11.11.09	Brad Mullard Executive Director Mineral Resources I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)39	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Drilling and Geological Data	1982	various	No
a)40	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	"The Western Coalfield" - Narrative	2001	I&I NSW	No
b)1	Any document which records or refers to the production of documents as a result of this order	Letter - Order for Papers	13.11.09	Leigh Sanderson, Deputy Director General DPC	No
b)2	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	Ron Taylor, Manager Corporate Projects I&I NSW	No
b)3	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	David Agnew, Manager Coal & Petroleum Titles and Systems I&I NSW	No
b)4	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - NON PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
b)5	Any document which records or refers to the production of documents as a result of this order	Email - Order for Papers	19.11.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	No
b)6	Any document which records or refers to the production of documents as a result of this order	Letter - Response by Director General, Industry & Investment NSW	23.11.09	Ron Taylor, Manager Corporate Projects I&I NSW	No

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - PRIVILEGED					
Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)7	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	EOI - Jain Group	20.11.08	Jain Group	Yes
a)8	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	EOI - Monaro Mining	21.11.08	Monaro Mining	Yes
a)9	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	EOI - Cascade Coal Pty Ltd	16.2.09	Cascade Coal Pty Ltd	Yes
a)10	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	EOI - Breakspheare Coal Mines Ltd	Feb-09	Breakspheare Coal Mines Ltd	Yes
a)11	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, including any documents relating to the tender process.	Evaluation of Expressions of Interest	Jun-09	Evaluation Team, I&I NSW	Yes

Order for Papers - Exploration Licence - Mt Penny - Industry & Investment NSW - PRIVILEGED

Document No.	Type	Item	Date of Creation	Author	Privilege Claim
a)13	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	EOI Recommendation - Approved by Director General I&I NSW 19.6.09	18.6.09	William Hughes, Principal Advisor Coal & Strategic Projects I&I NSW	Yes
a)19	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Underwriting agreement	24.8.09	Arthur Phillip Funding, Strategy & Business Investment	Yes
a)20	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Nomination Letter plus supporting information - ELA 3771 - Cascade Coal Pty Ltd	25.8.09	Cascade Coal Pty Ltd	Yes
a)28	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Memorandum ELA3771 Cascade Coal	11.9.09	Sarah Jardine, Geoscientist I&I NSW	Yes
a)29	Documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny, Including any documents relating to the tender process.	Email exchange regarding Financial Review article	23.9.09	Conan Yuen, Financial Analyst, NSW Treasury. Jeannine Biviano, Executive Director Corporate Services I&I NSW	Yes