



THE HON. JEREMY BUCKINGHAM MLC
Member of the Legislative Council
THE GREENS NSW



Mr David Blunt
Clerk of the Legislative Council
Parliament House
Macquarie Street
Sydney, NSW 2000

3 December 2012

Dear Mr Blunt,

I write expressing my concern that relevant documents may be missing from a call for papers into the Mt Penny exploration licence that was moved by The Hon. Duncan Gay in November 2009.

The current ICAC hearings into the Mt Penny licence have referred to a series of documents from persons related to Cascade Coal requesting that the tender process for 11 licences be reopened and that additional companies be allowed to enter the process. In addition, considerable evidence has been presented at the ICAC inquiry about the process of reopening the tender process and allowing new companies into the process. I enclose a couple of media articles referring to some of the documents raised at the ICAC hearing.

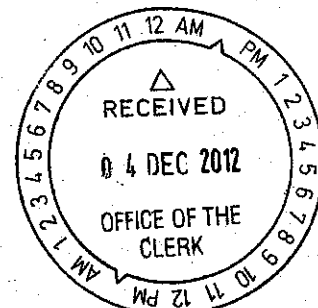
I've had a look through the public and privileged documents that were returned by the call for papers, as well as the list of documents found under the call, and there is no reference to any correspondence requesting a reopening of the tender process or any other paperwork generated by the reopen requests.

The call for papers had a broad frame of reference:

"...all of those documents in relation to exploration licence 7406 including any document relating to the tender process, and any document which records or refers to production of documents as a result of the order of the House"

I would presume that such documents would be relevant for three reasons:

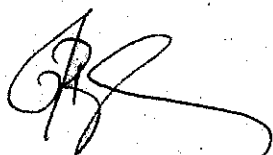
- 1) The call explicitly mentions the tender process.
- 2) There is a document released relating the findings of the probity audit on reopening the tender process. So if the probity audit was relevant, then the requests and discussion about reopening the tender process would also be relevant.
- 3) At the time of the call for papers (12 November 2009) I believe that Cascade Coal was the holder of the Mt Penny exploration licence (invited to take up licence 19 June 2009, granted 21 October 2009). Therefore, any documentation from Cascade coal or relating to Cascade Coal, even if the documents related to the tender process for the 11 licences rather than specifically Mt Penny, would be relevant to this call for papers.



D12/32941
C11/152

I therefore request that you investigate whether certain documents that should have been released to the parliament have been withheld, and that, if this is the case, that these documents be released to the parliament and that an explanation be given as to why this may have occurred.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JB', with a long horizontal flourish extending to the right.

Jeremy Buckingham