

Submission

No 12

**INQUIRY INTO THE 2009 MT PENNY RETURN TO
ORDER**

Name: Mr Ron Taylor

Date Received: 16/09/2013

**Submission to the Legislative Council Privileges Committee
Inquiry into the 2009 Mt Penny Return to Order**

The following submission is made subsequent to my appearance before the Legislative Council Privileges Committee on Monday 26 August 2013.

I advised the Committee I had located a draft Standing Order 52 policy on my computer from 2006. This had been saved under the name '*Standing Order 52 Policy 4.8.06.doc*' and is shown at Attachment A. Although it was not issued, it is a reasonable reflection of my understanding of the process at the time of the Mount Penny Return to Order. As indicated at point 5, I was to consult with the Director, Sydney Office (Phil Anquetil) as to whom the Order should be directed and prepare the response based upon the documents provided.

I have a procedural role in regard to Returns to Orders in that I issue the search request, receive documents referred after searches by the relevant areas, prepare the required Indexes and draft the covering letter (including any claims for Privilege) for consideration by the Director General.

Emails are documents and should have been searched for, however, when giving evidence I was unsure if that was the view of all people doing such searches. I have since reviewed a Return to Order for 2006 and two others done immediately after the Mount Penny Return and note these include emails in the documents provided.

Items 13, 14, 15 and 18 provided separately in my response to the Questions on Notice indicate arrangements I made to work in the Sydney Office on Friday 20 November 2009. I believe I would have worked from the Sydney Office for part of that day as well as some, if not all, of the following Monday 23 November 2009. Phil Anquetil and William Hughes were located in the Sydney Office and so would have been available to me in person.

The Committee has assumed a connection between Item 19, being the 'draft response' sent at 11:23am on Monday 23 November 2009 to various people, including William Hughes, and Item 20 being Mr Hughes forwarding of the Loyalty Coal document at 11:31am. The 'draft response' did not include the Index of Documents nor the documents themselves - it was only the covering letter to be signed by the Director General with an attached Claim for Privilege. I distributed the 'draft response' to those people to ensure they were satisfied with the Claim for Privilege.

Item 16 is information sent to Mr Hughes 10am Friday 20 November 2009 on previous claims for privilege. There is a direct connection between Item 16 and Item 19 as they both concern Claims for Privilege. I am not aware of any connection between Items 19 and 20.



Ron Taylor
16 September 2013

POLICY

Ref:



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Finance and Administration
Locked Bag 21, Orange NSW 2880
Tel: 9527 8453 Fax: 9527 8576

Title	Standing Order No 52	Version	##
Policy no.	Issued upon registration	Effective date	dd/mm/yyyy
Authorised by	Position	Authorisation date	dd/mm/yyyy

1. OVERVIEW

The Legislative Council may order the production of documents held by the NSW Government and Government Agencies under Standing Order No 52. NSW DPI must respond to these orders within the stipulated timeframe.

2. BACKGROUND

The reply to all such Orders is co-ordinated by Premiers Department and may require multi-agency input. Premiers Department is required to provide the documents within 14 days of the Order being issued.

Most documents provided are made public without any restriction on access. If a claim of 'privilege' is made and upheld the documents must still be provided, but can only be inspected by members of the Legislative Council.

3. SCOPE

All documents held by NSW DPI relevant to the Order are required to be produced and referred to Premiers Department.

An indexed list of all documents showing the date of creation, a description of the documents and the author must be included. Any claim for exemption also needs to be detailed and explained in a covering submission.

4. POLICY

- 4.1. The Principal Manager, Corporate Projects will liaise with Premiers Department and Deputy Directors General/Executive Directors regarding actions required under Standing Order No 52.
- 4.2. Deputy Directors General/Executive Directors are responsible for ensuring all relevant documents are identified, copied and referred to the Principal Manager, Corporate Projects within the specified timeframe. This will include an indexed list and, where appropriate, recommendations concerning claims for privilege.
- 4.3. The Principal Manager, Corporate Projects will be responsible for ensuring copies of relevant documents and the NSW DPI response is available for endorsement by the Director General and subsequent referral to Premiers Department.

5. PROCEDURES

Upon notification by Premiers Department of an Order for the production of documents under Standing Order No 52, the Principal Manager, Corporate Projects will advise the Director, Sydney Office and seek confirmation of the Deputy Director General/Executive Director responsible for providing the documents sought.

The Principal Manager, Corporate Projects will then consult with the relevant Deputy Director General/Executive Director and advise the timeframe to provide the necessary documentation.

The Principal Manager, Corporate Projects will prepare the NSW DPI response based upon the documentation and advice provided. This will be referred to the Director, Sydney Office for endorsement and issue to Premiers Department by the Director General.

6. DEFINITIONS

None

7. RELATED LEGISLATION

Freedom of Information Act 1989

8. RELATED POLICIES

None

9. RELATED DELEGATIONS

None

10. RELATED DOCUMENTS

None

11. REVISION HISTORY

Version	Date
XX	dd mmmm yyyy

12. DATE OF NEXT REVIEW

[dd/mmmm/yyyy]

13. CONTACT OFFICER

Principal Manager, Corporate Projects – 02 9527 8453