

10 December 2012

Mr Chris Eccles  
Director-General  
Department of Premier and Cabinet  
Level 39  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Attention: Mr Paul Miller, General Counsel

Dear Mr Eccles

On 12 November 2009 the Legislative Council ordered:

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.

On 26 November 2009 my predecessor received correspondence from the former Director-General of the Department of Premier and Cabinet providing documents captured by the order, together with certification letters from various office holders, a copy of which is enclosed.

The documents provided with that correspondence have recently been retrieved from State Records following a request from a member of the Legislative Council, the Hon Jeremy Buckingham MLC. Both the public and privileged documents have since been examined (the privileged documents by Mr Buckingham only).

Mr Buckingham has now written to me to express concern that relevant documents may not have been included in the documents returned in response to the order of 12 November 2009. (A copy of Mr Buckingham's letter, dated 3 December 2012, is enclosed.)

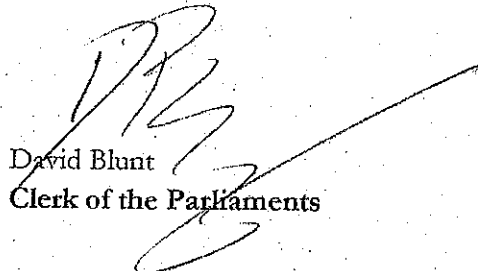
Attached to Mr Buckingham's letter are two media articles referring to documents disclosed during the hearings concerning mining exploration licences currently being conducted by the Independent Commission Against Corruption (ICAC), together with a sample of the sorts of documents referred to, printed from the ICAC's website. I note that a significant volume of similar correspondence appears to have been tendered as exhibits in the course of the current ICAC hearings:

<http://www.icac.nsw.gov.au/images/investigations/jasper/Volume%202%20EXHIBIT%20J%2012.pdf>

Mr Buckingham has requested that I investigate whether or not all documents that should have been provided with the return to order on the exploration licence for Mt Penny have been provided and whether, if not, the documents should now be provided with an explanation.

As a first step I am therefore writing to you to seek any information or advice you may be able to provide in relation to this matter.

Yours sincerely



David Blunt  
Clerk of the Parliaments