



Premier & Cabinet

Ms Lynn Lovelock
Clerk of the Parliaments
Legislative Council
Parliament House
Sydney NSW 2000

Dear Ms Lovelock

Request for Papers – Exploration Licence – Mt Penny

I refer to the resolution of the Legislative Council under Standing Order 52 made on 12 November 2009, concerning Exploration Licence – Mt Penny.

I am now delivering to you the documents referred to in that resolution.

On 17 November 2009 the Ministerial portfolio responsibilities for Mineral Resources and Primary Industries were assigned to two different Ministers. Accordingly, responses have been obtained from the offices of both of those Ministers in relation to this order.

The documents have been obtained from the Office of the Premier, the Office of the Minister for Mineral Resources, the Office of the Minister for Primary Industries, the Department of Industry and Investment, the Office of the Treasurer and NSW Treasury.

Enclosed at **Annexure A** are certification letters from the Office of the Premier, the Office of the Minister for Mineral Resources, the Office of the Minister for Primary Industries, the Department of Industry and Investment, the Office of the Treasurer and NSW Treasury indicating that, to the best of their knowledge, all documents held and covered by the terms of the resolution have been provided.

I can also certify that to the best of my knowledge all documents held by the Department of Premier and Cabinet and covered by the terms of the resolution have been provided.


Enclosed at **Annexure B** are indexes of all non-privileged documents that have been provided in response to the resolution.

In accordance with Item 5(a) of Standing Order 52, those documents for which a claim for privilege has been made have been separately indexed and the case for privilege has been noted.

Enclosed at **Annexure C** are indexes of all privileged documents and submissions in support of the case for privilege.

Should you require any clarification or further assistance please do not hesitate to contact Mr Paul Miller, Executive Director, Legal Branch on (02) 9228 5543.

Yours sincerely


John Lee
Director General

Received at 4.25pm
Thursday 26 November 2009

Lynn Lovelock

1 box privileged documents

1 box non-privileged documents



Office of the
Premier of New South Wales
Australia

Ms Leigh Sanderson
Deputy Director General (General Counsel)
Department of Premier and Cabinet
Level 39, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Ms Sanderson

Order for Papers – Mt Penny

I refer to your memorandum of 12 November 2009 seeking papers in response to a Resolution of the Legislative Council regarding the exploration licence relating to Mt Penny.

I certify to the best of my knowledge that all documents held by the Office of the Premier and covered by the terms of the Resolution have been provided.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Graeme Wedderburn'.

Graeme Wedderburn
Chief of Staff



Minister for Mineral Resources
Minister for Regulatory Reform

Ms 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 Ms 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 the Minister for Primary Industries relating to Exploration Licence 3771 – Mt Penny.

I attach the one document covered by the terms of the resolution in this office.

Yours sincerely


Jason Kara
Acting Chief of Staff

23/11/09



Hon Tony Kelly MLC
Minister for Primary Industries
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

24 November 2009

Ms 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

Dear Ms 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 the Minister for Primary Industries relating to Exploration Licence 3771 – Mt Penny.

I certify to the best of my knowledge that there are no documents covered by the terms of the resolution in this office.

Yours faithfully

L. Brown 24/11/09

Laurie Brown
Chief of Staff

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809, Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530



New South Wales

INDUSTRY & INVESTMENT NSW

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

23 NOV 2009

Attn: Mr Paul Miller
Executive Director, Legal Branch

By Hand


Dear Ms 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



NEW SOUTH WALES

OFFICE OF THE TREASURER
MINISTER FOR STATE DEVELOPMENT

Ms Leigh Sanderson
Deputy Director General (General Counsel)
Department of Premier and Cabinet
Level 39, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

17 November 2009

Dear Ms Sanderson

Order for Papers – Exploration Licence – Mt Penny

I refer to your memorandum 12 November 2009 seeking submission of papers in response to an Order in the Legislative Council of 12 November 2009 relating to Exploration Licence 3771 (now Exploration Licence 7406).

I certify to the best of my knowledge that all documents held by this Office and covered by the terms of the resolution, have been provided.

Yours faithfully

A handwritten signature in black ink, appearing to be "Walt Secord", with a long horizontal line extending to the right.

Walt Secord
Chief of Staff



New South Wales
TREASURY

Ms Leigh Sanderson
Director General
Department of Premier and Cabinet
Level 39 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Contact: C Yuen
Telephone: (02) 9228 4165
Our Reference: E28982

Dear Ms Sanderson

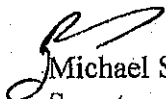
Order for Papers – Exploration Licence – Mt Penny

I refer to your letter of 13 November 2009 seeking submission of papers in response to an Order in the Legislative Council of 12 November 2009 relating to:

- a) Exploration Licence 3771 (now Exploration Licence 7406) – Mt Penny including any documents relating to the tender process and
- b) any document which records or refers to the production of documents as a result of this order of the House.

I certify to the best of my knowledge that all documents held by New South Wales Treasury and covered by the terms of the resolution, have been provided.

Yours faithfully


Michael Schur
Secretary
20.11.09

NSW DEPARTMENT OF PREMIER AND CABINET

NON-PRIVILEGED DOCUMENTS – ORDER FOR PAPERS – 12 NOVEMBER 2009 –

EXPLORATION LICENCE – MT PENNY

Document No.	Item	Document	Date	Author	Privilege Claim?
1	Any document which records or refers to the production of documents as a result of this order of the House.	Letter from Clerk of Parliaments advising of order	12/11/09	Lyn Lovelock, Clerk of Parliaments	No
2	Any document which records or refers to the production of documents as a result of this order of the House.	Briefing to Deputy Director General advising of order and letter sent to relevant agencies	11/11/09	George Makrides, Senior Project Officer, Department of Premier and Cabinet	No
3	Any document which records or refers to the production of documents as a result of this order of the House.	Briefing to Deputy Director General readdressing memoranda to Chiefs of Staff	20/11/09	George Makrides, Senior Project Officer, Department of Premier and Cabinet	No
4	Any document which records or refers to the production of documents as a result of this order of the House.	Memorandum undertaking searches within the Department of Premier and Cabinet	13/11/09	George Makrides, Senior Project Officer, Department of Premier and Cabinet	No
5	Any document which records or refers to the production of documents as a result of this order of the House.	Written response to searches memorandum	16/11/09	Nazil Munir, Manager, Policy, National Reform Unit, Department of Premier and Cabinet	No
6	Any document which records or refers to the production of documents as a result of this order of the House.	Memorandum concerning amount on time taken to comply with order	Undated	Joanne Paizes, Branch Manager, Cabinet Secretariat, Department of Premier and Cabinet	No
7	Any document which records or refers to the production of documents as a result of this order of the House.	Memorandum concerning amount on time taken to comply with order	20/11/09	Michael Petrie, Chief of Staff, Office of the Director General, Department of Premier and Cabinet	No

Document No.	Item	Document	Date	Author	Privilege Claim?
8	Any document which records or refers to the production of documents as a result of this order of the House.	Memo concerning compliance with order	19/11/09	Peter Duncan, Deputy Director General, Government Coordination, Department of Premier and Cabinet	No
9	Any document which records or refers to the production of documents as a result of this order of the House.	Memo concerning compliance with order	20/11/09	Dianné Leeson, Director, Major Projects Coordination, Department of Premier and Cabinet	No
10	Any document which records or refers to the production of documents as a result of this order of the House.	Email concerning compliance with order	16/11/09	Peter Heron, Cabinet Secretariat, Department of Premier and Cabinet	No
11	Any document which records or refers to the production of documents as a result of this order of the House.	Briefing to Director General concerning compliance with order	12/11/09	George Makrides, Senior Project Officer, Department of Premier and Cabinet	No

Office of the Premier

ORDER FOR PAPERS – MT PENNY

Document No.	Item	Document	Date of Creation	Author	Privilege Claim Y/N?
1	Any document which records or refers to the production of documents as a result of this order of the House	Memo from NSW Department of Premier and Cabinet	12 November 2009	Leigh Sanderson, Deputy Director General (General Counsel)	N

OFFICE OF THE MINISTER FOR MINERAL RESOURCES

NON-PRIVILEGED DOCUMENTS – ORDER FOR PAPERS – 12 NOVEMBER 2009 –

EXPLORATION LICENCE – MT PENNY

Document No.	Item	Document	Date	Author	Privilege Claim?
1	Any document which records or refers to the production of documents as a result of this order of the House.	Memorandum from Leigh Sanderson	20/11/09	Leigh Sanderson	No

Order for Papers - EXPLORATION LICENCE - MT PENNY

SCHEDULE 1: UNPRIVILEGED

Resolution of the Legislative Council: 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 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 and NSW Treasury:

- (a) all documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny,
- (b) including any documents relating to the tender process,
- (c) any document which records or refers to the production of documents as a result of this order of the House.

Note: Every effort has been made to comply with this order in the time frame specified. To avoid unnecessary waste of resources, multiple versions of similar documents have not been included in circumstances where the information requested has otherwise been provided in a substantially similar way.

Document No.	Item	Document	Date of Creation	Author	Privilege Claim?	
Item (a), 1 (c)	<i>all documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny and resolution (c)</i>	Letter from Department of Premier and Cabinet	13/11/2009	Department of Premier and Cabinet	No	1
Item (a) 1	<i>all documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny</i>	Email referring to a number of remnant and small coal deposits	26/09/2008	The former Department of Primary Industries	No (redacted version provided)	

Office of the Treasurer

EXPLORATION LICENCE – MT PENNY

ORDER FOR PAPERS

Schedule 1

Document No.	Standing Order Item	Document	Date of Creation	Author	Privilege Claim
1	na	Memorandum from Leigh Sanderson to Walter Secord	12 November 2009	Leigh Sanderson	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 relating to the tender process.	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 - 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 - 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

**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.

SCHEDULE 2: PRIVILEGED ITEMS

Resolution of the Legislative Council: 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 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 and NSW Treasury:

- (a) all documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny,
- (b) including any documents relating to the tender process,
- (c) any document which records or refers to the production of documents as a result of this order of the House.

Note: Every effort has been made to comply with this order in the time frame specified. To avoid unnecessary waste of resources, multiple versions of similar documents have not been included in circumstances where the information requested has otherwise been provided in a substantially similar way.

Commercial in confidence

Information provided to Treasury on a commercial in confidence basis (Schedule 2 Item 1)

These documents provide sensitive commercial information provided by Government businesses and agencies to Treasury on a commercial in confidence basis. Where documents have been compiled by Treasury, the information is based on information provided on a confidential basis from those entities. Many of the documents provide intellectual property of value to the entities and the private sector.

Document No.	Item	Document	Date of Creation	Author	Privilege Claim?
Item (a) 1	all documents in relation to Exploration Licence 3771 (now Exploration Licence 7406) - Mt Penny	Email referring to a number of remnant and small coal deposits	26/09/2008	The former Department of Primary Industries	Yes

1

**SUBMISSION IN SUPPORT OF CLAIM FOR PRIVILEGE
BY THE NSW TREASURY**

Exploration Licence – Mt Penny

These documents provide sensitive commercial information provided by Government businesses and agencies to Treasury on a commercial in confidence basis. Where documents have been compiled by Treasury, the information is based on information provided on a confidential basis from those entities. Many of the documents provide intellectual property of value to the entities and the private sector.

A full version of each document has been included with the index of privileged documents. A version of each document, with the commercial-in-confidence information redacted, has been produced with the index of non-privileged documents.