

23 ORDER FOR PAPERS—TASERING INCIDENT IN COOMA - FURTHER ORDER

Mr Tudehope by leave, amended private members' business item no. 377 by inserting at the end:

"(4)(j) any documents captured by this order of the House that form part of the brief of evidence in related legal proceedings against Senior Constable Kristian White, are to be laid upon the table of the House once those proceedings are concluded, notwithstanding that all such documents are to be listed in the index of documents to be tabled with the return to order."

Mr Tudehope moved, according to notice, as by leave amended, private members' business item no. 377:

- (1) That this House notes that:
 - (a) on 28 June 2023, the House ordered the production of documents relating to the draft of the first police media statement in the matter of the Cooma incident involving Clare Nowland,
 - (b) on 13 July 2023, the House received a return to the order from The Cabinet Office providing documents from the Office of the Premier, the Office of the Minister for Police and Counter-terrorism, the Department of Communities and Justice and the NSW Police Force, and
 - (c) the return contained seven documents, four of which had a claim of privilege on the grounds of personal information.
- (2) That this House notes that:
 - (a) on 4 July 2023, the office of the Leader of the Opposition made an access application under the Government Information (Public Access) Act 2009 (GIPA Act) to The Cabinet Office requesting access to all documents relating to the critical incident involving the tasering of Mrs Clare Nowland in Cooma,
 - (b) on 24 July 2023, the office of the Minister for Police and Counter-terrorism and the office of the Premier acknowledged receipt of the application,
 - (c) on 1 September 2023, the office of the Minister for Police and Counter-terrorism and the office of the Premier responded to the application, and
 - (d) that the returns had a total of 11 documents provided 22 documents with significant redactions made and several documents excluded.
- (3) That this House notes with concern the lack of transparency by the Government in relation to the critical incident involving the tasering of Mrs Clare Nowland in Cooma.
- (4) That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents, excluding any documents previously returned under an order of the House, created since 17 May 2023, in the possession, custody or control of the Premier, the Minister for Police and Counter-terrorism and Minister for the Hunter, the Premier's Department, The Cabinet Office, the Department of Communities and Justice, or the NSW Police Force relating to the incident involving the tasering of Clare Nowland in Cooma, including:
 - (a) all text messages, messages sent on other messenger services and any attachments to those messages,
 - (b) all versions, including draft and final versions of departmental briefings, documents relating to media releases and talking points,
 - (c) all emails and attachments,

- (d) all drafts of documents intended to provide information to the public about the incident, whether prepared by officials in the NSW Police Force, the Premier's Office or the Minister's Office,
- (e) all briefings, file notes or other documents about, and/or notifications of, meetings held between any of the NSW Police Force, members of the family of Mrs Nowland or the aged care facility, including any documents disclosing the dates and times of those meetings, who was present and what was discussed,
- (f) all briefings, file notes or other documents received by the Premier, the Minister and/or their staff in relation to the incident,
- (g) all communications to or from the Premier, the Minister and/or their staff regarding the incident or developments in relation to the incident,
- (h) all documents relating to a request for access to information under the Government Information (Public Access) Act 2009,
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House, and
- (j) any documents captured by this order of the House that form part of the brief of evidence in related legal proceedings against Senior Constable Kristian White, are to be laid upon the table of the House once those proceedings are concluded, notwithstanding that all such documents are to be listed in the index of documents to be tabled with the return to order.

Debate ensued.

Question put and passed.