

Submission

No 11

INQUIRY INTO THE 2009 MT PENNY RETURN TO ORDER

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LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

23 August 2013

The Honourable Trevor Khan
Chair
Privileges Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Khan

Please find attached a submission to the inquiry into the 2009 Mt Penny return to order.

As requested by the committee, the submission discusses and provides a response to the “suggested improvements to the standing order 52 process” contained in annexure B to the supplementary submission of the Department of Premier and Cabinet dated 19 July 2013.

I would like to acknowledge the assistance of the Director – Procedure, Ms Susan Want, in the preparation of this submission.

I look forward to the opportunity to speak to the submission at the committee’s public hearing on Monday 26 August 2013.

Yours sincerely,



David Blunt
Clerk of the Parliaments

Introduction

This submission addresses a number of issues raised in the submission of the Department of Premier and Cabinet entitled "Suggested improvements to the Standing Order 52 process", dated 19 July 2013, to the Privileges Committee inquiry into the 2009 Mt Penny Return to Order.

This submission first provides an outline of the procedures for the production of documents under standing order 52 (SO 52) and data, in brief, on orders for papers since 1999. Greater detail on the number and subject of orders for papers set out in attachment A.

Second, the submission discusses certain assumptions made by Department of Premier and Cabinet (DPC) in its submission, in particular assumptions made in relation to the power of the House to order the production of privileged documents and the power to order the preparation of an index.

Third, the submission considers each of the 20 suggestions made by DPC, providing reasons for supporting or not supporting the suggestions.

Procedures for the production of documents under SO 52

Since the *Egan* decisions¹, the power of the Council to order the production of papers has become one of the key mechanisms by which the Council exercises its constitutional role of holding the Executive Government to account, in accordance with the system of responsible government in New South Wales.

The process for ordering the production of State papers is now set out in SO 52 of the Council.

Other than documents that reveal 'the actual deliberations of Cabinet', the Government is required to table in the Council all documents captured by an order for papers, although it may make a claim of privilege over any documents it believes should not be made public. Claims of privilege are usually based on a claim of public interest immunity which, in the parliamentary context, refers to a claim by the executive that it is not in the public interest for certain information to be made public.

Documents over which a claim of privilege is made are available only to members of the Council. In the event of a member disputing an executive claim of privilege, an independent arbiter is appointed to consider and report to the Council as to whether any 'privileged' documents should be made public.

Under SO 52, any member of the House may give notice of a motion for an order for papers. Members regularly seek the advice of the Clerk in drafting such notices of motions but are not required to do so. The use of standard wording in orders for papers over many years has assisted members in determining the parameters of their orders.

The House can debate the motion then agree to it, amend it, or reject it. If the House agrees to the motion, the Clerk communicates the terms of the order to the Director General of the Department of Premier and Cabinet to coordinate a return.

¹ See the decision of the New South Wales Court of Appeal in *Egan v Willis and Cahill* (1996) 40 NSWLR 650, the High Court decision in *Egan v Willis* (1998) 195 CLR 424 and the decision of the New South Wales Court of Appeal in *Egan v Chadwick* (1999) 46 NSWLR 563.

The return to order is required to be laid on the table by the Clerk, or to be lodged with the Clerk if the House is not sitting, and must be accompanied by an indexed list of the documents, showing the date of creation, author and a description of each document.

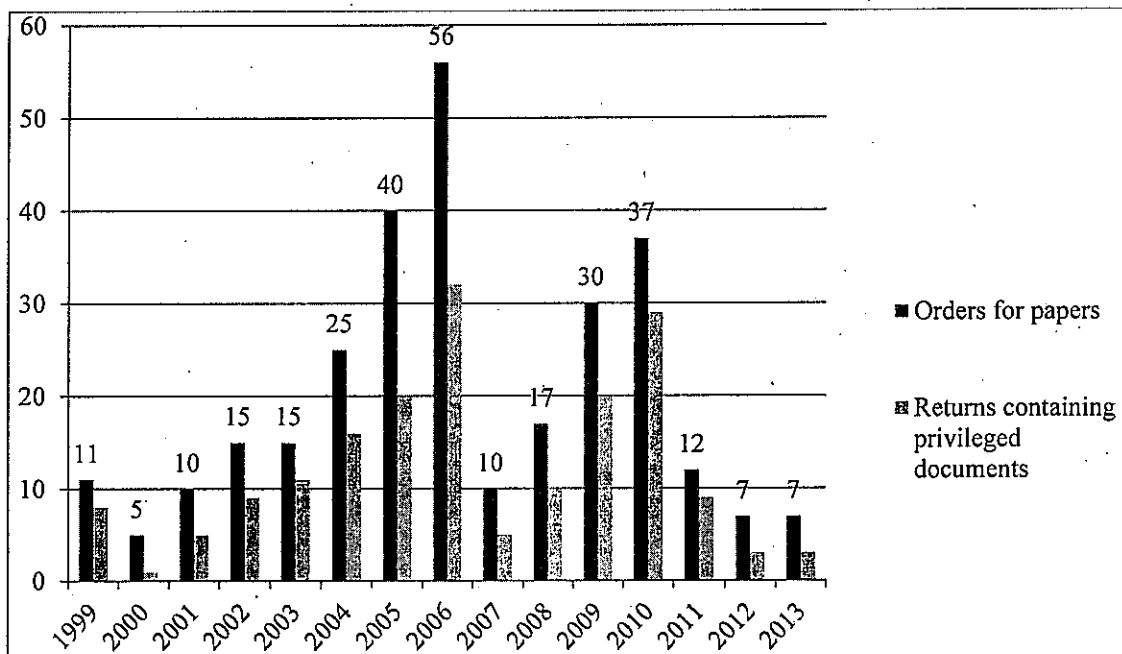
Where the return contains documents over which a claim of privilege is made, a return is to be prepared showing the date of creation, author and a description of each document and the reason for the claim of privilege. Only members of the Legislative Council can view documents subject to a claim of privilege. The documents may not be published or copied without an order of the House. The return itself is tabled in the House and is a public document.

A claim of privilege by the Government may be disputed by any member of the Council by communication in writing to the Clerk. On receipt of such a communication, the Clerk is authorised to release the disputed document or documents, the claim of privilege, and the written dispute, to an independent legal arbiter for evaluation and report as to the validity of the claim of privilege. The independent legal arbiter is appointed by the President and must be either a retired Supreme Court judge, Queen's Counsel or Senior Counsel.

The arbiter's report is lodged with the Clerk, and cannot be published or copied without an order of the House. The President informs the House of receipt of the report at the next sitting. It is then up to the House to cause the report to be tabled and made public, by motion on notice. The Council does not delegate its power to make a privileged document public. Upon receipt of the arbiter's report, it is then the decision of the House whether to accept the arbiter's advice in relation to the privilege to be afforded to the particular State papers. A further motion, on notice, must be agreed to by the House for any documents subject to a claim of privilege to be made public.

Calls for papers since 1999

Since the decision of the NSW Court of Appeal in *Egan v Chadwick* in 1999, the New South Wales Legislative Council has agreed to 297 orders for State papers. 181 of the returns have contained documents subject to a claim of privilege. The validity of a claim of privilege has been disputed on 38 occasions.



Assumptions made in the DPC submission

Before proceeding to the specific suggestions made in the DPC submission, the opportunity is taken to address a number of assumption and general comments made in the submission.

The source of the power of the House to order State papers

The power of the House to order the return of State papers is not unique to the Legislative Council, however the source of the power differs from other jurisdictions.

New South Wales Parliament is unique among Australian parliaments in that it has not legislated to declare its powers and immunities. Rather, the majority of the powers of Parliament are derived from the common law principle of reasonable necessity. While certain powers and immunities have been conferred by statute, no comprehensive legislation has been enacted on this subject.

By contrast, most other Australian jurisdictions have legislated to adopt the powers and immunities of the House of Commons at a certain date.² Some jurisdictions have also enacted comprehensive privileges legislation, such as the *Parliamentary Privileges Act 1987* (Cth),³ while other jurisdictions have constitutional provisions conferring wide-ranging powers on their Houses.⁴ Some parliaments have a combination of these three models.

It is a common misconception that SO 52 provides the Legislative Council with the power to order the production of State papers. In fact, SO 52 merely sets out the procedure to be followed when the House orders the production of State papers. The power itself exists, and is recognised at law, based on the principle of reasonable necessity – the power being recognised as reasonably necessary in order that the House can fulfil its roles in the system of responsible government.

The public release of documents returned to order

Documents tabled in the House by the President, a Minister or the Clerk, are published under the standing orders. Where possible, these documents are made publically available on the Legislative Council's website in order that members of the public and the media can easily access important government information. However, some documents tabled in the House and made public by order of the House, including the majority of documents returned to an order of the House, are generally only available in hard copy.

On receipt of a return to order, the correspondence from the Department of Premier and Cabinet, the index of documents, any claim of privilege and the index of documents subject to a claim of privilege and are scanned and made available on the Legislative Council website. However, unless the documents are provided in digital format the Department of the Legislative Council is currently unable to make them available online. Consequently, interested members of the public and the media must attend Parliament House in order to view the documents. As the documents cannot be removed from the Legislative Council, photocopy facilities are made available.

The documents are made publicly available in the same way as any other tabled paper. There are no specific arrangements to make these documents available to the media. The Clerk

² *Constitution Act 1901* (Cth), s. 49, *Constitution Act 1975* (Vic), s 19(1), *Constitution of Queensland 2001* (Qld), s 9, *Constitution Act 1934* (SA), s 38.

³ *Parliamentary Privileges Act 1987* (Cth), *Parliamentary Privileges Act 1891* (WA), *Parliamentary Privileges Act 1858* (Tas), *Legislative Assembly (Powers and Privileges) Act 1991* (NT).

⁴ *Australian Capital Territory (Self Government) Act 1988* (ACT), s 24(3), *Constitution of Queensland 2001* (Qld), s 9.

notifies the member who proposed the order for papers of the receipt of the return, and the House is advised when it next sits. Now that the Department of the Legislative Council has a Twitter account, receipt of a return to order has recently be tweeted on one occasion.

The power to order privileged documents

In *Egan v Chadwick*, all three members of the Court of Appeal agreed that the Council has the power to order the production of documents subject to a claim of public interest immunity.⁵

The DPC submission states “The power of the Council under SO 52 to override public interest privileges is extraordinary. It lacks many of the safeguards, consultation processes and independent oversight mechanisms of other compulsory production processes, such as subpoenas or GIPA applications.” This statement suggests the Legislative Council has somehow ascribed to itself some sort of unreasonably wide power. To reiterate, SO 52 is not a source of the power of the House to order State papers. The power to require the production of documents including those subject to a claim of public interest immunity was determined by the NSW Court of Appeal, again based on the common law principle of reasonable necessity.

Whilst it is acknowledged that this power is significant, its existence is a matter of law. Any suggestion that the power should be constrained by new administrative procedures is rigorously opposed.

Publication of privileged documents

The issue of whether documents subject to a claim of public interest immunity should be made public by the Parliament is complex. In order to deal with this difficult matter and ensure sufficient safeguards and oversight of the procedure were in place, the House in 1999 adopted procedures for independent evaluation of the executive government’s claims of privilege. These rules are now contained in SO 52.

The DPC submission incorrectly states that privileged documents may be publically released if an independent arbiter appointed by the Council determines that it would be in the public interest that they should be. As noted previously, privileged documents remain available only to members of the Legislative Council unless or until the Council otherwise decides. The only exception to this rule is the few occasions on which the House has, in exceptional circumstances, delegated the determination as well as the evaluation of such claims. On three separate occasions toward the end of the sitting year in 2005 the House resolved that if it was not sitting when the report of the independent legal arbiter was lodged with the Clerk, the report and any documents considered by the arbiter to be not privileged were authorised to be published by the Clerk and tabled in the House at its next sitting.⁶

In October 2005, in the report entitled *Cross City Tunnel—Second Report*, the independent arbiter, Sir Laurence Street, made the following observations on Parliament’s role in evaluating the public interest:

“Courts have developed a principled approach in deciding ... claims of privilege. Parliament has as a matter of convention adopted a somewhat similar approach, particularly in relation to [legal professional privilege]. But there is an important difference between the responsibility of a court ruling on such claims and the function of Parliament. The Court’s function is to administer justice and expound the law.

⁵ *Egan v Willis and Cahill* (1996) 40 NSWLR 650, per Spigelman CJ at 574, per Priestley at 595, per Meagher at 597.

⁶ *LC Minutes* (18/10/2005) 1644; (30/11/2005) 1786/85; (1/12/2005) 1815.

Parliament is the guardian of the public interest with age old constitutional authority to call upon the Executive to give an account of its activities.

While Courts apply developed principles in ruling on claims for privilege, Parliament will evaluate the claim (usually by its Arbiter) to consider whether it is in the public interest to uphold it. This process involves balancing against each other two heads of public interest that are in tension. On the one hand, there is a public interest [in not invading lawyer client relationships] and a public interest [in protecting what might be called commercially sensitive material]. And, on the other hand, there is a contrary public interest in recognizing the public's right to know and the need for transparency and accountability on the part of the Executive.⁷

A number of claims of public interest immunity have been held to be valid in the past⁸ and a number of claims have not been upheld.⁹

Whether the documents should be made public is ultimately a matter for the House to decide after consideration of the independent legal arbiter's evaluation, and by debating the matter in the House. The House has exercised discretion in this regard, on one occasion determining that certain document considered by the arbiter to be not privileged should nevertheless remain available only to members of the Legislative Council¹⁰ and on another by resolving that certain personal information be redacted before documents considered not privileged were tabled.¹¹

The power to cause the preparation of an index

In its submission DPC states that it does not accept that the Council has any power to direct the executive to produce an index of the documents captured by an order for papers.

It is acknowledged that the standing orders do not provide a legal basis for the Council to order the production of an indexed list of papers provided in a return to order. However, the Council arguably has the power to order the preparation of a list as a matter of inherent need under the common law, on the basis that the power to order the production of a list is reasonably necessary for the effective functioning of parliament.¹² This common law authority is reflected SO 52. The long term practice of the Government complying with the terms of SO 52 supports this view.

In addition there are numerous precedents between 1856 and the early 1900s of orders for papers which required the Government to produce new papers to be tabled in the House.¹³ In November 2001, the Government complied with an order of the House for a return showing registered companion animals by local government area.¹⁴

There are also precedents where papers have been created by the Government in response to other orders of the House, such as SO 106(2) which requires a minister to table a list of all legislation that has not been proclaimed ninety days after assent, and SO 233 requiring a Government response to be prepared to committee reports.

⁷ *Egan v Willis and Cahill* (1996) 40 NSWLR 650, per Spigelman CJ at 574, per Priestley at 595, per Meagher at 597.

⁸ Report of the Independent Arbiter, 25 October 2002, *M5 East Motorway*, 5-6; Report of the Independent Arbiter, 28 May 2002, *Mogo Charcoal Plant*, 3.

⁹ Report of the Independent Arbiter, 31 July 2001, *Conditional Agreement to Lease the Quarantine Station*, 2-3; Report of the Independent Arbiter, 17 October 2001, *Appointment of Mr Peter Scolari as Administrator of the Wellington Local Aboriginal Land Council*, 2-3.

¹⁰ *LC Minutes* (10/3/2010) 1688

¹¹ *LC Minutes* (23/6/2010) 1952. (The House has also declined to make a report of an arbiter public. See *LC Notice Paper* (30/5/2007) 85; *LC Minutes* (31/5/2007) 92)

¹² For authority for this position, see *Namoi Shire Council v Attorney General for New South Wales* (1980) 2 NSWLR 639 at 644.

¹³ See for example *LC Minutes* (19/11/1857) 24; (8/12/1932) 1651; (13/12/1932) 174.

¹⁴ *LC Minutes* (29/11/2001) 1312.

An index becomes essential when a return consists of a large volume of documents such as when a return relating to Hunter Rail Cars in 2006 constituted of 142 boxes of papers. Without the index, it would have been almost impossible for members of the Council to have made an assessment of the documents provided and the material they contained.

An index is also essential where the Government wishes to claim privilege over specific documents. It has also been found by the independent legal arbiter that where the Executive Government attempts to 'spread' a valid claim of privilege covering a small selection of documents to an umbrella claim over a wider selection of documents, it weakens the strength of the claim of privilege covering even those documents for which privilege could validly be claimed and likely upheld.¹⁵

The Government Information (Public Access) Act 2009 (GIPA) and SO 52

A number of comments made throughout the DPC submission suggest that the terms of SO 52 should be amended in line with the terms and provisions of GIPA. While it is appreciated that these suggestions are intended to clarify for agencies the requirements of these separate processes for accessing State papers, it does not necessarily follow that the terms and provisions should be the same.

The two processes have been developed to address fundamentally different concepts. The purpose of GIPA, and the concept of freedom of information as a whole, is to give citizens the right to access government information directly and to provide a mechanism for doing so. Freedom of information legislation is based on the concept that government should be open, that citizens should be able to access information about decisions and actions of government. The extent to which government information should be made available to citizens is a matter of ongoing argument. Consequently, GIPA is an expression of the will of the Parliament at a particular time and a result of negotiation, consultation and compromise, and debate and amendment.

Should members, or their constituents, fail to access government information through GIPA, members have recourse to the power of the House to order the government to return certain documents.

An order for papers under SO 52 is an expression by the Legislative Council that it intends to scrutinise the Executive Government by seeking information about government action and decisions contained in State papers. As noted above, the power of the Council to order the production of papers is recognised as part of the common law and has become one of the key mechanisms by which the Council exercises its constitutional role of holding the Executive Government to account, in accordance with the system of responsible government in New South Wales.

While it is understood that uniformity of terms and expressions would assist agencies, limiting the power of the Legislative Council to order the production of State papers by reference to the terms, definition or tests contained in GIPA could have a significant and detrimental impact on the ability of the House to hold the executive government to account. This issue is further discussed below.

¹⁵ Report of the Independent Arbiter, 16 January 2007, *State Finances*, 3.

DPC suggestions for improvements

The DPC submission includes 20 suggestions for improving the order for papers process. Many of these suggestions are worth considering and may be helpful to both members and government agencies. Other suggestions, while understandable, are really matters for individual members to consider and for the House to determine on a case by case basis. There are additional suggestions which would have a deleterious effect on the House in its role in scrutinising government policy and actions through the order for papers process. Each of these suggestions are considered below.

The requirement to satisfy the necessity of an order for papers

1. In moving a motion for an order under SO 52, consideration could be given to requiring the Member to satisfy the Council that the order is genuinely necessary for the scrutiny function of the Legislative Council. Without limiting the ways in which the Member might do this, examples might include showing that the State papers are needed for a Committee to complete a current inquiry or for the Council to debate in a fully-informed manner some matter (such as a Bill) currently before the House.
2. Where State papers are ordered for a particular purpose, such as a Committee inquiry, then they should be made available exclusively for that purpose, similar to the undertaking that applies in respect of documents that are produced to a Court for the purpose of Court proceedings. (This would not prevent a Committee deciding that any of the State papers should be published in its report of its inquiry in due course.)

The power of the Legislative Council to order the return of State papers is recognised at law, based on the principle of reasonable necessity – the power being recognised as reasonably necessary in order that the House can fulfil its roles in the system of responsible government. Fundamentally, it is for the House to decide on a case by case basis, whether an order is necessary.

Consequently, any proposal to restrict or place limits on the exercise of the power of the House to order papers is strongly opposed.

It is acknowledged that the Council's use of its power to order the production of State papers can impose a considerable financial cost on the government departments and agencies called upon to collate the returns to order. These costs arise partly from the time demands that the preparation of returns to order place on public servants. It is understandable then, that the efficacy of the order for papers process has been questioned.¹⁶ The DPC submission refers to the orders for papers process being used "merely as a 'fishing expedition'".

It is acknowledged that there have been instances since 1999 when orders for papers have been ill defined and too broad in scope and have resulted in large volumes of documents being returned¹⁷. Whether these orders were 'fishing expeditions' is debatable.

However, on occasion, members might have resorted to the orders for papers process because they have been frustrated in their attempts to gain information about government decisions and actions through other means such as GIPA requests, representations to Ministers and questions to Ministers in the House. The order for papers process is an important means to which

¹⁶ See for example Twomey, *op cit*, 15. See also *LC Hansard* (6/4/2000) 4285 per the Hon Michael Egan

¹⁷ For example returns to orders relating to Millennium Trains in 2003 and AusSteel in 2004

members can resort if these other methods for gaining access to government information have been unsuccessful. However, this is not generally the case.

Most often members seek the return of specific documents and target orders for papers in order to both limit the burden that the process places on government agencies, and to ensure that the documents required are returned. There are numerous examples of direct consequences of the House accessing government information through the orders for papers process such as the impact on government policy,¹⁸ the impetus for a committee inquiry or central to a committee's examination of government policy,¹⁹ or of great assistance in a members' pursuit of maladministration or misconduct.²⁰

In any case, it is up to the House as a whole to determine whether to order the production of State papers under SO 52. Such orders are only agreed to when a member who has moved the relevant motion is able to convince a majority of the members of the House to support the resolution. The kinds of issues outlined on pages 7 and 8 of the DPC submission are no doubt already considered by members whenever a notice of motion of an order for papers is given, and there is already scope for members who have any concerns about the proposed order to raise these issues in debate. This matter is further discussed below.

The proposition in suggestion 2 that papers returned to an order of the House for a particular purpose should be made available exclusively for that purpose is also not supported. It is often the case that an order for the production of State papers is made to facilitate the operations of a committee, or to assist a member in pursuing a particular line of inquiry, but the documents should not be limited to such purposes.

The House has the ability to restrict access to documents when it is deemed appropriate. This has occurred in a number of cases for example when details of individuals, or of highly sensitive matters, have been masked in the public documents, but made available to members in the privileged documents, and when the House has made documents available to members of the Legislative Council and those members of the Legislative Assembly on the Joint Committee on the Health Care Complaints Commission.²¹ However, it is up to the House, as a whole, to decide whether government information put before it is made public.

Suggestions 1 and 2 appear to be based on the assumption that the purposes to which documents returned under SO 52 are used can be easily compartmentalised and limited, for example, to a committee inquiry. According to the *Egan* cases, the power exists to enable the House to undertake and fulfil its role in the system of responsible government, including in the "superintendence of the executive". As these are complex and somewhat imprecise concepts it would be inappropriate to seek to limit the use of returned papers to only some limited purposes.

Suggestions 1 and 2 are not supported.

¹⁸ For example see Joint Select Committee on the Cross City Tunnel, February 2006, *Cross City Tunnel—First Report*, xvi and 138; See also *LC Hansard* (28/2/2006) 20640-20641, 20653-20654 and 20659.

¹⁹ Snowy Hydro Limited - See for example Select Committee on the Continued Public Ownership of Snowy Hydro Limited Transcript (7/7/2006) 30, 35 and 64, see also *LC Hansard* (7/6/2006) 723-724

²⁰ For example see order for papers relating to Dr Graeme Reeves *LC Minutes* (9/4/2008) 528

²¹ Order for papers - Dr Shailendra Sinha *LC Minutes* (29/05/03) 139. The documents were subsequently made public without restricted access. *LC Minutes* (3/10/2003) 372.

Claims of privilege

3. In respect of State papers that are subject to privilege, consideration could be given to allowing the executive to return initially an index of those State papers, rather than the documents themselves. The index would identify in general terms the grounds upon which privilege is claimed. If the Council, having regard to that index, wishes to press a request for any of the particular documents, a further resolution could be passed identifying from that index the State papers that are sought. The executive would then be required to produce those State papers, which would proceed to be considered in accordance with the procedure under Standing Order 52 for dealing with contested claims of privilege.
4. Where an independent legal arbiter is appointed to provide advice to the Council in respect of contested privilege claims, the executive agency that claims the privilege could be given an opportunity to make submissions directly to the arbiter in relation to the contested claim.
5. Any third party whose personal or business affairs are affected by a contested privilege claim could also be given an opportunity to be make their views known to the legal arbiter.

Suggestion 3 proposes that only an index of privileged documents should initially be provided to the Council. This suggestion is opposed. The House has the power to order the return of State papers, including those upon which a claim of privilege can be made. The standing orders and rules of the House should not be used to restrict the powers of the House but only to strengthen or facilitate the exercise of the powers of the House. The implementation of suggestion 3 would result in a significant restriction on the use of the power of the House to order the production of State papers.²²

Suggestion 4 argues that the executive should be given an opportunity to make submissions directly to the arbiter in relation to the contested claim. On occasion arbiters have sought assistance from departmental officers in evaluating the validity of a claim of privilege due to the inadequacy of the index to the privilege documents or the written claim of privilege. This is appropriate and it should be left to the arbiter to decide whether they require further information in each case.

For example, in 2004, an independent legal arbiter appointed by the House to evaluate a claim of privilege wrote to the Clerk to advise that 'he had experienced difficulty in being able to responsibly determine whether or not privilege should be allowed because of the manner in which the documents had been provided. The arbiter subsequently indicated in his report that:

Failure to prepare [a] return required by [standing] order 52 (5) (a) could lead to the House denying [a] claim for privilege... I could not possibly determine the matter without the assistance of details required by [standing] order 52 (5) (a).²³

In the event, the documents provided by the RTA under the resolution of the House were re-examined by officers of the RTA in the Clerk's office. A revised index of documents was

²² It is also noted that the standard of indexes, including the amount of detail and provided, can vary significantly. Generally indexes would not provide sufficient detail and information upon which a member could determine whether they were interested in seeing a particular document.

²³ Report of the Independent Arbiter, 26 August 2004, *Documents on Ventilation in the M5 East, Proposed Cross City and Lane Cove Tunnels*, 2-3.

subsequently tabled with the Clerk, and the matter was reported to the House at the next sitting.²⁴

There have also been instances where an arbiter has sought the approval of the Clerk to seek the assistance of departmental officers in order to clarify a claim of privilege. On another occasion, due to the large volume of documents returned to order, the arbiter, with the concurrence of the Clerk, invited representatives from three government agencies to assist in identifying and clarifying the claims of privilege on individual documents. The representatives, including solicitors, engineers and a project manager, reviewed the documents over several days and provided the arbiter with reports, which were subsequently annexed to the arbiter's report. A representation was also made by an industry association.²⁵

It is common for a claim of privilege to be made over documents which contain information concerning third parties, such as those containing personal identifying information of consumers, or matters of commercial confidentiality. Suggestion 5, that a third party whose personal or business affairs are affected by a contested privileged claim could be given an opportunity to make their views known to the legal arbiter, requires careful consideration and further discussion. While the potential for significant or even adverse impact on third parties by the disclosure of government information is acknowledged, it is nevertheless up to the House to make that determination. There have been numerous occasions on which the House has resolved to mask personal information before a document is made public, or for the government to provide two copies of a document, one in which the personal information has been masked and which can be published, and another in which the personal information is revealed, which should remain privileged.

13. Consideration could be given to providing in Standing Order 52 that privilege claims may be made on the basis of any ground that would constitute an "overriding public interest against disclosure" (OPIAD) under the GIPA Act.

A change to the established procedures, such as that proposed by suggestion 13, is not considered necessary. Claims of public interest immunity are the most common claims of privilege raised by the Executive Government over documents supplied to the Council in a return to order. There is now a significant body of precedent of claims of privilege being made on public interest grounds being disputed, evaluated and finally determined by the House. As noted by Priestley JA in his judgement in *Egan v Chadwick* in exercising its powers in respect of such documents, the Council has a duty analogous to that of a court of balancing the public interest considerations, and a duty to prevent publication beyond itself of documents the disclosure of which will be inimical to the public interest.²⁶ The Court of Appeal in *Egan v Chadwick* left the decision whether to publish a document subject to a claim of public interest immunity to the Council.

A number of claims of public interest immunity have been held to be valid by the independent arbiter,²⁷ and others have not been upheld.²⁸

The essential question, whether a claim of privilege is validly made and if so, whether the public interest in disclosure justifies over-riding that claim, is ultimately for the House to decide.²⁹

²⁴ LC Minutes (31/8/2004) 948-949.

²⁵ Report of the Independent Arbiter, 22 August 2003, *Millennium Train.s*

²⁶ *Egan v Willis and Cahill* (1996) 40 NSWLR 650, per Priestley at 594.

²⁷ Report of the Independent Arbiter, 25 October 2002, *M5 East Motorway*, 5-6; Report of the Independent Arbiter, 28 May 2002, *Mogo Charcoal Plant*, 3.

²⁸ Report of the Independent Arbiter, 31 July 2001, *Conditional Agreement to Lease the Quarantine Station*, 2-3; Report of the Independent Arbiter, 17 October 2001, *Appointment of Mr Peter Scolari as Administrator of the Wellington Local Aboriginal Land Council*, 2-3.

There is nothing to prevent agencies from using the terms of GIPA as guidance when preparing a claim of privilege over documents. This might encourage a consistent approach to preparing claims of privilege and assist members, and an independent arbiter, in assessing each claim. However it would be unwise to amend or adopt standing orders in order that they align with an Act of Parliament. Legislation is an expression of the will of the Parliament as whole at that time, often following extensive negotiation and sometimes modification, and can be amended or repealed. It would be inappropriate to adopt the terms of GIPA in the standing orders and there is no need to do so given the clear test to be applied by the House has been set out in *Egan v Chadwick* and, that a the body of precedent now exists in relation to the application of this test by the House.

Cabinet documents

Although in *Egan v Chadwick*, the NSW Court of Appeal held that the Council does not have the power to order the production of documents which record the 'actual deliberations of Cabinet', there was a strong dissenting judgement from Priestly J A to the contrary and this is a matter of ongoing controversy.

In his judgement, Spigelman CJ held that it is not reasonably necessary for the proper exercise of the functions of the Council to call for documents the production of which would conflict with a key element in our system of responsible government: the doctrine of collective ministerial responsibility. However, while he concluded that the production of documents which recorded the 'actual deliberations of Cabinet' was inconsistent with collective ministerial responsibility,³⁰ he specified that the production of documents 'prepared outside Cabinet for submission to Cabinet may, or may not, depending on their content, manifest a similar inconsistency'.³¹ Meagher JA took a broader view that the immunity of Cabinet documents from production was 'complete'.³²

In dissent, Priestley JA observed that a court has 'the power to compel production to itself even of Cabinet documents, even though the power will in regard to certain Cabinet documents be used with the highest degree of circumspection'.³³ From this, his Honour went on to say that 'The function and status of the Council in the system of government in New South Wales require and justify the same degree of trust being reposed in the Council as in the courts when dealing with documents in respect of which the Executive claims public interest immunity'.³⁴

8. Consideration could be given to amending Standing Order 52 to note expressly that Cabinet documents do not need to be produced in response to an order. It would state that a Cabinet document includes one containing "Cabinet Information" as defined in clause 2 of Schedule 1 of the GIPA Act.

Suggestion 8 is not supported for a number of reasons. First, as previously noted, the standing orders are not a source of power, but merely rules for exercising that power. Consequently, as the matter of the power of the Council to order the production of Cabinet documents is still in contention it would be inappropriate to define a power, or the lack thereof, in the standing orders.

²⁹ Report of the Independent Arbiter, 17 September 2003, *Papers on Cross City Tunnel Motorway Consortium*, 2.

³⁰ *Egan v Chadwick* (1999) 46 NSWLR 563, per Spigelman CJ at 574-575.

³¹ *Ibid*, at 575.

³² *Ibid*, per Meagher JA at 597.

³³ *Ibid*, per Priestley JA at 594.

³⁴ *Ibid*.

Second, the definition of Cabinet information adopted by Parliament in GIPA is much broader in scope than the documents considered by Spigelman not to be "reasonably necessary" for the proper exercise of the functions of the Council as they would conflict with the doctrine of collective ministerial responsibility.

In support of a narrow view of "Cabinet documents", in December 2005, an independent legal arbiter outlined the general principles when evaluating privilege claims over documents tabled by an order of the Legislative Council:

- "...(vii) In assessing a claim for public interest immunity in relation to "Cabinet documents", a distinction is to be drawn between:
- (a) true Cabinet documents, that is, those documents which disclose the actual deliberations of Cabinet; and
 - (b) Cabinet documents, that is, reports or submissions prepared for the assistance of Cabinet.
- (viii) A claim for privilege for true Cabinet documents will always be upheld. That is because the public interest in maintaining the principle or doctrine of collective responsibility of Cabinet for its decisions outweighs any other public interest. It is at the core of the operation of government. It has thus been held that the Legislative Council does not have the power to require production of such documents.
- (ix) When privilege is claimed for other Cabinet documents, a judgment process is required to weigh the competing public interests."

Schedule 1 of GIPA sets out the information for which there is a conclusive presumption of overriding public interest against disclosure. Clause 2 provides that there is an overriding public interest against disclosure of cabinet information in any of the documents listed in Clause 2 (1) including:

- "(b) a document prepared for the dominant purpose of its being submitted to Cabinet for Cabinet's consideration (whether or not the document is actually submitted to Cabinet),
- (c) a document prepared for the purpose of its being submitted to Cabinet for Cabinet's approval for the document to be used for the dominant purpose for which it was prepared (whether or not the document is actually submitted to Cabinet and whether or not the approval is actually given),..."

Clause 2(1) (b) and (c) exempts documents from disclosure which, to use the distinction by the arbiter quoted above, are not "true" cabinet documents.

The adoption by the Legislative Council of exclusions such as those in Clause 2 is inconsistent with the position articulated by Spigelman CJ in *Egan v Chadwick* and would have a deleterious impact on the opportunity to hold the executive government to account through the order for papers process.

The Legislative Council remains largely unaware of the extent to which the Government withholds documents on the basis that they are Cabinet documents. There are occasionally indications that the Executive Government has withheld documents explicitly on grounds of Cabinet confidentiality, but this is rare. On one occasion that documents were expressly withheld on the grounds they were Cabinet documents, a notice of motion was subsequently given in an effort to precipitate debate on the scope of the definition of Cabinet documents and

the appropriate means to deal with such matters.³⁵ Ultimately the notice was not moved and was removed from the Notice Paper upon prorogation.

The true scope of Cabinet documents, with respect to the orders for papers, remains to be settled at law. No doubt a matter will eventually arise about which a majority of the Legislative Council will feel so strongly that it will lead to a dispute with the Executive Government, and result in this matter being clarified by the courts. In the meantime, if it is felt that an interim written test for what is a Cabinet document is required, the distinction set out by the arbiter and quoted above is preferred.

The terms of an order for papers

9. The scope of orders should be drafted carefully to identify the documents that are actually needed for the Legislative Council's functions, exclude more clearly any documents that are not required, and avoid broad fishing expeditions.
10. Greater care could be given in the drafting of orders to clarify the particular documents that are sought.
11. Consideration could be given to consulting with the executive agencies named in an order (either separately or, perhaps more practically, through DPC) on the drafting of the order before it is moved and debated. (The need for such consultation would be less important if our suggestions (9) and (10) above are adopted.)

Suggestions 9 and 10 relate the clarity of orders and the care taken in drafting orders for papers.

These suggestions imply that members do not give sufficient thought or care when drafting orders for papers. This is incorrect in my experience. Whilst there have been examples of extremely broad orders that have imposed a significant and perhaps unreasonable burden on the Executive Government,³⁶ in the vast majority of cases, members do now seek my assistance in drafting their orders for papers so that the terms of the order capture only the documents they desire, and with a view to minimising the burden on government agencies.

When members have a good knowledge of the specific documents they require the orders are usually well targeted and specific. In other cases the member may not have the same level of knowledge about the government documents in existence, resulting in the order being less precise. For example, the member might be unable to ascertain through other means where the documents are held or whether the information they require is in hard copy or in some other format such as email or reports or in a database. Consequently, some orders are necessarily broader in scope.

It is difficult to see how suggestion 11, that consideration be given to consulting with agencies on the drafting of an order before the motion is debated and determined, could operate in practice. The orders for papers process is a political process, as well as a procedural process. In many cases the member proposing an order for papers would be reluctant to discuss their political strategy with a government agency. To do so would place the officials in government agencies in a very difficult position. Despite this, it is understood that, in at least some cases, motions have been drafted, or amended, by members following negotiation and discussion with the government.

³⁵ See *LC Notice Paper (6/6/2006)* 180.

³⁶ For example, on 27 May 2003 the House received over 300 boxes of documents in return to an order for papers relating to the Millennium Trains.

However, the most appropriate forum for negotiating and amending the terms of an order for papers is during debate in the House. Notices of orders often remain on the notice paper for considerable lengths of time, providing an opportunity for consultation to occur before the motion is moved. Members can then argue for and against the necessity of the order, amend the order to omit or correct certain terms of the order or the time frame in which the government is required to comply, or reject the motion.

12. Consideration could be given to whether greater clarity would be provided by adopting concepts used in the GIPA Act, such as: What is an "agency"? When are documents considered to be "held" by an agency?

Suggestion 12 relates to the adoption in orders for papers of certain concepts used in GIPA in order to improve the clarity of orders for papers.

There is now significant precedent for the use of standard wording in orders for papers such as, "possession, custody or control"; of "the Minister for ..."; "or the Department of..."; and "as at the date of passing of this resolution". The use of standard wording is intended to provide certainty and clarity to the terms of an order and for the House and the Government to have an agreed, if unstated, understanding of the meaning of such terms. As the government has complied with numerous orders for papers containing these terms, it could be argued that the House is entitled to consider that their meaning has been settled and should not be open to question.

Nevertheless, the Legislative Council is not adverse to working with DPC to clarify the meaning of standard wording and to develop guidelines to assist departments in understanding the scope of orders for papers as this would in turn assist members. As noted above, it would be unwise for the House to seek to align the standing orders with a particular Act of Parliament which may in the future be amended or repealed.

19. Consideration could be given to discontinuing the practice of always requesting the executive to produce "any document which records or refers to the production of documents as a result of this order of the House". Instead, records of the searches conducted could be sought by way of a separate subsequent order only if some legitimate concern arose about possible incomplete compliance with the original order.

Suggestion 19 proposes that consideration be given to discontinuing the practice of ordering the return of "any document which records or refers to the production of documents as a result of this order of the House". This paragraph was initially adopted to ensure that any legal or other advice which went to the scope of an order for papers, or sought to clarify the terms of an order, should be provided so that members could be sure that all documents captured by the order had been provided and that only those considered not to be captured by the terms of the order had not been provided.

The paragraph was never intended to capture every email relating to the internal arrangements for the collation of a return to order. Consequently, while suggestion 19 is not supported, it is conceded that there is merit in rewriting the standard wording currently used in this paragraph.

14. Consideration could be given to prescribing 28 days as the default period within which documents must be returned. Where an order seeks to impose a shorter timeframe this would be justified when the order is moved and debated.

Suggestion 14, that consideration be given to prescribing 28 days as the default period for returning documents to an order of the House, is reasonable. 28 days becoming the default timeframe for returns to order would address some of the issues that have been drawn to the Committee's attention through this inquiry in terms of the difficulties agencies may face in responding to orders for papers. However, it is up to each member preparing a notice of a motion for an order for papers to propose the time frame they think reasonable, based on the scope of the order and the urgency of accessing the information. As noted above, it is for the House to decide on the terms of an order and this includes the number of days for returning documents to the House. There may be circumstances in which a much tighter timeframe is required, for example, where the documents sought are relevant to the consideration of legislation before the House or where there is a particular deadline looming for action on a particular matter.

Date at which an order speaks

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| <p>6. Consideration could be given to amending Standing Order 52 to make clear that an order 'speaks' as at the date the order was passed, and accordingly only documents that were in existence as at the date of the order can be required to be produced. The Council can continue to request, but not require, the production of the documents referred to in the last paragraph of its orders.</p> |
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The Legislative Council has agreed to hundreds of orders for papers which require the return of documents within a stated number of days "of the date of passing of this resolution". There is no need to amend the standing order as proposed in suggestion 6 as the meaning of this term has been a matter of common ground for many years.

The assumption in the second sentence of suggestion 6, that the House cannot require the preparation of documents referred to in the last paragraph of its orders, is not agreed with. It is argued that the Legislative Council has the power to order the list as a matter of inherent need under the common law, on the basis that the power to order the production of a list is reasonably necessary for the effective functioning of parliament.

Supplementary returns

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| <p>7. Consideration could be given to amending Standing Order 52 to provide that, if additional documents that were subject to an order but not produced are subsequently identified, these may be returned to the House by way of a supplementary return, and the usual procedures (eg with respect to privilege claims) apply.</p> |
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Suggestion 7 proposes that consideration be given to amending the standing orders to provide for supplementary returns.

Since 1999, there have been more than 50 occasions on which the government has provided additional documents after a return has been provided to the House, possibly due to the scope of an order for papers, or the time frame for responding. Additional documents lodged with the Clerk are reported to the House and made available to members in the normal manner. Considering this significant body of precedent, it is not considered necessary to amend the standing orders.

Training of departmental staff and the development of guidelines

15. Following consideration of the findings and any recommendations of this Committee, DPC will revise the current memoranda and create a whole-of-government policy explaining the obligations and procedures to be followed by agencies in responding to orders under Standing Order 52. Agencies will be directed to this policy whenever they are named in an order.

Suggestion 15 notes that DPC will revise the current memoranda relating to orders for papers with a view to developing whole-of-government policy for dealing with orders for papers under SO 52. This action is supported. The Department of the Legislative Council would be happy to assist DPC in this process, or alternatively, to organise some briefings for government officials in relation to this matter, particularly in regard to the powers of the House and the responsibility of government agencies in complying with orders for papers.

16. DPC will approach the Crown Solicitor with a view to the provision of training seminars for agency officials with particular responsibility for responding to orders under Standing Order 52, particularly in relating to the making of privilege claims.
17. DPC will continue to provide training seminars to Ministerial staff annually, which includes information about their obligations in respect of Standing Order 52.
18. The proposed whole-of-government policy will direct agencies responding to an order to require certifications from relevant officers at appropriate levels in the agency to certify that all relevant State papers have been produced. This certification will be amended to be expressed as being "to the best of the officer's knowledge after having undertaken or directed the undertaking of reasonable searches".
20. DPC will consider including in the whole-of-government policy a direction to agencies to create and keep full records of their searches (which could include who was involved in searches, the search parameters and criteria, and what files were searched). However, consideration will need to be given to the additional administrative burden such a requirement will place on agencies, particularly if the Council does not accept recommendation (19) above.

Suggestion 16, 17, 18 and 20 relate to the role of the government agencies in responding to orders for papers under SO 52.

Suggestion 16 and 17 relate to training of departmental and ministerial staff. The provision of training seminars for agency staff is supported and the Department of the Legislative Council would be happy to assist in order that agency staff have a clear understanding of the purpose of orders for papers and the obligations of the government in complying with the orders.

Suggestion 18 proposes that the 'pyramid certification process' adopted by DPC be incorporated in the proposed new whole-of-government policy. While the internal processes by which DPC ensures that all documents covered by an order of the House are provided is a matter for DPC, this proposal seems reasonable and is supported.

Suggestion 20 relates to the identification of the search parameters and the methodology used by agencies when in receipt of an order for papers. As noted above, the internal processes by which DPC assures itself that agencies have, to the best of their knowledge, identified all documents captured by an order for papers is a matter for DPC.

Electronic records of ministerial officers and former ministers

The DPC submission makes the point that it does not consider that an order under SO 52 would necessarily require a search by MAPS staff of email accounts and network drives.

It is understood that MAPS IT staff are not experts in subject areas and should not be requested, on every occasion, to undertake a comprehensive search of email accounts and network drives to locate records which are possibly captured by an order for papers. It is assumed that departmental and ministerial officers with knowledge of the matter the subject of the order for papers would determine the methods required to search for documents and whether such a search of emails and network drives was required.

In regard to electronic records of former ministers, it is agreed that GDA 13 makes it clear that former ministers must lodge with the State Records Authority those documents which are State records and which are not Cabinet documents which must be returned to DPC, or departmental documents which must be returned to the appropriate agency. In the vast majority of cases the documents of a former Minister relevant to an order for papers will be held by the appropriate agency. For this reason, it is unlikely that a search of State Records Authority will often be necessary. In the rare instances where it is required, instead of imposing a new and additional burden on the Executive Government for all orders, it may be best for this issue to be addressed on a case-by-case basis and if required that this be specified through a follow-up order of the House. Consequently, an order for the return of State papers which may have been in the possession, custody or control of a former minister should also be directed to the State Records Authority.

State papers held by independent agencies

While the House has the power to order the production of State papers in the custody and control of ministers of the Government, the power of the House to order the production of documents not in the custody or control of a minister is less clear cut. Such documents include State papers held by agencies such as the Audit Office of New South Wales, which is not directly responsible to a minister.

In relation to papers held by government agencies not directly responsible to a minister, Priestley JA gave the following guidance in the Court of Appeal in 1996 in *Egan v Willis and Cahill* on what documents might be 'reasonably necessary' for the operation of the House:

In my opinion it is well within the boundaries of reasonable necessity that the Legislative Council have power to inform itself of any matter relevant to a subject on which the legislature has power to make laws. The common law as it operates in New South Wales today necessarily implies such a power, in my opinion, in the two parts ordinarily called parliament of the three part legislature. This seems to me to be a necessary implication in light of the very broad reach of the legislative power of the legislature and what seems to me to be the imperative need for both the Legislative Assembly and Legislative Council to have access (and ready access) to all facts and information which may be of help to them in considering three subjects: the way in which existing laws are operating; possible changes to existing laws; and the possible making of new laws.³⁷

In 2005 the House agreed to an order for papers relating to road tunnel filtration which called for the return of documents from the Audit Office, amongst other agencies. In the return

³⁷ *Egan v Willis and Cahill* (1996) 40 NSWLR 650, per Priestley JA at 692.

subsequently received by the House the Director General of the Department of Premier and Cabinet advised that no response had been received from the Auditor General in relation to the order for papers.³⁸ In the absence of any response from the Audit Office, it can only be assumed that this non-compliance with an order of the House was in effect an assertion that the House does not have the power to order the production of State papers from the Audit Office.

It is my submission that this position is inconsistent with the *Egan* judgements. Although an agency such as the Audit Office, is not directly responsible to a minister but to the Parliament, it nevertheless has possession of State papers which may be determined by the House to be reasonably necessary for the effective operation of the House. It is further argued that the Leader of the Government in the Legislative Council, as representative of the Premier, is ultimately responsible for the return of State papers ordered by the Legislative Council.

Conclusion

The power of the Legislative Council to order the production of State papers is a significant power. The power has been recognised at law, by Australia's highest court, as "reasonably necessary" in order that the Legislative Council may fulfil its roles in the system of responsible government, namely the roles to legislate and to hold the Executive Government to account. Since the *Egan* cases in the late 1990's the power to order the production of State papers has become a fundamental aspect of the operations of the House. Since the adoption of the current standing orders of the House in 2004, the procedures of the House in relation to orders for papers have been contained in standing order 52.

It is acknowledged that there has been a small number of orders for papers that have included wording that has imposed significant demands on the Executive Government and resulted in the return of vast amounts of documentation. It is also acknowledged that there may have been a small number of orders made where documents may have been obtainable through other means. However, the use of the power has been refined over time. It is now rare for an order for papers to be proposed in a notice of motion without the member seeking assistance with the drafting of the notice to, on the one hand, ensure that the order captures as best it can the documents that the member is seeking, while on the other hand, confining the extent of the coverage of the order to minimise imposing unnecessary burdens on the public service or capturing extraneous information.

Since the *Egan* cases a considerable body of precedent has been established, with standard forms of terminology used in orders. Additionally, a body of precedent has been established in relation to the role performed by the independent legal arbiter in evaluating claims of privilege made by the Executive Government over documents contained in a return to order. The process is now well developed and has proved an effective mechanism to assist the House to balance the competing public interests between the disclosure of government information and the need for some papers to remain confidential in the public interest.

While qualified support is given to a number of suggestions made by DPC which seek to assist agencies in clarifying the scope of orders for papers, and to improve internal department processes, those suggestions which propose changes to the order for papers process through

³⁸ *LC Minutes (24/02/2005) 1251*. Note: certain Audit Office documents were returned by the Roads and Traffic Authority and were the subject of a claim of privilege.

amendments to SO 52 are opposed. It is submitted that changes to the standing orders should only be adopted where there is a clear demonstrable need and where such changes will do no harm to the ability of the House to hold the government to account.

In addition, this submission argues that a number of the suggestions from DPC, although understandable from the perspective of the Executive Government, would if implemented potentially have a deleterious effect on the ability of the house to hold the Executive Government to account through the order for papers process and would therefore be inimical to the interests of the House:

- Suggestion 1: that consideration be given to requiring members that an order is genuinely necessary
- Suggestion 2: that orders for a particular purpose be made available only for that purpose
- Suggestion 3: that only an index of privileged documents should initially be provided to the Council
- Suggestion 8: that SO 52 be amended to expressly provide that cabinet documents are not required to be returned to an order of the House.

| Date | Order for papers |
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| 25/06/13 | Draft liquor promotion guidelines Return to Order – Draft liquor promotion guidelines – Received Friday 12 July 2013, together with an indexed list of documents |
| 19/06/13 | 2013–2014 Budget Return to Order – 2013–2014 Budget – Received Wednesday 3 July 2013, together with an indexed list of documents 2013–2014 Budget finances Return to Order – 2013–2014 Budget finances – Received Wednesday 3 July 2013, considered privileged and should not be made public or tabled Return to Order – 2013–2014 Budget finances – Received Wednesday 3 July 2013, together with an indexed list of documents |
| 30/05/13 | Yaralla Estate Return to Order – Yaralla Estate – Received Thursday 13 June 2013, together with an indexed list of documents Return to Order – Yaralla Estate – Received Thursday 13 June 2013, considered privileged and should not be made public or tabled |
| 1/05/13 | Heritage order on "Peroomba", Warrawee—Further order Return to Order – Heritage order on "Peroomba", Warrawee – Further order – Received Tuesday 7 May 2013, together with an indexed list of documents Return to Order – Heritage order on "Peroomba", Warrawee – Further Order – Received Tuesday 7 May 2013, considered privileged and should not be made public or tabled |
| 25/03/13 | Heritage order on "Peroomba", Warrawee Return to Order – Heritage order on "Peroomba", Warrawee – Received Monday 8 April 2013, together with an indexed list of documents Return to Order – Heritage order on "Peroomba", Warrawee – Additional documents received Tuesday 18 June 2013, together with an indexed list of documents |
| 27/02/13 | Former NSW Department of Primary Industries employee Return to Order – Former NSW Department of Primary Industries employee – Received Wednesday 13 March 2013, together with an indexed list of documents |
| 23/08/12 | Nimmie–Caira System Enhanced Environmental Water Delivery Project Return to Order – Nimmie–Caira System Enhanced Environmental Water Delivery Project – Received Thursday 20 September 2012, together with an indexed list of documents Return to Order – Nimmie–Caira System Enhanced Environmental Water Delivery Project – Received Thursday 20 September 2012, considered privileged and should not be made public or tabled Disputed Claim of Privilege – Nimmie–Caira System Enhanced Environmental Water Delivery Project – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator, dated 20 November 2012 |
| 13/06/12 | 2012–2013 Budget Finances Return to Order – 2012–2013 Budget Finances – Received Wednesday 27 June 2012, together with an indexed list of documents Return to Order – 2012–2013 Budget Finances – Received Wednesday 27 June 2012, considered privileged and should not be made public or tabled 2012–2013 Budget Return to Order – 2012–2013 Budget – Received Wednesday 27 June 2012, together with an indexed list of documents |
| 24/05/12 | Booz and Company (Aust) Pty Ltd report Return to Order – Booz and Company (Aust) Pty Ltd report – Received Thursday 7 June 2012, together with an indexed list of documents |
| 7/03/12 | WorkCover Prosecutions Return to Order – WorkCover Prosecutions – Received Wednesday 14 March 2012, together with an indexed list of documents Return to Order – WorkCover Prosecutions – Received Wednesday 14 March 2012, considered privileged and should not be made public or tabled Return to Order – WorkCover Prosecutions – Additional documents received Tuesday 27 March 2012, considered privileged and should not be made public or tabled Disputed Claim of Privilege – WorkCover Prosecutions – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator, dated 17 April 2012 |
| 15/02/12 | Ministerial Audit of the NSW Police Force |

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| | Return to Order – Ministerial Audit of the NSW Police Force – Received 29 February 2012, together with an indexed list of documents |
| 14/02/12 | Aboriginal Cultural Heritage Advisory Committee Return to Order – Aboriginal Cultural Heritage Advisory Committee – Received 28 February 2012, together with an indexed list of documents |
| 24/11/11 | Economic analysis of domestic solid fuel heaters Return to Order – Economic analysis of domestic solid fuel heaters – Correspondence received Thursday 8 December 2011 advising that the Office of the Minister for the Environment is not in possession, custody or control of any documents covered by the terms of the resolution. |
| 16/09/11 | Casino, Liquor and Gaming Control Authority Return to Order – Casino, Liquor and Gaming Control Authority – Received 30 September 2011, together with an indexed list of documents Return to Order – Casino, Liquor and Gaming Control Authority – Received 30 September 2011, considered privileged and should not be made public or tabled Tillegra Dam—Further order (16 September 2011) Return to Order – Tillegra Dam – Further order – Documents received Friday 14 October 2011, together with an indexed list of documents Return to Order – Tillegra Dam – Further Order – Documents received Friday 14 October 2011, considered privileged and should not be made public or tabled |
| 9/09/11 | 2011–2012 Budget Return to Order – 2011–2012 Budget – Received Friday 23 September 2011 relating to the 2011–2012 Budget, together with an indexed list of documents 2011–2012 Budget finances Return to Order – 2011–2012 Budget finances – Received Friday 23 September 2011 relating to 2011–2012 Budget finances, together with an indexed list of documents Return to Order – Budget finances – Received Friday 23 September 2011, considered privileged and should not be made public or tabled Return to Order – 2011–2012 Budget finances – Document received Monday 31 October 2011 relating to 2011–2012 Budget finances from Treasury |
| 26/08/11 | Impact of proposed carbon price legislation on public transport Return to Order – Impact of proposed carbon price legislation on public transport – Received Friday 9 September 2011, together with an indexed list of documents Return to Order – Impact of proposed carbon price legislation on public transport – Received Friday 9 September 2011, considered privileged and should not be made public or tabled |
| 25/08/11 | Chemical release from Orica Limited's Kooragang Island site Return to Order – Chemical release from Orica Limited's Kooragang Island site – Received Thursday 8 September 2011, together with an indexed list of documents Return to Order – Chemical release from Orica Limited's Kooragang Island site – Received Thursday 8 September 2011, considered privileged and should not be made public or tabled Return to Order – Chemical release from Orica Limited's Kooragang Island site – Additional documents received Monday 12 September 2011 from the Director General of the Department of Premier and Cabinet |
| 4/08/11 | Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011 Return to Order – Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011 – Received Thursday 18 August 2011, together with an indexed list of documents Return to Order – Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011 – Received Thursday 18 August 2011, considered privileged and should not be made public or tabled |
| 23/06/11 | Development of KFC restaurant Return to Order – Development of KFC restaurant – Received Thursday 7 July 2011, together with an indexed list of documents |
| 21/06/11 | Mental Health Inquiry process Return to Order – Mental Health Inquiry process – Received Tuesday 5 July 2011, together with an indexed list of documents Return to Order – Mental Health Inquiry process – Received Tuesday 5 July 2011, considered privileged and should not be made public or tabled |
| 26/05/11 | Shenhua Watermark Coal Project Return to Order – Shenhua Watermark Coal Project – Received Thursday 9 June 2011, together with an indexed list of documents |

Return to Order – Shenhua Watermark Coal Project – Received Thursday 9 June 2011, considered privileged and should not be made public or tabled

6/05/11 Election of Mr John Frederick Flowers MP
Return to Order – Mr John Frederick Flowers MP – Received Friday 20 May 2011, together with an indexed list of documents
Return to Order – Election of Mr John Frederick Flowers MP – Documents received Friday 20 May 2011, considered privileged and should not be made public or tabled

2/12/10 Revised HEZ Desktop Biobank Assessment
Return to Order – Revised HEZ Desktop Biobank Assessment – Documents received Thursday 9 December 2010, together with an indexed list of documents

1/12/10 Rest area at Varroville
Return to Order – Rest area at Varroville – Documents received Tuesday 21 December 2010, together with an indexed list of documents
Return to Order – Rest area at Varroville – Documents received Tuesday 21 December 2010, considered privileged and should not be made public or tabled

Thirlmere Lakes
Return to Order – Thirlmere Lakes – Documents received Tuesday 21 December 2010, together with an indexed list of documents
Return to Order – Thirlmere Lakes – Documents received Tuesday 21 December 2010, considered privileged and should not be made public or tabled

25/11/10 Alcohol Licensing Enforcement Command—Further Order
Return to Order – Alcohol Licensing Enforcement Command – Documents received Thursday 9 December 2010, together with an indexed list of documents

Local health networks
Return to Order – Local health networks – Documents received Monday 13 December 2010, together with an indexed list of documents

Review of the security industry
Return to Order – Review of the security industry – Documents received Thursday 9 December 2010, together with an indexed list of documents

Birdon Marine Pty Ltd
Return to Order – Birdon Marine Pty Ltd – Documents received Thursday 16 December 2010, together with an indexed list of documents
Return to Order – Birdon Marine Pty Ltd – Documents received Thursday 16 December 2010, considered privileged and should not be made public or tabled

Address to the Governor – Papers relating to Birdon Marine Pty Ltd
Return to Address – Papers relating to Birdon Marine Pty Ltd – Correspondence received from Her Excellency the Governor Thursday 16 December 2010

10/11/10 Order for Papers – Tillegra Dam—Further order (10 November 2010)
Return to Order – Tillegra Dam – Further order – Documents received Wednesday 1 December 2010, together with an indexed list of documents
Return to Order – Tillegra Dam – Further Order – Documents received Wednesday 1 December 2010, considered privileged and should not be made public or tabled.

26/10/10 Flashpoint Fire Services
Return to Order – Flashpoint Fire Services – Documents received Tuesday 23 November 2010, together with an indexed list of documents
Return to Order – Flashpoint Fire Services – Documents received Tuesday 23 November 2010, considered privileged and should not be made public or tabled.

21/10/10 Coal seam gas exploration
Return to Order – Coal seam gas exploration – Documents received Wednesday 10 November 2010, together with an indexed list of documents
Return to Order – Coal seam gas exploration – Documents received Wednesday 10 November 2010, considered privileged and should not be made public or tabled.

20/10/10 NSW Solar Bonus Scheme
Return to Order – NSW Solar Bonus Scheme – Documents received Wednesday 10 November 2010, together with an indexed list of documents

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| | Return to Order – NSW Solar Bonus Scheme – Documents received 10 November 2010, considered privileged and should not be made public or tabled. |
| 22/09/10 | Alcohol Licensing Enforcement Command Return to Order – Alcohol Licensing Enforcement Command – Documents received Wednesday 6 October 2010, together with an indexed list of documents Return to Order – Alcohol Licensing Enforcement Command – Documents received Wednesday 6 October 2010, considered privileged and should not be made public or tabled. |
| 8/09/10 | The Choices of Life Incorporated Return to Order – The Choices of Life Incorporated – Documents received Tuesday 21 September 2010, together with an indexed list of documents Return to Order – The Choices of Life Incorporated – Documents received Tuesday 21 September 2010, considered privileged and should not be made public or tabled. |
| 7/09/10 | RepcO Rally Return to Order – Repco Rally – Documents received Tuesday 21 September 2010, together with an indexed list of documents Return to Order – Repco Rally – Documents received Tuesday 21 September 2010, considered privileged and should not be made public or tabled. |
| 2/09/10 | Illawarra Advantage Fund Return to Order – Illawarra Advantage Fund – Documents received Thursday 16 September 2010, together with an indexed list of documents Return to Order – Illawarra Advantage Fund – Documents received Thursday 16 September 2010, considered privileged and should not be made public or tabled. Tillegra Dam—Further order (2 September 2010) Return to Order – Tillegra Dam – Further order – Documents received Thursday 16 September 2010, together with an indexed list of documents Return to Order – Tillegra Dam – Further Order – Documents received Thursday 16 September 2010, considered privileged and should not be made public or tabled. Kings Highway realignment Return to Order – Kings Highway realignment – Documents received Thursday 16 September 2010, together with an indexed list of documents Return to Order – Kings Highway realignment – Documents received Thursday 16 September 2010, considered privileged and should not be made public or tabled. |
| 1/09/10 | Barangaroo Return to Order – Barangaroo – Documents received Wednesday 15 September 2010, together with an indexed list of documents Return to Order – Barangaroo – Documents received Wednesday 15 September 2010, considered privileged and should not be made public or tabled. Return to Order – Barangaroo – Additional documents received Thursday 16 September 2010, together with an indexed list of documents Return to Order – Barangaroo – Additional documents received Thursday 16 September 2010, considered privileged and should not be made public or tabled. |
| 24/06/10 | Nepean Hospital – Further Order Return to Order – Nepean Hospital – Further order – Documents received Thursday 8 July 2010, together with an indexed list of documents Hazard reduction planning Return to Order – Hazard reduction planning – Documents received Wednesday 7 July 2010, together with an indexed list of documents Return to Order – Hazard reduction planning – Documents received Wednesday 7 July 2010, considered privileged and should not be made public or tabled. |
| 23/06/10 | NuCoal Return to Order – NuCoal – Documents received Wednesday 7 July 2010, together with an indexed list of documents Return to Order – NuCoal – Documents received Wednesday 7 July 2010, considered privileged and should not be made public or tabled. |
| 10/06/10 | 2010–2011 Budget Return to Order – 2010–2011 Budget – Documents received Thursday 24 June 2010, together with an indexed list of documents Return to Order – 2010–2011 Budget – Documents received Thursday 24 June 2010, considered privileged and should not be made public or tabled. |

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| | 2010–2011 Budget finances Return to Order – 2010–2011 Budget finances – Documents received Thursday 1 July 2010, together with an indexed list of documents Return to Order – 2010–2011 Budget finances – Documents received Thursday 1 July 2010, considered privileged and should not be made public or tabled. |
| 9/06/10 | Building Australia Fund Return to Order – Building Australia Fund – Documents received Wednesday 30 June 2010, together with an indexed list of documents Return to Order – Building Australia Fund – Documents received Wednesday 30 June 2010, considered privileged and should not be made public or tabled. Return to Order – Building Australia Fund – Additional documents received Friday 9 July 2010, together with an indexed list of documents Return to Order – Building Australia Fund – Additional documents received Friday 9 July 2010, considered privileged and should not be made public or tabled. |
| 8/06/10 | NSW Fire Brigades Return to Order – NSW Fire Brigades – Documents received Tuesday 29 June 2010, together with an indexed list of documents Return to Order – NSW Fire Brigades – Documents received Tuesday 29 June 2010, considered privileged and should not be made public or tabled. |
| 1/06/10 | Nepean Hospital Return to Order – Nepean Hospital – Documents received Tuesday 15 June 2010, together with an indexed list of documents |
| 20/05/10 | NSW Lotteries Return to Order – NSW Lotteries – Documents received Thursday 17 June 2010, together with an indexed list of documents Return to Order – NSW Lotteries – Documents received Thursday 17 June 2010, considered privileged and should not be made public or tabled. Return to Order – NSW Lotteries – Additional documents received Friday 3 September 2010, together with an indexed list of documents Return to Order – NSW Lotteries – Additional documents received Friday 3 September 2010, considered privileged and should not be made public or tabled. |
| | Audit of CBD Metro Compensation Claims Return to Order – Audit of CBD Metro Compensation Claims – Documents received Thursday 3 June 2010, together with an indexed list of documents |
| 19/05/10 | Cessnock Council Return to Order – Cessnock Council – Additional documents received Thursday 15 December 2010 Return to Order – Cessnock Council – Documents received Wednesday 2 June 2010, together with an indexed list of documents Return to Order – Cessnock Council – Documents received Wednesday 2 June 2010, considered privileged and should not be made public or tabled. |
| 13/05/10 | Calga Sand Quarry Return to Order – Calga Sand Quarry – Documents received Thursday 27 May 2010, together with an indexed list of documents Return to Order – Calga Sand Quarry – Documents received Thursday 27 May 2010, considered privileged and should not be made public or tabled. |
| 12/05/10 | Unflued gas heaters Return to Order – Unflued gas heaters – Documents received Wednesday 19 May 2010, together with an indexed list of documents Return to Order – Unflued gas heaters – Documents received Wednesday 19 May 2010, considered privileged and should not be made public or tabled. Return to Order – Unflued gas heaters – Additional documents received Thursday 3 June 2010, together with an indexed list of documents Return to Order – Unflued gas heaters – Additional documents received Thursday 3 June 2010, which is considered privileged and should not be made public or tabled. |
| 18/03/10 | Calga Springs Sanctuary Return to Order – Calga Springs Sanctuary – Documents received Thursday 1 April 2010, together with an indexed list of documents Return to Order – Calga Springs Sanctuary – Documents received Thursday 1 April 2010, considered privileged and should not be made public or tabled. |

Address to Governor – Papers relating to bushranger Thunderbolt

Return to Address – Papers relating to bushranger Thunderbolt – Correspondence from Her Excellency the Governor received Thursday 22 April 2010

- 17/03/10** Metropolitan Transport Plan 2010
Return to Order – Metropolitan Transport Plan 2010 – Documents received Wednesday 7 April 2010, together with an indexed list of documents
Return to Order – Metropolitan Transport Plan 2010 – Documents received Wednesday 7 April 2010, considered privileged and should not be made public or tabled.
- Sydney's landfill capacity
Return to Order – Sydney's landfill capacity – Documents received Wednesday 24 March 2010, together with an indexed list of documents
- 11/03/10** Gentrader contracts
Return to Order – Gentrader contracts – Documents received Thursday 8 April 2010 , together with an indexed list of documents
Return to Order – Gentrader contracts – Documents received Thursday 8 April 2010, considered privileged and should not be made public or tabled.
Return to Order – Gentrader contracts – Additional documents received Friday 14 May 2010 , together with an indexed list of documents
Return to Order – Gentrader contracts – Additional documents received Friday 14 May 2010, which is considered privileged and should not be made public or tabled. Legislative Council only
Return to Order – Gentrader contracts – A consolidated index of all documents provided in response to the resolution of the House of 11 March 2010
- 25/02/10** Tillegra Dam – Further order (25 February 2010)
Return to Order – Tillegra Dam – Further order (25 February 2010) – Documents received Thursday 11 March 2010, together with an indexed list of documents.
Return to Order – Tillegra Dam – Further Order (25 February 2010) – Documents received Thursday 11 March 2010, considered privileged and should not be made public or tabled.
Return to Order – Tillegra Dam – Further order (25 February 2010) – Documents received Thursday 18 March 2010, together with an indexed list of documents
Return to Order – Tillegra Dam – Further Order (25 February 2010) – Documents received Thursday 18 March 2010, considered privileged and should not be made public or tabled.
Disputed Claim of Privilege – Tillegra Dam – Further order (25 February 2010) – Tabling of Privileged Documents – Correspondence received 3 June 2010 advising that the claim of privilege was withdrawn.
- CBD Metro Rail – Further order
Return to Order – CBD Metro Rail – Further Order – Documents received Thursday 1 April 2010, together with an indexed list of documents
Return to Order – CBD Metro Rail – Further order – Documents received Thursday 1 April 2010, considered privileged and should not be made public or tabled.
Return to Order – Disputed claim of privilege – CBD Metro Rail – Further Order – Tabling of Privileged Documents – Documents received Monday 5 July 2010, including documents which have been redacted and returned following the report of the Independent Legal Arbitrator.
- 2/12/09** Tillegra Dam – Further order (2 December 2009)
Return to Order – Tillegra Dam – Further order – Documents received Wednesday 16 December 2009, together with an indexed list of documents.
Return to Order – Tillegra Dam – Further Order – Documents received Wednesday 16 December 2009, considered privileged and should not be made public or tabled.
- Marine Parks
Return to Order – Marine parks – Documents received Wednesday 16 December 2009, together with an indexed list of documents
Return to Order – Marine parks – Documents received Wednesday 16 December 2009, considered privileged and should not be made public or tabled.
- 26/11/09** Health care data
Return to Order – Health Care data – Documents received Thursday 3 December 2009, together with an indexed list of documents
Return to Order – Health Care data – Electronic documents received Thursday 3 December 2009, considered privileged and should not be made public or tabled.
- 12/11/09** Exploration Licence – Mt Penny
Return to Order – Exploration Licence – Mt Penny – Documents received Thursday 26 November 2009, together with an indexed list of documents

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| | Return to Order – Exploration Licence – Mt Penny – Documents received Thursday 26 November 2009, considered privileged and should not be made public or tabled. |
| 11/11/09 | <p>Dalwood Assessment Centre</p> <p>Return to Order – Dalwood Assessment Centre – Documents received Wednesday 25 November 2009, together with an indexed list of documents</p> <p>Return to Order – Dalwood Assessment Centre – Documents received Wednesday 25 November 2009, considered privileged and should not be made public or tabled.</p> |
| 29/10/09 | <p>Focus groups</p> <p>Return to Order – Focus groups – Documents received Thursday 12 November 2009, together with an indexed list of documents</p> <p>Coastal management</p> <p>Return to Order – Coastal management – Documents received Thursday 12 November 2009, together with an indexed list of documents</p> <p>Return to Order – Coastal management – Documents received Thursday 12 November 2009, considered privileged and should not be made public or tabled.</p> <p>Disputed Claim of Privilege – Coastal management – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator, dated 17 November 2009, on the disputed claim of privilege on papers relating to Coastal management.</p> |
| 20/10/09 | <p>Agricultural high schools in New South Wales</p> <p>Return to Order – Agricultural high schools in New South Wales – Documents received Tuesday 3 November 2009, together with an indexed list of documents</p> <p>Return to Order – Agricultural high schools in New South Wales – Documents received Tuesday 3 November 2009, considered privileged and should not be made public or tabled.</p> <p>Tillegra Dam – Further Order</p> <p>Return to Order – Tillegra Dam – Further Order – Documents received Tuesday 10 November 2009, together with an indexed list of documents</p> <p>Return to Order – Tillegra Dam – Further order – Documents received Tuesday 10 November 2009, considered privileged and should not be made public or tabled.</p> |
| 24/09/09 | <p>Land in or around Badgerys Creek</p> <p>Return to Order – Land in or around Badgerys Creek – Documents received Thursday 8 October 2009, together with an indexed list of documents</p> <p>Return to Order – Land in or around Badgerys Creek – Documents received Thursday 8 October 2009, considered privileged and should not be made public or tabled.</p> <p>Double Bay development</p> <p>Return to Order – Double Bay development – Documents received Thursday 8 October 2009, together with an indexed list of documents</p> <p>Return to Order – Double Bay development – Documents received Thursday 8 October 2009, considered privileged and should not be made public or tabled.</p> |
| 23/09/09 | <p>Building the Education Revolution program</p> <p>Return to Order – Building the Education Revolution program – Documents received Wednesday 7 October 2009, together with an indexed list of documents</p> <p>Return to Order – Building the Education Revolution program – Documents received Wednesday 7 October 2009, considered privileged and should not be made public or tabled.</p> <p>Return to Order – Building the Education Revolution program – Additional documents received Wednesday 14 October 2009, together with an indexed list of documents</p> <p>Return to Order – Building the Education Revolution program – Additional return identifying documents received Wednesday 14 October 2009, considered privileged and should not be made public or tabled.</p> <p>Return to Order – Building the Education Revolution program – a further submission in support of the case for privilege relating to the Building the Education Revolution program received from the Director General of the Department of Premier and Cabinet</p> <p>M4 East extension</p> <p>Return to Order – M4 East extension – Documents received Wednesday 7 October 2009, together with an indexed list of documents</p> |
| 8/09/09 | <p>Savings Implementation Plans</p> <p>Return to Order – Savings Implementation Plans – Documents received Tuesday 22 September 2009, together with an indexed list of documents</p> <p>Return to Order – Savings Implementation Plans – Documents received Tuesday 22 September 2009, considered privileged and should not be made public or tabled.</p> |

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| 3/09/09 | <p>Treasury modelling restructure of Government agencies Return to Order – Treasury modelling restructure of Government agencies – Documents received Thursday 17 September 2009, together with an indexed list of documents</p> |
| 2/09/09 | <p>Address to the Governor – Papers relating to Mr Tony Stewart MP Return to Address – Papers concerning Mr Tony Stewart MP – Correspondence from Her Excellency the Governor received Monday 28 September 2009</p> <p>Mr Tony Stewart MP Return to Order – Mr Tony Stewart MP – Documents received Wednesday 16 September 2009, together with an indexed list of documents Return to Order – Mr Tony Stewart MP – Documents received Wednesday 16 September 2009, considered privileged and should not be made public or tabled.</p> |
| 24/06/09 | <p>2009–2010 Budget Return to Order – 2009–2010 Budget – Documents received Wednesday 8 July 2009, together with an indexed list of documents</p> <p>Return to Order – 2009–2010 Budget – Documents received Wednesday 8 July 2009, considered privileged and should not be made public or tabled. Disputed Claim of Privilege – 2009–2010 Budget – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator, dated 11 December 2009, excluding certain documents specified in the resolution</p> <p>Projections of capital spending Return to Order – Projections of capital spending – Documents received Wednesday 8 July 2009, together with an indexed list of documents</p> |
| 18/06/09 | <p>Carbon Pollution Reduction Scheme Return to Order – Carbon Pollution Reduction Scheme – Documents received Thursday 9 July 2009, together with an indexed list of documents Return to Order – Carbon Pollution Reduction Scheme – Documents received Thursday 9 July 2009, considered privileged and should not be made public or tabled.</p> <p>CityRail Easy Access Program Return to Order – CityRail Easy Access Program – Documents received Wednesday 1 July 2009, together with an indexed list of documents.</p> |
| 4/06/09 | <p>Wallaga Lake Return to Order – Wallaga Lake – The Documents received Thursday 25 June 2009, together with an indexed list of documents</p> <p>Return to Order – Wallaga Lake – The a return identifying documents received Thursday 25 June 2009, considered privileged and should not be made public or tabled.</p> |
| 3/06/09 | <p>PADP Lodgement Centres Return to Order – PADP Lodgement Centres – Documents received Wednesday 17 June 2009, together with an indexed list of documents Return to Order – PADP Lodgement Centres – a return identifying documents received Wednesday 17 June 2009, considered privileged and should not be made public or tabled.</p> |
| 14/05/09 | <p>Treasury modelling for developer levies Return to order — Treasury modelling for developer levies — Correspondence received Thursday 11 June 2009</p> |
| 13/05/09 | <p>Triple–0 operators Return to Order – Triple–0 operators – Documents received Wednesday 3 June 2009, together with an indexed list of documents</p> <p>Return to Order – Triple–0 operators – Documents received Wednesday 3 June 2009, considered privileged and should not be made public or tabled. Return to Order – Triple–0 operators – Additional document received Thursday 11 June 2009, which is considered privileged and should not be made public or tabled.</p> |
| 12/05/09 | <p>Inner West Busway project Return to Order – Inner West Busway project – Documents received Tuesday 26 May 2009, together with an indexed list of documents</p> <p>Return to Order – Inner West Busway project – Documents received Tuesday 26 May 2009, considered privileged and should not be made public or tabled. Disputed Claim of Privilege – Inner West Busway project – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator Disputed Claim of Privilege—Inner West Busway Project—Tabling of Privileged Documents—According to paragraph 2, identified as not privileged in the report of the Independent Legal Arbitrator</p> |

7/05/09 Order for Paper – Lake Innes Nature Reserve
Return to Order – Lake Innes Nature Reserve – Documents received Thursday 21 May 2009, together with an indexed list of documents

6/05/09 RTA freedom of information requests
Return to Order – RTA freedom of information requests – Documents received Wednesday 20 May 2009, together with an indexed list of documents
Return to Order – RTA freedom of information requests – Documents received Wednesday 20 May 2009, considered privileged and should not be made public or tabled.
Return to Order – RTA freedom of information requests – Additional documents received 17 June 2009, together with an indexed list of documents

12/03/09 Orders for Papers – CBD Metro Rail
Return to Order – CBD Metro Rail – Documents received Thursday 26 March 2009, together with an indexed list of documents

Return to Order – CBD Metro Rail – Documents received Thursday 26 March 2009, considered privileged and should not be made public or tabled.

Cross Border Transport Taskforce
Return to Order – Cross Border Transport Taskforce – Documents received Thursday 26 March 2009, together with an indexed list of documents

5/03/09 Hurlstone Agricultural High School
Return to Order – Hurlstone Agricultural High School – Documents received Thursday 19 March 2009, together with an indexed list of documents
Return to Order – Hurlstone Agricultural High School – Documents received Thursday 19 March 2009, considered privileged and should not be made public or tabled.

3/12/08 Mini-budget 2008–2009
Return to Order – Mini-budget 2008–2009 – Documents received Wednesday 17 December 2008, together with an indexed list of documents
Return to Order – Mini-budget 2008–2009 – Documents received Wednesday 17 December 2008, considered privileged and should not be made public or tabled.

26/11/08 Tillegra Dam
Return to Order – Tillegra Dam – Documents received Wednesday 17 December 2008, together with an indexed list of documents

Return to Order – Tillegra Dam – Documents received Wednesday 17 December 2008, considered privileged and should not be made public or tabled.
Disputed Claim of Privilege – Tillegra Dam – Report of the Independent Legal Arbitrator, Sir Laurence Street, dated 20 January 2009

Disputed Claim of Privilege – Tillegra Dam – Correspondence advising that claim of privilege withdrawn

30/10/08 Annual reviews of root cause analysis
Return to Order – Annual reviews of root cause analysis – Documents received 13 November 2008, together with an indexed list of documents

25/09/08 Catherine Hill Bay – Further Order
Return to Order – Catherine Hill Bay – Further Order – Documents received Thursday 9 October 2008, together with an indexed list of documents.
Return to Order – Catherine Hill Bay – Further Order – Documents received Thursday 9 October 2008, considered privileged and should not be made public or tabled.

24/09/08 Oakton audit of PADP program
Return to Order – Oakton audit of PADP program – Documents received Wednesday 1 October 2008, together with an indexed list of documents.

Budget projections
Return to Order – Budget projections – Documents received Wednesday 8 October 2008, together with an indexed list of documents.

Return to Order – Budget projections – Documents received Wednesday 8 October 2008, considered privileged and should not be made public or tabled.

24/06/08 ACT/NSW Cross Border Health Agreement
Return to Order – ACT/NSW cross border health agreement – Documents received Tuesday 8 July 2008, together with an indexed list of documents
Return to Order – ACT/NSW cross border health agreement – Documents received Tuesday 8 July 2008, considered privileged and should not be made public or tabled.

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| 5/06/08 | <p>2008–2009 Budget</p> <p>Return to Order – 2008–2009 Budget – Documents received 19 June 2008, together with an indexed list of documents</p> <p>Return to Order – 2008–2009 Budget – Documents received 19 June 2008, considered privileged and should not be made public or tabled.</p> |
| 15/05/08 | <p>Report of the Owen Inquiry</p> <p>Return to Order – Report of the Owen Inquiry – Documents received Thursday 29 May 2008, together with an indexed list of documents</p> <p>"Yasmar", Haberfield – Further Order</p> <p>Return to Order – "Yasmar", Haberfield – Further Order – Documents received this day, together with an indexed list of documents</p> |
| 7/05/08 | <p>North West metro–link</p> <p>Return to Order – North West metro–link – Documents received Wednesday 21 May 2008, together with an indexed list of documents</p> <p>Return to Order – North West metro–link – Documents received Wednesday 21 May 2008, considered privileged and should not be made public or tabled.</p> <p>Appointment of Dr Graeme Reeves – Further Order</p> <p>Return to Order – Appointment of Dr Graeme Reeves – Further Order – Documents received Friday 9 May 2008, together with an indexed list of documents</p> <p>Return to Order – Appointment of Dr Graeme Reeves – Further Order – Documents received Friday 9 May 2008, considered privileged and should not be made public or tabled.</p> <p>Report on occupational health and safety</p> <p>Return to Order – Report on occupational health and safety legislation – Documents received 14 May 2008, together with an indexed list of documents</p> |
| 9/04/08 | <p>Appointment of Dr Graeme Reeves</p> <p>Return to Order – Appointment of Dr Graeme Reeves – Documents received Thursday 23 April 2008 together with an indexed list of documents</p> <p>Catherine Hill Bay</p> <p>Return to Order – Catherine Hill Bay – Documents received Wednesday 23 April 2008, together with an indexed list of documents</p> <p>Return to Order – Catherine Hill Bay – Documents received Thursday 17 April 2008, considered privileged and should not be made public or tabled.</p> <p>World Youth Day 2008</p> <p>Return to Order – World Youth Day 2008 – Documents received Thursday 23 April 2008 together with an indexed list of documents</p> |
| 3/04/08 | <p>Employment of Mr Joe Scimone</p> <p>Return to Order – Employment of Mr Joe Scimone – Documents received Thursday 17 April 2008, together with an indexed list of documents, and correspondence received 6 May 2008 relating to the index of documents for which privilege is claimed</p> <p>Return to Order – Employment of Mr Joe Scimone – Received Thursday 17 April 2008, considered privileged and should not be made public or tabled.</p> |
| 29/11/07 | <p>Tcard project</p> <p>Return to Order – Tcard project – Documents received Thursday 13 December 2007, together with an indexed list of documents</p> <p>Return to Order – Tcard project – Documents received Thursday 13 December 2007, considered privileged and should not be made public or tabled.</p> |
| 28/11/07 | <p>Spit Bridge widening – Further order</p> <p>Return to Order – Spit Bridge widening – Further order – Documents received Wednesday 12 December 2007, together with an indexed list of documents</p> |
| 14/11/07 | <p>Betting exchanges and corporate bookmakers</p> <p>Return to Order – Betting exchanges and corporate bookmakers – Documents received 28 November 2007, together with an indexed list of documents</p> <p>Return to Order – Betting exchanges and corporate bookmakers – Documents received 28 November 2007, considered privileged and should not be made public or tabled.</p> |
| 25/10/07 | <p>Review of PADP Program</p> |

Return to Order — Review of PADP Program – Documents received 8 November 2007, together with an indexed list of documents.

28/06/07 State Finances 2007–2008
Return to Order – State Finances 2007–2008 – Documents received Thursday 19 July 2007 from the Acting Director General of the Department of Premier and Cabinet, together with an indexed list of documents
Coffs Harbour Port
Return to Order – Coffs Harbour Port – Documents received Thursday 12 July 2007, together with an indexed list of documents
Return to Order – Coffs Harbour Port – Documents received Thursday 12 July 2007, considered privileged and should not be made public or tabled.

20/06/07 2007–2008 Budget
Return to Order – 2007–2008 Budget – Documents received Wednesday 4 July 2007, together with an indexed list of documents
Return to Order – 2007–2008 Budget – Documents received Wednesday 4 July 2007, considered privileged and should not be made public or tabled.

7/06/07 Law Reform Commission report
Return to Order – Law Reform Commission report – Document received Thursday 21 June 2007, together with an indexed list of documents

6/06/07 Iron Cove Bridge
Return to Order – Iron Cove Bridge – Documents received Wednesday 20 June 2007, together with an indexed list of documents
Return to Order – Iron Cove Bridge – Documents received Wednesday 20 June 2007, considered privileged and should not be made public or tabled.
Disputed Claim of Privilege – Iron Cove Bridge – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator

10/05/07 Election promises cost offsets
Return to Order – Election promises cost offsets – Documents received Friday 1 June 2007, together with an indexed list of documents

23/11/06 Warragamba Dam
Return to Order – Warragamba Dam – Documents received Thursday 7 December 2006, together with an indexed list of documents
Return to Order – Warragamba Dam – Documents received Thursday 7 December 2006, considered privileged and should not be made public or tabled.
Hunter and Central Coast water supply
Return to Order – Hunter and Central Coast water supply – Documents received Thursday 14 December 2006, together with an indexed list of documents
Disputed Claim of Privilege – Inner West Busway project – Tabling of Privileged Documents – According to paragraph 2 of the resolution, identified as not privileged in the report of the Independent Legal Arbitrator
Lower Hunter Regional Strategy
Return to Order — Lower Hunter Regional Strategy — Documents received Thursday 7 December 2006, together with an indexed list of documents
Return to Order — Lower Hunter Regional Strategy — Documents received Thursday 7 December 2006, considered privileged and should not be made public or tabled.
Operation Retz
Return to Order – Operation Retz – Documents received Thursday 7 December 2006, considered privileged and should not be made public or tabled.
Return to Order – Operation Retz – Correspondence received and reconstructed Operation Retz report and annexures, which is considered privileged and should not be made public or tabled.
Grey Nurse shark surveys
Return to Order – Grey Nurse shark surveys – Documents received Friday 24 November 2006, together with an indexed list of documents

22/11/06 Carlton United Breweries site
Return to Order – Carlton United Breweries site – Documents received Wednesday 6 December 2006, together with an indexed list of documents
Return to order – Carlton United Breweries site – Additional documents received Thursday 7 December 2006
Return to Order – Carlton United Breweries site – Documents received Wednesday 6 December 2006, considered privileged and should not be made public or tabled.

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| | Desalination Plant – Further order Return to Order — Desalination Plant — Further order — Documents received Wednesday 13 December 2006, together with an indexed list of documents Return to Order — Desalination Plant — Further order — Documents received Wednesday 13 December 2006, considered privileged and should not be made public or tabled. |
| 21/11/06 | Callan Park – Further Order Return to Order – Callan Park – Further order – Documents received Tuesday 5 December 2006, together with an indexed list of documents Return to Order – Callan Park – Further order – Documents received Tuesday 5 December 2006, considered privileged and should not be made public or tabled. |
| 16/11/06 | East Darling Harbour, Sydney Urban Design Competition Return to Order – East Darling Harbour, Sydney Urban Design Competition – Documents received Thursday 30 November 2006, together with an indexed list of documents |
| 15/11/06 | Lane Cove Tunnel Integration Group Return to Order — Lane Cove Tunnel Integration Group — Documents received Wednesday 6 December 2006, together with an indexed list of documents M5 East tunnel air quality Return to Order – M5 East tunnel air quality – Documents received Wednesday 6 December 2006, together with an indexed list of documents Clinical service plans for health services Return to Order – Clinical service plans for health services – Documents received Wednesday 29 November 2006, together with an indexed list of documents |
| 14/11/06 | Gretley mine disaster Return to Order – Gretley mine disaster – Documents received Tuesday 28 November 2006, together with an indexed list of documents Return to Order – Gretley mine disaster – Additional documents received Wednesday 20 December 2006 Return to Order – Gretley mine disaster – Documents received Tuesday 28 November 2006, considered privileged and should not be made public or tabled. PowerCoal cable snap Return to Order – PowerCoal cable snap – Documents received Friday 24 November 2006, together with an indexed list of documents |
| 25/10/06 | Police report into disturbances following Cronulla riots Return to Order – Police report into disturbances following Cronulla riots [Paragraph 1] – Documents received this day, together with an indexed list of documents Return to Order – Police report into disturbances following Cronulla riots [Paragraph 2] – Documents received Wednesday 1 November 2006, together with an indexed list of documents Ombudsman review of Firearms Amendment (Public Safety) Act 2002 Return to Order – Ombudsman review of Firearms Amendment (Public Safety) Act 2002 – Correspondence advising that report was tabled on Wednesday 25 October 2006 Maldon–Dumbarton rail line Disputed Claim of Privilege – Maldon–Dumbarton rail line – Tabling of Privileged Documents – Documents considered by the independent legal arbiter were authorised published on 12 December 2006 Return to Order – Maldon–Dumbarton rail line – Documents received Wednesday 8 November 2006, together with an indexed list of documents Return to Order – Maldon–Dumbarton rail line – Documents received Wednesday 8 November 2006, considered privileged and should not be made public or tabled. Ombudsman Review of Police Powers (Drug Detection in Border Areas Trial) Act 2003 Return to Order – Ombudsman Review of Police Powers (Drug Detection in Border Areas Trial) Act 2003 – Correspondence advising |
| 19/10/06 | Lane Cove Tunnel Project Deed Return to Order – Lane Cove Tunnel Project Deed – Documents received Thursday 2 November 2006, together with an indexed list of documents State finances Disputed Claim of Privilege – State finances – Tabling of Privileged Documents – Documents considered by the independent legal arbiter not privileged, were authorised published on 18 January 2007 |

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| | Return to Order – State finances – Documents received Thursday 9 November 2006, together with an indexed list of documents |
| | Return to Order – State finances – Documents received Thursday 9 November 2006, considered privileged and should not be made public or tabled. |
| | Police report into Cronulla riots |
| | Return to order – Police report into Cronulla riots – Paragraph 1 – Documents received Friday 20 October 2006, together with an indexed list of documents |
| | Return to Order – Police report into Cronulla riots – Paragraph 2 – Documents received Wednesday 25 October 2006, together with an indexed list of documents |
| | Return to order – Police report into Cronulla riots – Paragraph 1 – Documents received Friday 20 October 2006, considered privileged and should not be made public or tabled. |
| | Return to Order – Police report into Cronulla riots – Paragraph 2 – Documents received Wednesday 25 October 2006, considered privileged and should not be made public or tabled. |
| 18/10/06 | Gladesville Hospital site |
| | Return to Order – Gladesville Hospital site – Documents received Wednesday 1 November 2006, together with an indexed list of documents |
| | Return to Order – Gladesville Hospital site – Documents received Wednesday 1 November 2006, considered privileged and should not be made public or tabled. |
| | Hunter Rail cars |
| | Return to Order – Hunter Rail cars – Documents received Wednesday 8 November 2006, together with an indexed list of documents |
| | Return to Order – Hunter Rail cars – Correspondence received 22 November 2013, together with the two documents no longer the subject of a claim of privilege. |
| | Return to Order – Hunter Rail cars – Documents received Wednesday 8 November 2006, considered privileged and should not be made public or tabled. |
| | Boral Timber |
| | Return to Order – Boral Timber – Documents received Wednesday 1 November 2006, together with an indexed list of documents |
| | Return to Order – Boral Timber – Documents received Wednesday 1 November 2006, considered privileged and should not be made public or tabled. |
| | M5 East tunnel filtration |
| | Disputed Claim of Privilege – M5 East tunnel filtration – Tabling of Privileged Document – Document considered by the independent legal arbiter, not privileged, was authorised published on 2 January 2007 |
| | Return to Order – M5 East tunnel filtration – Documents received Wednesday 8 November 2006, together with an indexed list of documents |
| | Return to Order – M5 East tunnel filtration – Documents received Wednesday 8 November 2006, considered privileged and should not be made public or tabled. |
| | Spit Bridge widening |
| | Return to Order – Spit Bridge widening – Documents received Wednesday 8 November 2006, together with an indexed list of documents |
| 16/10/06 | Funeral industry |
| | Return to Order – Funeral Industry – Documents received Wednesday 1 November 2006, together with an indexed list of documents |
| 28/09/06 | Bankstown Handicapped Children's Centre |
| | Return to Order – Bankstown Handicapped Children's Centre – Documents received Thursday 12 October 2006, together with an indexed list of documents |
| | Return to Order – Bankstown Handicapped Children's Centre – Documents received Thursday 12 October 2006, considered privileged and should not be made public or tabled. |
| 21/09/06 | Sydney Harbour development applications |
| | Return to Order – Sydney Harbour development applications – Documents received Thursday 5 October 2006, together with an indexed list of documents |
| 20/09/06 | Lane Cove Tunnel – Further Order (20 September 2006) |
| | Lane Cove – Further Order (20 September 2006) – Documents received Wednesday 4 October 2006, together with an indexed list of documents |
| | Lane Cove – Further Order (20 September 2006) – Documents received Wednesday 4 October 2006, considered privileged and should not be made public or tabled. |
| 5/09/06 | Taronga Zoo Asian elephants |

Disputed Claim of Privilege – Taronga Zoo Asian elephants – Tabling of Privileged Documents – Documents considered by the independent legal arbiter not privileged, were authorised published on 6 December 2006

Taronga Zoo Asian elephants – Tabling of masked documents – Documents returned and masked according to recommendation of Independent Legal Arbiter authorised made public on 28 February 2007

Return to Order – Taronga Zoo Asian elephants – Documents received Tuesday 19 September 2006, together with an indexed list of documents

Return to Order – Taronga Zoo Asian elephants – Documents received Tuesday 19 September 2006, considered privileged and should not be made public or tabled.

31/08/06 Ombudsman Review of Police Powers (Drug Detection Dogs) Act 2001

Return to Order – Ombudsman Review of Police Powers (Drug Detection Dogs) Act 2001 – Documents received Thursday 14 September 2006, together with an indexed list of documents

8/06/06 School education infrastructure in Tamworth

Return to Order – School education infrastructure in Tamworth – Documents received Thursday 22 June 2006, together with an indexed list of documents

Darkinjung Local Aboriginal Land Council – Further order

Return to Order – Darkinjung Local Aboriginal Land Council – Further order

Darkinjung Local Aboriginal Land Council – Further order – Documents received Friday 16 June 2006, considered privileged and should not be made public or tabled.

7/06/06 2006–2007 Budget

2006–2007 Budget – Documents received Wednesday 21 June 2006, together with an indexed list of documents

Canterbury Multicultural Aged and Disability Support Services Inc.

Canterbury Multicultural Aged and Disability Support Services Inc. – Documents received Wednesday 21 June 2006, together with an indexed list of documents

Canterbury Multicultural Aged and Disability Support Services Inc. – Documents received Wednesday 21 June 2006, considered privileged and should not be made public or tabled.

6/06/06 Tunnel filtration – Further order

Tunnel filtration – Further order – Documents received Tuesday 20 June 2006, together with an indexed list of documents

Tunnel filtration – Further order – Documents received Tuesday 20 June 2006, considered privileged and should not be made public or tabled.

Disputed claim of privilege – Tunnel filtration – Further order – Documents identified as not privileged in the report of the Independent Legal Arbiter, dated 1 November 2006. Additional documents masked and returned according to the report of the Independent Legal Arbiter

Disputed claim of privilege – Tunnel filtration – Further order – Tabling of privileged documents – Documents masked and returned according to report of Independent Legal Arbiter received and authorised published on 10 January 2007

Redfern Waterloo Street Team – Further order

Redfern Waterloo Street Team – Further order – Documents received Tuesday 20 June 2006, together with an indexed list of documents

25/05/06 Snowy Hydro Limited – Further orders

Return to order – Snowy Hydro Limited – Further orders – Documents received Tuesday 30 May 2006, together with an indexed list of documents,

Return to order – Additional documents received Wednesday 31 May 2006 and documents received on Thursday 8 June 2006, together with an indexed list of documents

Return to Order – Snowy Hydro Limited – Further orders – Return identifying documents received Tuesday 30 May 2006, considered privileged and should not be made public or tabled.

Disputed claim of privilege – Snowy Hydro Limited – Further orders – tabling of privileged documents – Documents considered by the Independent Legal Arbiter not privileged, were authorised made public and tabled

10/05/06 Redfern Waterloo Street Team*

Darkinjung Local Aboriginal Land Council*

Snowy Hydro Limited*

* Government advised that due to prorogation the order had lapsed

4/05/06 Tunnel filtration*

* Government advised that due to prorogation the order had lapsed

Tariro Unit, Metro West Residences, Westmead

Tariro Unit, Metro West Residences, Westmead – Documents received Thursday 18 May 2006, considered privileged and should not be made public or tabled.

"Yasmar", Haberfield

Yasmar, Haberfield – Documents received Thursday 18 May 2006, together with an indexed list of documents
Yasmar, Haberfield – a return identifying documents received Thursday 18 May 2006, considered privileged and should not be made public or tabled.

Sale of "Strathallen", Goulburn

Sale of "Strathallen", Goulburn – Documents received Thursday 18 May 2006, together with an indexed list of documents

3/05/06

Incident at Acmena Juvenile Justice Centre

Incident at Acmena Juvenile Justice Centre – Documents received Wednesday 17 May 2006, together with an indexed list of documents.

Sale of PowerCoal assets

Sale of PowerCoal assets – Documents received Wednesday 17 May 2006, together with an indexed list of documents.

Sale of PowerCoal assets – a return identifying documents received Wednesday 17 May 2006, considered privileged and should not be made public or tabled.

Disputed claim of privilege – Sale of PowerCoal assets – Tabling of privileged documents – Documents considered by the Independent Legal Arbitrator not privileged, were authorised made public and tabled

Dioxin levels in Sydney Harbour

Dioxin levels in Sydney Harbour – Documents received Wednesday 17 May 2006, together with an indexed list of documents and Additional documents received Friday 2 June 2006, together with an indexed list of documents

Dioxin levels in Sydney Harbour – a return identifying documents received Wednesday 17 May 2006, considered privileged and should not be made public or tabled.

Disputed claim of privilege – Dioxin levels in Sydney Harbour – Tabling of privileged documents – Documents masked according to recommendations of the Independent Legal Arbitrator

Broadacre Project

Broadacre Project – Documents received Wednesday 17 May 2006, together with an indexed list of documents

Broadacre Project – a return identifying documents received Wednesday 17 May 2006, considered privileged and should not be made public or tabled.

Lane Cove Tunnel – Further order (3 May 2006)

Lane Cove Tunnel – Further order (2) – Documents received Wednesday 17 May 2006, together with an indexed list of documents.

Lane Cove Tunnel – Further order (2) – Documents received Wednesday 17 May 2006, considered privileged and should not be made public or tabled.

5/04/06

Firearms Safety Training – Further Order

Return to Order – Firearms Safety Training – Further Order – Documents received Wednesday 19 April 2006 together with an indexed list of documents

Return to Order – Firearms Safety Training – Further Order – Documents received Wednesday 19 April 2006, considered privileged and should not be made public or tabled.

8/03/06

Firearms Safety Training

Return to Order – Firearms safety training – Documents received Wednesday 22 March 2006 and Thursday 23 March 2006, together with indexed lists of documents

Return to Order – Firearms safety training – Documents received Wednesday 22 March 2006 and Thursday 23 March 2006, considered privileged and should not be made public or tabled.

Australian Target Shooters Club

Return to Order – Australian Target Shooters Club – Documents received Wednesday 22 March 2006, together with an indexed list of documents.

Lane Cove Tunnel – Further order (8 March 2006)

Disputed Claim of Privilege – Lane Cove Tunnel – Further order (8 March 2006) – Tabling of Privileged Documents

Lane Cove Tunnel – Further order (1) – Documents received Wednesday 22 March 2006, together with an indexed list of documents

Return to Order – Lane Cove Tunnel – Further order (1) – Documents received Wednesday 22 March 2006, considered privileged and should not be made public or tabled.

1/03/06

Audit of Expenditure and Assets

Disputed claim of privilege – Audit of Expenditure and Assets – Tabling of privileged documents – Documents considered by the Independent Legal Arbitrator not privileged, were authorised made public and tabled

Return to Order – Audit of Expenditure and Assets – Documents received Wednesday 15 March 2006, Thursday 16 March 2006 and Wednesday 22 March 2006, together with indexed lists of documents

Return to Order – Audit of Expenditure and Assets – Documents received Thursday 16 March 2006, considered privileged and should not be made public or tabled.

1/12/05 Grey Nurse Shark – Further order
Grey Nurse Shark – Further order – documents received Thursday 15 December 2005, together with an indexed list of documents
Grey Nurse Shark – Further order – return identifying documents received Thursday 15 December 2005, considered privileged and should not be made public or tabled

Newcastle Transport Plan
Newcastle Transport Plan – documents received Thursday 15 December 2005, together with an indexed list of documents

Reassessment of tunnel ventilation documents [Five returns to order as listed] by an independent arbiter
Disputed Claim of Privilege – Tunnel Ventilation Documents – Tabling of Privileged Documents – Documents masked according to recommendation of the Independent Legal Arbitrator

30/11/05 Proposals for Construction of Roads
Proposals for Construction of Roads – documents received Wednesday 14 December 2005, together with an indexed list of documents
Proposals for Construction of Roads – return identifying documents received Wednesday 14 December 2005, considered privileged and should not be made public or tabled

Coal Industry Workers Compensation Scheme
Coal Industry Workers Compensation Scheme – documents received Wednesday 21 December 2005, together with an indexed list of documents

17/11/05 Marina Development at Careel Bay
Return to Order – Marina Development at Careel Bay – Documents received Thursday 1 December 2005, together with an indexed list of documents
Return to Order – Marina Development at Careel Bay – Documents received Thursday 1 December 2005, considered privileged and should not be made public or tabled.

16/11/05 Luna Park leases and agreements
Disputed claim of privilege – Luna Park leases and agreements – Tabling of privileged documents – Documents considered by the Independent Legal Arbitrator not privileged, were authorised made public and tabled
Return to Order – Luna Park leases and agreements – Documents received Wednesday 30 November 2005, together with an indexed list of documents
Return to Order – Luna Park leases and agreements – Documents received Wednesday 30 November 2005, considered privileged and should not be made public or tabled.

Luna Park leases and agreements – Additional correspondence received Wednesday 21 December 2005 stating that, in respect of the various agencies, nil responses were received

Purchase of Yanga Station – Further Order
Return to Order – Purchase of Yanga Station – Further order – Documents received Wednesday 30 November 2005, together with an indexed list of documents
Return to Order – Purchase of Yanga Station – Further order – Documents received Wednesday 30 November 2005, considered privileged and should not be made public or tabled.
Purchase of Yanga Station – Further Order – Additional documents received Tuesday 7 February 2006
Purchase of Yanga Station – Further Order – document received Tuesday 7 February 2006, which is considered privileged and should not be made public or tabled

Women's Refuge Movement
Return to Order – Women's Refuge Movement – Documents received Wednesday 30 November 2005, together with an indexed list of documents

Ombudsman Review Reports
Return to Order – Ombudsman review reports – Documents received Wednesday 30 November 2005

9/11/05 Tallowa Dam
Return to Order – Tallowa Dam – Documents received Wednesday 23 November 2005, together with an indexed list of documents

Desalination Plant
Return to Order – Desalination plant – Documents received Wednesday 23 November 2005, and additional documents received Thursday 24 November 2005, together with indexed lists of documents
Return to Order – Desalination plant – Documents received Wednesday 23 November 2005 and Thursday 24 November 2005, considered privileged and should not be made public or tabled.
Desalination Plant – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator, dated 22 December 2005

Desalination Plant – Tabling of Privileged Documents – Documents received 5 April 2006 which have been masked and returned in response to recommendations made by the Independent Legal Arbitrator

Swansea Bridges

Return to Order – Swansea bridges – Documents received Wednesday 23 November 2005, together with an indexed list of documents

Return to Order – Swansea bridges – Documents received Wednesday 23 November 2005, considered privileged and should not be made public or tabled.

18/10/05

Cross City Tunnel – Further order

Return to Order – Cross City Tunnel – Further order – Received Thursday 27 October 2005 from the Office of the Minister for Roads, together with an indexed list of documents

Return to Order – Cross City Tunnel – Further order – Received Tuesday 1 November 2005 from (1) Minister for Roads, the Honourable Joe Tripodi MP, together with an indexed list of documents, and (2) Director General of the Premier's Department, together with an indexed list of documents.

Return to Order – Cross City Tunnel – Further order – Documents received Tuesday 1 November 2005 from (1) Minister for Roads, and (2) Director General of the Premier's Department – considered privileged and should not be made public or tabled.

Disputed Claim of Privilege – Cross City Tunnel – Further Order – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbitrator dated 15 November 2005

Cross City Tunnel – Further order – Response from the Director General received 7 February 2006 advising that the CD's referred to were created prior to the date specified in the order for papers and therefore fell outside the scope of the order

12/10/05

Purchase of Yanga Station

Return to Order – Purchase of Yanga Station – Received Wednesday 26 October 2005, together with an indexed list of documents

Return to Order – Purchase of Yanga Station – Documents received Wednesday 26 October 2005, considered privileged and should not be made public or tabled.

21/09/05

Proposal to introduce a photographic card – Further Order

Return to order – Proposal to introduce a photographic card – Further order – Documents received Tuesday 4 October 2005, together with an indexed list of documents

15/09/05

Address to the Governor – Papers relating to Otto Darcy–Searle

Return to Address – Papers relating to Otto Darcy–Searle – Correspondence from Her Excellency the Governor received Thursday 6 October 2005

Transfer of Parolees

Return to Order – Transfer of parolees – Documents received Thursday 29 September 2005, together with an indexed list of documents

Interstate parolees

Return to Order – Interstate parolees – Documents received Thursday 29 September 2005, together with an indexed list of documents

M4–M5 cash back scheme

Return to Order – M4–M5 cash back scheme – Documents received Thursday 29 September 2005, together with an indexed list of documents

Return to Order – M4–M5 cash back scheme – Documents received Thursday 29 September 2005, considered privileged and should not be made public or tabled

14/09/05

Budget documents – Further Order

Return to Order – Budget documents – Further order – Documents received Wednesday 28 September 2005, together with an indexed list of documents

23/06/05

Proposed sale of Vaucluse High School

Return to Order – Proposed sale of Vaucluse High School – Documents received Wednesday 6 July 2005, together with an indexed list of documents

Return to Order – Proposed sale of Vaucluse High School – Documents received Wednesday 6 July 2005, considered privileged and should not be made public or tabled.

22/06/05

Lane Cove Tunnel

Return to Order – Lane Cove tunnel – The Documents received Wednesday 6 July 2005, together with an indexed list of documents

Return to Order – Lane Cove tunnel – Documents received Wednesday 6 July 2005, considered privileged and should not be made public or tabled.

Disputed claim of privilege – Tunnel ventilation documents – Tabling of privileged documents – Documents considered by the Independent Legal Arbiter not privileged made public on 25 January 2006

Land valuations

Return to Order – Land valuations – The Documents received Wednesday 6 July 2005, together with an indexed list of documents

Budget documents

Return to Order – Budget documents – The Documents received Wednesday 6 July 2005, together with an indexed list of documents

Circular Quay pylons

Return to Order – Circular Quay pylons – The Documents received Wednesday 29 June 2005, together with an indexed list of documents

Return to Order – Circular Quay pylons – Documents received Wednesday 29 June 2005, considered privileged and should not be made public or tabled.

Disputed Claim of Privilege – Circular Quay pylons – Tabling of Privileged Documents – Documents identified as not privileged in the report of the Independent Legal Arbiter, dated 17 August 2005

7/06/05

Tunnel air quality

Return to Order – Tunnel air quality – Documents received 21 June 2005 , together with an indexed list of documents

Return to Order – Tunnel air quality – Documents received 21 June 2005 , considered privileged and should not be made public or tabled.

Disputed claim of privilege – Tunnel ventilation documents – tabling of privileged documents – Documents considered by the Independent Legal Arbiter not privileged made public on 25 January 2006

6/05/05

Student absenteeism

Return to Order – Student Absenteeism – Correspondence relating to student absenteeism received 24 May 2005

5/05/05

Gledhill report

Return to Order – Gledhill Report – Documents received 24 May 2005, together with an indexed list of documents

Corrective Services Industries

Return to Order – Corrective Services Industries – Documents received 24 May 2005, together with an indexed list of documents

4/05/05

Ambulance services

Return to Order – Ambulance services – Documents received 24 May 2005, together with an indexed list of documents

Return to Order – Ambulance services – Documents received 24 May 2005, considered privileged and should not be made public or tabled.

Sinclair reports concerning Brigalow Belt South Bioregion – Further Order

Return to Order – Sinclair reports concerning Brigalow Belt South Bioregion – Further order – Documents received 24 May 2005, together with an indexed list of documents

3/05/05

Publication "Making a Difference for Boys"

Return to Order – Publication "Making a Difference for Boys" – Documents received 24 May 2005, together with an indexed list of documents

Proposal to introduce a photographic card

Return to Order – Proposal to introduce a photographic card – Documents received 24 May 2005, together with an indexed list of documents

6/04/05

Sinclair reports concerning Brigalow Belt South Bioregion

Return to Order – Sinclair Reports concerning Brigalow Belt South Bioregion – Documents received Wednesday 13 April 2005, together with an indexed list of documents

23/03/05

Audit of Restricted Rail Lines – Further Order

Return to Order – Audit of Restricted Rail Lines – Further Order – Documents received Wednesday 6 April 2005, together with an indexed list of documents

Return to Order – Audit of Restricted Rail Lines – Further Order – Documents received this day, considered privileged and should not be made public or tabled.

Disputed Claim of Privilege – Audit of Restricted Rail Lines – Further Order – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbiter as not privileged

Development of Lands at Callan Park – Further Order

Return to Order – Development of Lands at Callan Park – Further Order – Documents received this day, together with an indexed list of documents

Return to Order – Development of Lands at Callan Park – Further Order – Documents received this day, considered privileged and should not be made public or tabled.

3/03/05 Wood Product Extraction Operations
Return to Order – Wood Product Extraction Operations – Documents received Thursday 17 March 2005, together with an indexed list of documents
Return to Order – Wood Product Extraction Operations – Documents received Thursday 17 March 2005, considered privileged and should not be made public or tabled.

2/03/05 Coastal Shack Licences in the Royal National Park
Return to Order – Coastal Shack Licences in the Royal National Park – Documents received Wednesday 16 March 2005, together with an indexed list of documents
Return to Order – Coastal Shack Licences in the Royal National Park – Documents received Wednesday 16 March 2005, considered privileged and should not be made public or tabled.

24/02/05 Road Tunnel Filtration
Return to Order – Road Tunnel Filtration – Documents received Thursday 10 March 2005, together with an indexed list of documents
Return to Order – Road Tunnel Filtration – Documents received Thursday 10 March 2005, considered privileged and should not be made public or tabled.
Disputed claim of privilege – Tunnel ventilation documents – Tabling of privileged documents – Documents considered by the Independent Legal Arbiter not privileged, made public on 25 January 2006

Audit of Restricted Rail Lines

Return to Order – Audit of Restricted Rail Lines – Correspondence relating to the audit of restricted rail lines received Thursday 10 March 2005

Grey Nurse shark

Return to Order – Grey Nurse Shark – Documents received Thursday 10 March 2005, together with an indexed list of documents

Return to Order – Grey Nurse Shark – Correspondence received on 17 March 2005 advising that two documents identified in the resolution had not been provided because they "formed part of a Cabinet Minute dealing with Grey Nurse Sharks"

8/12/04 Development of Lands at Callan Park
Return to Order – Development of Lands at Callan Park – Documents received Wednesday 22 December 2004, together with an indexed list of documents
Return to Order – Development of Lands at Callan Park – Documents received Wednesday 22 December 2004, considered privileged and should not be made public or tabled

Redfern–Waterloo Authority

Return to Order – Redfern–Waterloo Authority – Documents received Wednesday 22 December 2004, together with an indexed list of documents

Return to Order – Redfern–Waterloo Authority – Documents received Wednesday 22 December 2004, considered privileged and should not be made public or tabled

Road Transport (General) Amendment (Driver Licence Appeals) Regulation 2004

Return to Order – Road Transport (General) Amendment (Driver Licence Appeals) Regulation 2004 – Documents received Wednesday 22 December 2004, together with an indexed list of documents

Return to Order – Road Transport (General) Amendment (Driver Licence Appeals) Regulation 2004 – Documents received Wednesday 22 December 2004, considered privileged and should not be made public or tabled

Return to Order – Road Transport (General) Amendment (Driver Licence Appeals) Regulation 2004 – Additional documents received Thursday 3 February 2005

16/11/04 Greater Southern Area Health Service
Return to Order – Greater Southern Area Health Service – Documents received Tuesday 30 November 2004, together with an indexed list of documents

28/10/04 Dalton reports into juvenile justice
Return to Order – Dalton reports into juvenile justice – Documents received Thursday 4 November 2004, together with an indexed list of documents
Return to Order – Dalton reports into juvenile justice – Documents received Thursday 4 November 2004, considered privileged and should not be made public or tabled.
Return to Order – Dalton reports into juvenile justice – Correspondence received Thursday 4 November 2004 indicating that the Vern Dalton report formed part of the Cabinet process and was not included with other documents

21/10/04 Orange Grove Designer Outlets, Liverpool
Return to Order – Orange Grove Designer Outlets Centre, Liverpool – Documents received Thursday 11 November 2004, together with an indexed list of documents

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| | <p>Return to Order – Orange Grove Designer Outlets Centre, Liverpool – Documents received this day, considered privileged and should not be made public or tabled.</p> <p>Further Return to Order – Orange Grove Designer Outlets Centre, Liverpool – Additional documents received Monday 15 November 2004, together with an indexed list of documents</p> <p>Further Return to Order – Orange Grove Designer Outlets Centre, Liverpool – Documents received Monday 15 November 2004, considered privileged and should not be made public or tabled.</p> |
| 21/09/04 | <p>Beacon Hill High School</p> <p>Return to Order – Beacon Hill High School – three draft reports of a document entitled “New Horizons” received Thursday 21 September 2006, together with correspondence</p> <p>Return to Order – Beacon Hill High School – Documents received Tuesday 5 October 2004, together with an indexed list of documents</p> <p>Return to Order – Beacon Hill High School – Documents received Tuesday 5 October 2004, considered privileged and should not be made public or tabled</p> <p>Zoological Parks Board of New South Wales</p> <p>Return to Order – Zoological Parks Board of New South Wales – Documents received Tuesday 5 October 2004, together with an indexed list of documents</p> |
| 16/09/04 | <p>Proposed Primary School at Lake Cathie</p> <p>Return to Order – Proposed Primary School at Lake Cathie – Documents received Wednesday 29 September 2004, together with an indexed list of documents</p> <p>Return to Order – Proposed Primary School at Lake Cathie – Documents received Wednesday 29 September 2004, considered privileged and should not be made public or tabled</p> |
| 1/09/04 | <p>Sydney's Water Supply</p> <p>Return to Order – Sydney's Water Supply – Documents received Wednesday 15 September 2004 and additional documents on Thursday 16 September 2004, together with an indexed list of documents</p> <p>Return to Order – Sydney's Water Supply – Documents received Wednesday 15 September 2004 and additional documents on Thursday 16 September 2004, considered privileged and should not be made public or tabled.</p> <p>Further Return to Order – Sydney's Water Supply – Additional documents received Wednesday 29 September 2004</p> <p>Luna Park Site</p> <p>Return to Order – Luna Park Site – Documents received Wednesday 15 September 2004, together with an indexed list of documents</p> <p>Return to order – Luna Park Site – Documents received Wednesday 15 September 2004, considered privileged and should not be made public or tabled.</p> <p>Class sizes</p> <p>Return to Order – Class Sizes – Documents received Wednesday 15 September 2004, together with an indexed list of documents</p> |
| 29/06/04 | <p>2004–2005 Budget</p> <p>Return to Order – 2004–2005 Budget – The Documents received Tuesday 13 July 2004, together with an indexed list of documents</p> |
| 28/06/04 | <p>Recruitment within Local Government</p> <p>Return to Order – Recruitment within Local Government – The Documents received Monday 12 July 2004, together with an indexed list of documents</p> |
| 2/06/04 | <p>Department of Primary Industries Merger</p> <p>Return to Order – Department of Primary Industries Merger – Documents received Wednesday 16 June 2004, together with an indexed list of documents</p> |
| 1/06/04 | <p>Tunnel Ventilation Systems</p> <p>Return to Order – Tunnel Ventilation Systems – Documents received Tuesday 15 June 2004, together with an indexed list of documents</p> <p>Return to Order – Tunnel Ventilation Systems – Documents received Tuesday 15 June 2004, considered privileged and should not be made public or tabled.</p> <p>Further Return to Order – Tunnel Ventilation Systems – Additional documents received Monday 12 July 2004</p> <p>Further Return to Order – Tunnel Ventilation Systems – Index of documents submitted by the Roads and Traffic Authority on Friday 6 August 2004 for which privilege is claimed and a revised index of non-privileged documents submitted by the RTA on Thursday 19 August 2004</p> <p>Further Return to Order – Tunnel Ventilation systems – Additional documents received Friday 13 August 2004 identified as being missing from documents received Tuesday 15 June 2004</p> <p>Disputed claim of privilege – Tunnel Ventilation Systems – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbitrator as not privileged dated 29 August 2004</p> <p>Disputed claim of privilege – Tunnel ventilation documents – Tabling of privileged documents – Documents identified in the report of the Independent Legal Arbitrator not privileged made public on 25 January 2006</p> |

12/05/04 Acmena Juvenile Justice Centre, Grafton
Return to Order – Acmena Juvenile Justice Centre, Grafton – Documents received Wednesday 26 May 2004, together with an indexed list of documents
Return to Order – Acmena Juvenile Justice Centre, Grafton – Documents received Wednesday 26 May 2004, considered privileged and should not be made public or tabled.

11/05/04 Mini-Budget
Return to Order – Mini Budget – Documents received Tuesday 25 May 2004, together with an indexed list of documents
Return to Order – Mini-Budget – Documents received Tuesday 25 May 2004, considered privileged and should not be made public or tabled.
Further Return to Order – Mini-Budget – Documents received Tuesday 1 June 2004 provided by the Crown Solicitor to the Secretary of the New South Wales Treasury regarding the mini-Budget.

31/03/04 Axiom Education Consortium
Return to Order – Axiom Education Consortium – Documents received Wednesday 21 April 2004, together with an indexed list of documents
Return to Order – Axiom Education Consortium – Documents received Wednesday 21 April 2004, considered privileged and should not be made public or tabled.
Further Return to Order – Axiom Education Consortium – Additional documents received Tuesday 1 June 2004 from the Director-General of the Premier's Department
Disputed Claim of Privilege – Axiom Education Consortium – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbiter as not privileged

18/03/04 Austeel Project in Newcastle
Return to Order – Austeel Project in Newcastle – Documents received Thursday 8 April 2004, together with an indexed list of documents.
Return to Order – Austeel Project in Newcastle – Documents received Thursday 8 April 2004, considered privileged and should not be made public or tabled.
Return to Order – Austeel Project in Newcastle – Additional documents received Tuesday 13 April 2004
Return to Order – Austeel Project in Newcastle – Documents received Tuesday 13 April 2004, considered privileged and should not be made public or tabled.
Return to Order – Austeel Project in Newcastle – Additional documents received Thursday 15 April 2004

10/03/04 Westmead Children's Hospital
Return to Order – Westmead Children's Hospital – Documents received Wednesday 17 March 2004, together with an indexed list of documents

Camden and Liverpool Hospitals
Return to Order – Camden and Liverpool Hospitals – Documents received Wednesday 17 March 2004, together with an indexed list of documents
Return to Order – Camden and Liverpool Hospitals – Documents received Wednesday 17 March 2004, considered privileged and should not be made public or tabled

Metro Edgley Development on Luna Park Site
Return to Order – Metro Edgley Development on Luna Park Site – Documents received Wednesday 24 March 2004, together with an indexed list of documents

9/03/04 Amalgamation of City of Sydney and South Sydney Councils
Return to Order – Amalgamation of City of Sydney and South Sydney Councils – Documents received Tuesday 23 March 2004, together with an indexed list of documents

25/02/04 Sydney Water
Return to Order – Sydney Water – Documents received 6 February 2004 considered privileged and should not be made public or tabled

4/12/03 Camden and Campbelltown Hospitals
Return to Order – Camden and Campbelltown Hospitals – Documents received 12 December 2003, together with an indexed list of documents
Return to Order – Camden and Campbelltown Hospitals – Documents received 12 December 2003, considered privileged and should not be made public or tabled.

20/11/03 Oil Seeds
Return to Order – Oil Seeds – Documents received Thursday 27 November 2003, considered privileged and should not be made public or tabled

Tamworth West Public School – Further Order

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| | Return to Order – Tamworth West Public School – Further Order – Documents received Thursday 27 November 2003 and referred to in paragraph 4 of the resolution of the House, together with an indexed list of the documents |
| 18/11/03 | Ports Growth Plan Return to Order – Ports Growth Plan – Documents received Tuesday 25 November 2003, together with an indexed list of the documents Return to Order – Ports Growth Plan – Additional documents received Thursday 27 November 2003 |
| 16/10/03 | Murrumbidgee Agricultural College Return to Order – Murrumbidgee Agricultural College – Documents received Tuesday 11 November 2003 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents |
| 18/09/03 | Redbank 2 Power Station Return to Order – Redbank 2 Power Station – Documents received Thursday 25 September 2003 and referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents Return to Order – Redbank 2 Power Station – Documents received Thursday 25 September 2003 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled |
| 17/09/03 | M5 East Tunnel Ventilation Return to Order – M5 East Tunnel Ventilation – Documents received Tuesday 30 September 2003 referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents Return to Order – M5 East Tunnel Ventilation – Documents received Tuesday 30 September 2003 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled Disputed Claim of Privilege – M5 East Tunnel Ventilation – Tabling of privileged documents – Documents identified in the report of the Independent Legal Arbitrator as not privileged Return to Order – M5 East Tunnel Ventilation – Documents masked and returned in response to recommendations made by the Independent Legal Arbitrator Further Return to Order – M5 East Tunnel Ventilation – Documents received Monday 5 January 2004 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents Disputed claim of privilege – Tunnel ventilation documents – Tabling of privileged documents – Documents considered by the Independent Legal Arbitrator not privileged, were authorised made public on 25 January 2006 |
| | Tamworth West Public School Return to Order – Tamworth West Public School – Documents received today referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents Return to Order – Tamworth West Public School – A return identifying documents received today from the Director-General of the Premier's Department and referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled |
| | Callan Park Return to Order – Callan Park – Clerk informed the House that, following the tabling on 14 October 2003 of certain Documents received 30 January 2004# Return to Order – Callan Park – Documents received Thursday 25 September 2003 referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents Return to Order – Callan Park – Document lodged with a request that certain information be blacked out for commercial-in-confidence reasons #Document returned, redacted and resubmitted |
| 3/07/03 | Education Return to Order – Education – Documents received Thursday 17 July 2003 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents Return to Order – Education – Documents received Thursday 17 July 2003 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled Return to Order – Education – Additional documents received Monday 21 July 2003 referred to in paragraph 1 of the resolution of the House |
| | June Correctional Centre Return to Order – June Correctional Centre – documents received Tuesday 8 July 2003 from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents Return to Order – June Correctional Centre – A return identifying documents received Tuesday 8 July 2003 from the Director-General of the Premier's Department and referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled |
| 1/07/03 | Construction At Fox Studios Return to Order – Construction at Fox Studios – Papers – tabled Thursday 3 July 2003 – received from the Director-General of the Premier's Department, together with an indexed list of the documents |
| 24/06/03 | Cross City Tunnel |

Return to Order – Cross City Tunnel – documents received Tuesday 8 July 2003 from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents

Return to Order – Cross City Tunnel – A return identifying documents received Tuesday 8 July 2003 from the Director-General of the Premier's Department and referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

Cross City Tunnel – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbitrator, Sir Laurence Street, dated 4 September 2003, as not privileged

29/05/03

Dr Shailendra Sinha

Return to Order – Dr Shailendra Sinha – Papers – Documents received 1 July 2003 together with an indexed list of documents; letter concerning difficulties in relation to the production of the documents together with advice from the Crown Solicitor's office

Publication of Documents – Dr Shailendra Sinha – Correspondence tabled on 1 July 2003 for inspection by Members of the Legislative Council and Members of the Legislative Assembly on the Parliamentary Joint Committee on the Health Care Complaints Commission

7/05/03

Millennium Trains

Return to Order – Millennium Trains – Papers – Documents received Tuesday 27 May 2003 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents

Return to Order – Millennium Trains – Papers – Documents received Tuesday 27 May 2003 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

Further Return to Order – Millennium Trains – Papers – Additional documents received Friday 6 June 2003 from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents

Further Return to Order – Millennium Trains – Papers – Documents received Friday 6 June 2003 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

Further Return to Order – Millennium Trains – Documents received Wednesday 9 July 2003 for which privilege is no longer claimed, together with an indexed list of the documents

Further Return to Order – Millennium Trains – Documents received Wednesday 9 July 2003 or which continuing privilege is claimed.

Further Return to Order – Millennium Trains – Additional documents received Monday 14 July 2003 for which privilege is no longer claimed

Millennium Trains – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbitrator, dated 22 August 2003, as not privileged

Return to Order – Millennium Trains – Indexes relating to all Millennium Trains documents

5/12/02

Treasury Costings

Return to Order – Treasury Costings – Documents received Tuesday 10 December 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents

Health Claims and Consumer Protection Advisory Committee

Return to Order – Health Claims and Consumer Protection Advisory Committee – Documents received Tuesday 10 December 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents

4/12/02

Development Application at Fox Studios

Return to Order – Development Application at Fox Studio – Documents received Wednesday 11 December 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents

Return to Order – Development Application at Fox Studio – Return identifying documents received Wednesday 11 December 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

Return to Order – Development Application at Fox Studio – Additional documents received on Thursday 12 December 2002 referred to in paragraph 1 of the resolution of the House

Return to Order – Development Application at Fox Studio – Additional documents received on Tuesday 17 December 2002 referred to in paragraph 1 of the resolution of the House

21/11/02

Proposed Port Botany Expansion

Further Return to Order – Proposed Port Botany Expansion – Additional documents received on Thursday 16 January 2003 referred to in paragraph 1 of the resolution of the House

Return to Order – Proposed Port Botany Expansion – Documents received Thursday 5 December 2002 and referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents

Return to Order – Proposed Port Botany expansion – Documents received Thursday 5 December 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

20/11/02

NSW Government IT Tender

Return to Order – NSW Government IT Tender – Documents received Tuesday 3 December 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents

Return to Order – NSW Government IT Tender – Documents received Tuesday 3 December 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled

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| 30/10/02 | <p>Inspector-General of Corrective Services</p> <p>Return to Order – Inspector-General of Corrective Services – Documents received Tuesday 12 November 2002 referred to in paragraph 1 of the resolution of the House on 30 October 2002, together with an indexed list of the documents</p> <p>Return to Order – Inspector-General of Corrective Services – Documents received Tuesday 12 November 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled</p> |
| 24/10/02 | <p>Opinion Polls</p> <p>Return to Order – Opinion Polls – A return relating to Opinion Polls received Thursday 7 November 2002 referred to in paragraph 1 of the resolution of the House of Tuesday 24 October 2002</p> <p>Batemans Bay Sporting Shooters Association</p> <p>Return to Order – Batemans Bay Sporting Shooters Association – Documents received Tuesday 12 November 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents</p> <p>Return to Order – Batemans Bay Sporting Shooters Association – Documents received Tuesday 12 November 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled</p> <p>NSW Police</p> <p>Return to Order – NSW Police – Documents received Tuesday 12 November 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents</p> |
| 19/09/02 | <p>Development of Crown Land (Woodward Park)</p> <p>Return to Order – Development of Crown Land (Woodward Park) – Documents received Thursday 26 September 2002 referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents</p> <p>Return to Order – Development of Crown Land (Woodward Park) – Documents received Thursday 26 September 2002 referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled</p> |
| 5/09/02 | <p>M5 East Motorway – Further Order</p> <p>Return to Order – M5 East Motorway – Documents received 24 September 2002 and referred to in paragraph 1 of the resolution of the House, together with an indexed list of the documents</p> <p>Return to Order – M5 East – Documents received 24 September 2002 from the Director-General of the Premier's Department and referred to in paragraph 4 of the resolution of the House, considered privileged and should not be made public or tabled</p> |
| 26/06/02 | <p>M5 East Motorway – Further Order</p> <p>Return to Order – M5 East Motorway – Documents received Thursday 27 June 2002, together with an indexed list of the documents.</p> <p>Return to Order – M5 East Motorway – Documents received Thursday 27 June 2002, considered privileged and should not be made public or tabled.</p> <p>Return to Order – M5 East Motorway – Documents identified in the report of the Independent Legal Arbitrator, Sir Laurence Street, dated 25 October 2002, as not privileged</p> |
| 25/06/02 | <p>Randwick/Botany Industrial Complex</p> <p>Return to Order – Randwick/Botany Industrial Complex – Documents received Thursday 27 June 2002, together with an indexed list of the documents</p> |
| 8/05/02 | <p>Mogo Charcoal Plant</p> <p>Return to Order – Mogo Charcoal Plant – Documents received 6, 23 and 27 May 2002 and 3 June 2002 referred to in paragraph 3 of the resolution of the House</p> <p>Return to Order – Mogo Charcoal Plant – Documents received 16 May 2002 referred to in paragraph 6 of the resolution of the House, considered privileged and should not be made public or tabled</p> <p>Disputed Claim of Privilege – Mogo Charcoal Plant – Documents identified in the report of the Independent Legal Arbitrator, dated 28 May 2002, as not privileged</p> <p>Long Term Strategic Plan for Rail</p> <p>Return to Order – Long Term Strategic Plan for Rail – Report entitled "Long-term Strategic Plan for Rail" received 9 May 2002</p> |
| 12/12/01 | <p>Managing Director, Hunter Water Corporation</p> <p>Return to Order – Managing Director, Hunter Water Corporation – Documents received Friday 21 December 2001, together with an indexed list of documents</p> |
| 14/11/01 | <p>M5 East Motorway</p> <p>Return to Order – M5 East Motorway – Documents received Wednesday 21 November 2001, together with an indexed list of documents</p> <p>Return to Order – M5 East Motorway – Additional documents received Thursday 22 November 2001</p> |
| | <p>Companion Animals Register</p> |

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| | Further Return to Order – Companion Animals Register – Return showing companion animals by local government area received Thursday 29 November 2001 |
| 18/09/01 | Wellington Local Aboriginal Land Council Return to Order – Wellington Local Aboriginal Land Council – Documents received Thursday 27 September 2001, considered privileged and should not be made public or tabled Wellington Local Aboriginal Land Council – Tabling of Privileged Documents |
| 6/06/01 | Land Clearing By Transgrid Return to Order – Land Clearing by TransGrid – Documents received Wednesday 20 June 2001 Return to Order – Land Clearing by TransGrid – Documents received Wednesday 20 June 2001 considered privileged and should not be made public or tabled |
| 30/05/01 | Hawkesbury–Nepean Catchment Management Trust Return to Order – Hawkesbury–Nepean Catchment Management Trust – Documents received 7 June 2001, together with a list of documents North Head Quarantine Station Return to Order – North Head Quarantine Station – Documents received Tuesday 5 June 2001 Return to Order – North Head Quarantine Station – Documents received Tuesday 5 June 2001 considered privileged and should not be made public or tabled Tabling of Privileged Documents – Document identified in the report of the Independent Legal Arbitrator, dated 31 July 2001, as not privileged |
| 28/03/01 | M5 East Ventilation Stack – Further Order Return to Order – M5 East Ventilation Stack – Documents received Friday 30 March 2001, together with a list of documents Return to Order – M5 East Ventilation Stack – Documents received 3 April 2001 considered privileged and should not be made public or tabled Return to Order – M5 East Ventilation Stack – Documents received 3 April 2001, together with a list of documents Further Return to Order – M5 East Ventilation Stack – Additional documents received Wednesday 2 May 2001, together with a list of documents M5 East Ventilation Stack – Tabling of Privileged Documents – Documents identified in the report of the Independent Legal Arbitrator, dated 27 April 2001, as not privileged |
| 7/03/01 | Ethnic Affairs Commission Program Review Return to Order – Ethnic Affairs Commission Program Review – Documents received Tuesday 27 March 2001, together with a list of documents Return to Order – Ethnic Affairs Commission Program Review – Documents received 27 March 2001, considered privileged and should not be made public or tabled Native Vegetation Conservation Act 1997 Return to Order – Native Vegetation Conservation Act 1997 – Documents received 27 March 2001, together with a list of documents |
| 16/11/00 | Freightcorp Return to Order – FreightCorp – Documents received Wednesday 22 November 2000 from the Director–General of the Premier's Department together with an indexed list of the documents Return to Order – FreightCorp – Return identifying documents received Wednesday 22 November 2000 from the Director–General of the Premier's Department considered privileged and should not be made public or tabled |
| 26/05/00 | Roads and Traffic Authority Return to Order – Roads and Traffic Authority – Documents received Thursday 1 June 2000 Further Return to Order – Roads and Traffic Authority – Documents received 7 June 2000 |
| 6/04/00 | M5 East Ventilation Stack Return to Order – M5 East Ventilation Stack – Documents received Friday 14 April 2000, together with an indexed list of documents |
| 5/04/00 | Rural Community Impact Statements Return to order – Rural Community Impact Statements – Response received, dated 11 April 2000 |
| 4/04/00 | Closure of Veterinary Laboratories/Department of Education and Training Return to order – Closure of Veterinary Laboratories/Department of Education and Training – Correspondence dated 11 April 2000, advising that, apart from documents for which the Government claimed privilege, the papers were previously tabled on 26 November 1998 |

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| 30/11/99 | <p>Coorabin Landfill</p> <p>Return to Order – Coorabin Landfill – Documents received Thursday 9 December 1999, together with an indexed list of documents</p> <p>Return to Order – Coorabin Landfill – Documents received Thursday 9 December 1999, considered privileged and should not be made public or tabled</p> <p>Report "The Race to Qualify"</p> <p>Return to Order – Report "The Race to Qualify" – Document received 3 December 1999</p> |
| 25/11/99 | <p>M5 Motorway Project – Further Order</p> <p>Return to Order – M5 Motorway – Documents received Wednesday 1 December 1999, together with an indexed list of documents</p> <p>Return to Order – M5 Motorway – Documents received 1 December 1999 considered privileged and should not be made public or tabled</p> |
| 24/11/99 | <p>Redevelopment of Walsh Bay</p> <p>Return to Order – Redevelopment of Walsh Bay – Documents received Thursday 9 December 1999, together with an indexed list of documents</p> <p>Return to Order – Redevelopment of Walsh Bay – Documents received Thursday 9 December 1999, considered privileged and should not be made public or tabled</p> |
| 10/11/99 | <p>M2 Motorway Project – Further Order</p> <p>Return to Order – M2 Motorway Project – Documents received Wednesday 17 November 1999, together with an indexed list of documents</p> <p>Return to Order – M2 Motorway Project – Document received Wednesday 17 November 1999, which is considered privileged and should not be made public or tabled</p> |
| 21/10/99 | <p>M2 Motorway Project</p> <p>Return to Order – M2 Motorway Project – Documents received Thursday 28 October 1999, together with an indexed list of documents</p> <p>Return to Order – M2 Motorway Project – Documents received 28 October 1999, considered privileged and should not be made public or tabled</p> |
| 14/10/99 | <p>M5 Motorway Project</p> <p>Return to Order – M5 Motorway Project – Documents received 28 October 1999, together with an indexed list of documents</p> |
| 23/09/99 | <p>Integral Energy</p> <p>Return to Order – Integral Energy – Documents received Friday 7 October 1999 together with an indexed list of the documents</p> <p>Return to Order – Integral Energy – Documents received 7 October 1999, considered privileged and should not be made public or tabled</p> |
| 15/09/99 | <p>Delta Electricity</p> <p>Return to Order – Delta Electricity – Documents received Tuesday 21 September 1999, together with an indexed list of the documents</p> <p>Delta Electricity – Disputed Claim of Privilege – Tabling of Privileged Documents – Correspondence, dated 2 February 1998 referred to in paragraph 1 (b) of the resolution of the House</p> <p>Delta Electricity – Disputed Claim of Privilege – Tabling of Privileged Documents – All post-1994 figures for Delta Electricity's annual water usage from the Cops River System, referred to in paragraph 1 (d) of the resolution of the House</p> <p>Return to Order – Delta Electricity – Documents received 21 September 1999, considered privileged and should not be made public or tabled</p> |
| 1/07/99 | <p>Northside Storage Tunnel</p> <p>Return to Order – Northside Storage Tunnel – Documents received Tuesday 20 July 1999 from the Director-General of the Premier's Department, together with indexed list of documents</p> <p>Return to Order – Northside Storage Tunnel – Documents received 20 July 1999, considered privileged and should not be made public or tabled</p> <p>Return to Order – Northside Storage Tunnel – Additional documents received Thursday 11 November 1999</p> |
| 23/06/99 | <p>Sydney's Water Supply</p> <p>Return to Order – Sydney's Water Supply – Documents received 29 June 1999, considered privileged, together with an indexed list of documents</p> |