



# Premier & Cabinet

Ref: A3887665

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

Dear Mr Blunt

## Order for Papers – State Environmental Planning Policy (Koala Habitat Protection) Correspondence

I refer to the resolution of the Legislative Council under Standing Order 52 made on 16 September 2020 and your correspondence of that date concerning the State Environmental Planning Policy (Koala Habitat Protection) 2019.

I am now delivering to you documents referred to in that resolution. The documents have been obtained from the:

- Office of the Deputy Premier and Minister for Regional New South Wales, Industry and Trade
- Office of the Minister for Planning and Public Spaces
- Office of the Minister for Energy and Environment.

Enclosed at **Annexure 1** are certification letters from the following officers certifying that, to the best of their knowledge, all documents held and covered by the terms of the resolution and lawfully required to be provided have been provided:

- Chief of Staff of the Office of the Deputy Premier and Minister for Regional New South Wales, Industry and Trade
- Chief of Staff of the Office of the Minister for Planning and Public Spaces
- Chief of Staff of the Office of the Minister for Energy and Environment.

Enclosed at **Annexure 2** are indexes of all the non-privileged documents that have been provided in response to the resolution.

In accordance with Item 5(a) of Standing Order 52, those documents for which a claim for privilege has been made have been separately indexed and the case for privilege has been noted. Enclosed at **Annexure 3** are indexes of all privileged documents and submissions in support of the case for privilege.

Should you require any clarification or further assistance, please contact Ms Kate Boyd, General Counsel, on telephone (02) 9228 4393.

Yours sincerely

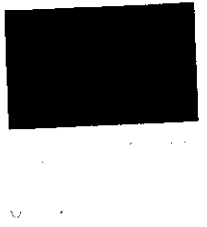
Tim Reardon  
Secretary

23 September 2020

*Three boxes privileged &  
three boxes non-privileged  
documents received at 6:20pm  
Wednesday 23 September 2020*



**The Hon. John Barilaro MP**  
Deputy Premier  
Minister for Regional New South Wales  
Minister for Industry and Trade



23 September 2020

Mr Matt Richards  
A/Executive Director, Legal  
Office of General Counsel  
Department of Premier and Cabinet  
Level 14, 52 Martin Place  
SYDNEY NSW 2000

**Order for papers – State Environmental Planning Policy (Koala Habitat Protection)  
Correspondence**

Dear Mr Richards,

I write in response to the memorandum received from Kate Boyd, General Counsel on 17 September 2020 relating to Standing Order 52 – Order for Papers – State Environmental Planning Policy (Koala Habitat Protection) Correspondence.

I certify to the best of my knowledge all documents held by the Office of the Deputy Premier, Minister for Regional New South Wales, Industry and Trade that are covered by the terms of the resolution and are lawfully required to be provided have been provided.

Yours sincerely

**Siobhan Hamblin**  
Chief of Staff  
Office of John Barilaro MP  
Deputy Premier  
Minister for Regional NSW  
Minister for Trade and Industry



**The Hon. Rob Stokes MP**  
Minister for Planning and Public Spaces

Mr Matt Richards  
A/Executive Director, Legal  
Office of General Counsel  
Department of Premier and Cabinet  
Level 14, 52 Martin Place  
SYDNEY NSW 2000

Dear Mr Richards

I write regarding the resolution 'Standing Order 52' regarding the State Environmental Planning Policy (Koala Habitat Protection) Correspondence that was passed by the Legislative Council on Wednesday 16 September 2020.

The resolution of the Legislative Council sought 'all correspondence from National Party Members of Parliament'. For the purposes of fulfilling the obligations of the resolution, 'National Party Members of Parliament' are:

The Hon Kevin Anderson MP	The Hon John Barilaro MP
Mr Stephen Bromhead MP	Ms Steph Cooke MP
The Hon Wes Fang MLC	The Hon Sam Farraway MLC
Mr Chris Gulaptis MP	Mr Michael Johnsen MP
The Hon Trevor Khan MLC	The Hon Adam Marshall MP
The Hon Sarah Mitchell MLC	The Hon Melinda Pavey MP
Mr Geoff Provest MP	Mr Dugald Saunders MP
Mr Gumesh Singh MP	The Hon Bronnie Taylor MLC
The Hon Paul Toole MP	Mrs Leslie Williams MP

I certify to the best of my knowledge that all documents held by the Office of the Minister for Planning and Public Spaces that are covered by the terms of the resolution and are lawfully required to be provided have been provided.

Given the short seven day turn around for this resolution, it was not possible to redact all personal information within the documents discovered. Documents containing personal information have been made privileged. If the Parliament wishes to make the privileged documents public, please contact Tom Loomes, Director of Parliamentary Business in my office on 0413 877 490 or [tom.loomes@minister.nsw.gov.au](mailto:tom.loomes@minister.nsw.gov.au) so the relevant redactions can be made.

Yours sincerely

**Katie Stevenson**  
Chief of Staff

22/9/20.



The Honourable Matt Kean MP  
Minister for Energy and Environment

Ms Kate Boyd  
General Council  
NSW Department of Premier and Cabinet

22 September 2020

Dear Ms Boyd,

I write regarding the following order of the Legislative Council dated 16 September 2020:

1. *That, under standing order 52, there be laid upon the table of the House within 7 days of the date of passing of this resolution the following documents in the possession, custody or control of the Deputy Premier and Minister for Regional NSW, Industry and Trade, Minister for Planning and Public Spaces, or the Minister for Energy and the Environment relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019:*
  - a. *all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties, and*
  - b. *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.*

I confirm that I have caused the Office of the Minister for Energy and Environment to undertake reasonable searches for documents responsive to the Orders and that only correspondence from National Party Members of Parliament (as opposed to referrals from their office) have been included. In this respect, the Office has in place certain systems and processes to prepare responses to correspondence to the Minister. These systems and process have been relied upon in conducting searches for the called for records.

I certify to the best of my knowledge that all documents held by the Office of the Minister for Energy and Environment that are covered by the terms of the resolution and are lawfully required to be provided are enclosed. Further, I note that personal details of private individuals has been redacted on privacy grounds.

I ask that these documents are provided to the Legislative Council in the Government's response to the order.

If you have any further questions, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Coles', with a long, sweeping flourish extending to the right.

**Ben Coles**  
Chief of Staff  
Office of the Hon. Matt Kean MP  
Minister for Energy and Environment

Office of the NSW Deputy Premier  
**ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**NON-PRIVILEGED DOCUMENTS**

Document No.	Document	Date of Creation	Author	Privilege Claim
				Y/N?
(a) 31	Email to Jodie, Electorate Office Oxley RE: Koala Habitat Protection SEPP Letter and legal advice Cabinet	21-Jul-20	Stuart Bocking	N
(a) 29	Email to Barilaro_Office_Email regarding FW: Koala Habitat Protection SEPP Legal Action including attachments	21-Jul-20	Electorate Office Monaro	N
(a) 71	Email regarding Another SEPP letter from Stephen to Minister Stokes and response	18-Sep-20	Nikki Lowe	N
(a) 83	Letter from Eurobodalla Shire Council regarding NSW South East Councils Urgent Request - Support for changes to the Biodiversity Conservation Act and Koala SEPP	7-May-20	Dr Catherine Dale, General Manager	N
(a) 84	Letter to the Hon Rob Stokes MP regarding Guidelines supporting the Koala SEPP	17-Mar-20	The Hon. John Barilaro MP	N
(a) 85	Letter to the Hon. John Barilaro MP regarding new Koala Habitat Protection SEPP and Koala Habitat Protection SEPP and Koala Habitat Protection Guideline	N/A (Received 20-Aug-20)	The Hon. Rob Stokes MP	N

**Office of the NSW Deputy Premier**  
**ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**NON-PRIVILEGED DOCUMENTS**

(a) 86	Letter to the Hon. Rob Stokes MP regarding the State Environmental Planning Policy - Koala Habitat Protection	21-Feb-20	The Hon. John Barilaro MP	N
(a) 87	Letter to the Hon. John Barilaro MP regarding the State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP) and the Koala Habitat Protection Guideline (the Guideline)	N/A (Received 5-Mar-20)	The Hon. Rob Stokes MP	N
(a) 88	Letter to the Hon. John Barilaro MP Tenterfield Shire Council regarding Koala Habitat Protection State Environment Planning Policy	2-Apr-20	Peter Petty, Mayor of Tenterfield Shire Council	N
(a) 1	Letter to the Hon. John Barilaro MP on behalf of Peter Caban	20-Mar-20	Clayton Barr MP, Member for Cessnock	N
(a) 2	Letter to Gemma Porter regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 3	Letter to Stephen Bromhead MP regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 4	Letter to David Hanna regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 5	Letter to David Joss and Chris Crump regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N

## Office of the NSW Deputy Premier

## ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE

## NON-PRIVILEGED DOCUMENTS

(a) 6	Letter to Steve Orchard regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 7	Letter to Paul and Cathy Smith regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 8	Letter to Mark Evans regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 9	Letter to Tim Coutts and Barry Girvan regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 10	Letter to Di Lymbury regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 11	Letter to Arnold Williams regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 12	Letter to Andrew Moran regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 13	Letter to Jayne Moran regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 14	Letter to Ross Farlow regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 15	Letter to Sam O'Connor regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N

## Office of the NSW Deputy Premier

ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
NON-PRIVILEGED DOCUMENTS

(a) 16	Letter to Darrell Hayden regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 17	Letter to Glenn Poole and Terry Poole regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 18	Letter to Andrew Mullins regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 19	Letter to Ken Murrell regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 20	Letter to Gary Sharp regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 21	Letter to Cherie Brown regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	N
(a) 22	Email to NSW Nationals Re: Is your property koala habitat? Including attachment Letter to Minister for Ag NSW.pdf	16-Sep-20	Craig Huf	N
(a) 23	Email Re: Koala SEPP including attachment 2019 Koala SEPP - response to dept of Planning[3].pdf	16-Sep-20	Craig Huf	N
(a) 24	Email to Craig Huf regarding Koala SEPP including attachment Correspondence - Acting Group Deputy Secretary to Mr Provest.pdf MDPE20 1589 - Attachment - Letter to Craig and Allison Huf.PDF	31-Jul-20	Geoff Provest MP, Member for Tweed	N



**Office of the NSW Deputy Premier**  
**ORDER FOR PAPERS - SOS2 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**NON-PRIVILEGED DOCUMENTS**

(a) 25	Email to Stuart Bocking regarding Fw: Re: SEPP44 & Biodiversity Impacts (Case ref: CL14109)	18-Sep-20	Kate Walker	N
(a) 26	Email to Barilaro_Office_Email regarding FW: SEPP-44 including attachment Scan.pdf	26-Mar-20	Electorate Office Monaro	N
(a) 27	Email to Barilaro_Office_Email regarding FW: attn: John Barilar & Adam Marshall - Koala SEPP including attachment Koala SEPP_Impact on Rural Lands.pdf	6-Apr-20	Electorate Office Monaro	N
(a) 28	Email to Michael Zakoski, Monaro Electorate Office RE: Koala SEPP incorrect mapping (Case Ref: MO23950)	19-May-20	Stuart Bocking	N
(a) 30	Email to Stuart Bocking RE: Enquiry from Michael O'Connor about KOALA HABITAT - Melinda Pavey - OXLEY	19-May-20	Electorate Office Oxley	N
(a) 32	Email regarding FW: Koala SEPP (Case ref: MY141214)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 33	Email regarding FW: Koala SEPP (Case ref: MY141162)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 34	Email regarding FW: Minister Stokes Accountability (Case Ref: MY141157)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 35	Email regarding FW: Koala SEPP (MY141156)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 36	Email regarding FW: Taking a Stand (Case ref: MY141153)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 37	Email regarding FW: Koala Bill	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 38	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N

**Office of the NSW Deputy Premier**  
**ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**NON-PRIVILEGED DOCUMENTS**

(a) 39	Email regarding FW: Does sustainable logging permanently damage Koala populations?	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 40	Email regarding FW: National Party review (Case ref: MY141170)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 41	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 42	Email regarding FW: Koala Habitat Protection	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 43	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 44	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 45	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 46	Email regarding FW: Stand fast. (Case ref: MY141175)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 47	Email regarding FW: Farmers koala survey policy	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 48	Email regarding FW: KOALA STAND	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 49	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 50	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 51	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 52	Email regarding FW: Koala's	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 53	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N

## Office of the NSW Deputy Premier

ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
NON-PRIVILEGED DOCUMENTS

(a) 54	Email regarding FW: Draft Koala Habitat Protection Legislation and Mapping - Submission including attachment Koala Habitat Submission - 2.4.2020.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 55	Email regarding FW: Sepp Koala Habitat Protection 2019 including attachment Koala SEPP Habitat Protection 2019 Gulaptis.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 56	Email regarding FW: Koala SEPP 2020 Submission from Adam Chapman including attachment Adam Chapman Koala SEPP 2020 Submission.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 57	Email regarding FW: Proposed koala habitat/vegetation zones and impacts on farmers (Case ref: CL11311)	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 58	Email regarding FW: Koala SEPP 2020 including attachment Letter to the Hon. John Barilaro.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 59	Email regarding FW: koala sepp44 (Case ref: CL11325)	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 60	Email regarding FW: Koala SEPP 2019 including attachment Koala SEPP 2019 18.3.20.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 61	Email regarding FW: koala sepp44 including attachment koala sepp44.docx	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 62	Email regarding FW: JACK KOALA SEPP44 including JACK KOALA SEPP44.docx	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N

## Office of the NSW Deputy Premier

ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
NON-PRIVILEGED DOCUMENTS

(a) 63	Email regarding FW: Attn: Chris Gulaptis re Koala SEPP March 2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 64	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 65	Email regarding FW: New Koala SEPP 1/3/2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 66	Email regarding FW: Stephen Bromhead rep email from constituent regarding SEPP 44 (Case Ref: MY97442)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 67	Email regarding FW: Sepp 2019 concerns (Case Ref: MY96376)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 68	Email regarding Stephen Bromhead SEPP44 (Case Ref: MY95583) including attachments Minister Stokes response re SEPP44 MY83781 (1).pdf; Koala SEPP Brief in force 1 March 2020.pdf; email response from Ralph Blenkin.pdf; Stephen Bromhead letter.pdf	18-Sep-20	Myall Lakes Electorate Office	N
(a) 69	Email regarding FW: Electricity poles & Koalas (Case Ref: MY94624) including attachment	17-Sep-20	Myall Lakes Electorate Office	N
(a) 70	Email regarding FW: Stephen Bromhead response to email Koala SEPP 2020 Briefing (Case Ref: MY84401)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 72	Email regarding FW: Koala Sepp	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N

## Office of the NSW Deputy Premier

ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
NON-PRIVILEGED DOCUMENTS

(a) 73	Email regarding FW: State Environmental Planning Policy (Koala Habitat protection) 2019 (Case Ref: MY84069)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 74	Email regarding CM: FW: John Barilaro, Member for Monaro "National parks"	7-Feb-20	Barilaro Office Email	N
(a) 75	Email regarding FW: Questionable Koala policy	24-Mar-20	Kathryn Attwells	N
(a) 76	Email regarding Abandonment of Farmers	24-Apr-20	Kathryn Attwells	N
(a) 77	Email regarding FW: Koala SEPP 2019 (MY84065)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 78	Email regarding FW: NSW Koala State Environment Planning Policy Guideline - Public Consultation	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 79	Email regarding Stephen rep email on behalf of constituent Dallas Worth re SEPP44 (Case Ref: MY94933)	17-Sep-20	Myall Lakes Electorate Office	N
(a) 80	Email regarding FW: Koala SEPP44 including attachment Jones SEPP44 Submission.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N
(a) 81	Email regarding FW: Rappville recovery & SEPP Koala Habitat Protection	17-Sep-20	Chris Gulaptis MP, Member for Clarence	N

Office of the NSW Deputy Premier

ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
NON-PRIVILEGED DOCUMENTS

(a) 82	Email regarding FW: State Environmental Planning Policy (Koala Habitat Protection) 2019, "Green Tape" and Environmental Land Management in New South Wales and attachments including Correspondence to The Hon John Barilaro MP and Correspondence to The Hon. Catherine Cusack	8-Sep-20	Barilaro Office Email	N
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## OFFICE OF THE MINISTER FOR PLANNING

### ORDER FOR PAPERS – State Environmental Planning Policy (Koala Habitat Protection) Correspondence

#### NON-PRIVILEGED DOCUMENTS

Document No.	Document	Date of Creation	Author	Privilege Claim Y/N?
(a) 1	Correspondence from Eurobodalla Shire Council on behalf NSW South East Councils	7 May 2020	Eurobodalla Shire Council	N
(a) 2	Correspondence from The Hon John Barilaro MP, Member for Monaro – General concerns	21 February 2020	The Hon John Barilaro MP	N
(a) 3	Correspondence from The Hon John Barilaro MP, Member for Monaro – obo Jeff McCloy	8 September 2020	The Hon John Barilaro MP	N
(a) 4	Correspondence from The Hon Adam Marshall MP, Member for Northern Tablelands – General concerns	24 February 2020	The Hon Adam Marshall MP	N
(a) 5	Correspondence from The Hon Adam Marshall MP, Member for Northern Tablelands – obo Paddy Quilty	4 August 2020	The Hon Adam Marshall MP	N
(a) 6	Correspondence from The Hon Kevin Anderson MP, Member for Tamworth – obo Garth Wilson	14 July 2020	The Hon Kevin Anderson MP	N
(a) 7	Correspondence from The Hon Kevin Anderson MP, Member	14 July 2020	The Hon Kevin Anderson MP	N

	for Tamworth – obo Christine Grant-McNaught			
(a) 8	Correspondence from The Hon Kevin Anderson MP, Member for Tamworth – obo David Witten	14 July 2020	The Hon Kevin Anderson MP	N
(a) 9	Correspondence from The Hon Kevin Anderson MP, Minister for Innovation and Better Regulation – Ministerial referrals obo multiple correspondents	3 September 2020	The Hon Kevin Anderson MP	N
(a) 10	Correspondence from Mr Gurmesh Singh MP, Member for Coffs Harbour – General concerns	18 March 2020	Mr Gurmesh Singh MP	N
(a) 11	Correspondence from Mr Geoff Provest MP, Member for Tweed – obo Craig Huf	21 May 2020	Mr Geoff Provest MP	N
(a) 12	Correspondence from Mr Geoff Provest MP, Member for Tweed – obo Craig Huf	25 May 2020	Mr Geoff Provest MP	N
(a) 13	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Steve Dobbys	24 February 2020	The Hon Melinda Pavey MP	N
(a) 14	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Bradley Hooper	26 February 2020	The Hon Melinda Pavey MP	N
(a) 15	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Timber NSW	12 March 2020	The Hon Melinda Pavey MP	N
(a) 16	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo North Coast Forest Management	10 March 2020	The Hon Melinda Pavey MP	N



(a) 17	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo O'Connor Sawmilling Rappville	26 March 2020	The Hon Melinda Pavey MP	N
(a) 18	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo John Hill	24 March 2020	The Hon Melinda Pavey MP	N
(a) 19	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Timber NSW	21 July 2020	The Hon Melinda Pavey MP	N
(a) 20	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – Ministerial referral obo NSW Farmers	6 July 2020	The Hon Melinda Pavey MP	N
(a) 21	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – Ministerial referral obo NSW Farmers	6 May 2020	The Hon Melinda Pavey MP	N
(a) 22	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Raymond Stack	26 February 2020	Mr Stephen Bromhead MP	N
(a) 23	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Jono Kennewell	26 February 2020	Mr Stephen Bromhead MP	N
(a) 24	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Douglas Atkinson	3 March 2020	Mr Stephen Bromhead MP	N
(a) 25	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Dallas Worth	18 March 2020	Mr Stephen Bromhead MP	N

(a) 26	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – General concerns	23 March 2020	Mr Stephen Bromhead MP	N
(a) 27	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Ralph Blenkin	25 March 2020	Mr Stephen Bromhead MP	N
(a) 28	Correspondence from Stephen Bromhead MP, Member for Myall Lakes – obo Ralph Blenkin	24 February 2020	Mr Stephen Bromhead MP	N
(a) 29	Correspondence from Mr Stephen Bromhead MP, Member for Myall Lakes – obo Leslie Stone	16 April 2020	Mr Stephen Bromhead MP	N
(a) 30	Correspondence from The Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning – obo Michael O'Connor	17 July 2020	The Hon Sarah Mitchell MLC	N

## MINISTER FOR ENERGY AND ENVIRONMENT

### ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE

#### NON-PRIVILEGED DOCUMENTS

Document No.	Item	Document	Date of Creation	Author	Privilege Claim Y/N?
1.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the NSW South East Council Group to the Hon. Matt Kean	07/05/2020	Multiple	Y – in part
2.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Adam Marshall MP to the Hon. Matt Kean MP	01/04/2020	The Hon. Adam Marshall MP	Y – in part
3.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Barnaby Joyce MP to the Hon. Matt Kean MP	30/03/2020	The Hon. Barnaby Joyce MP	Y – in part

Office of the NSW Deputy Premier  
**ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**PRIVILEGED DOCUMENTS**

Document No.	Document	Date of Creation	Author	Privilege Claim	Claim for Privilege
				Y/N?	
(a) 1	Letter to the Hon. John Barilaro MP on behalf of Peter Caban	20-Mar-20	Clayton Barr MP, Member for Cessnock	Y	Personal information
(a) 2	Letter to Gemma Porter regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 3	Letter to Stephen Bromhead MP regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 4	Letter to David Hanna regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 5	Letter to David Joss and Chris Crump regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 6	Letter to Steve Orchard regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 7	Letter to Paul and Cathy Smith regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 8	Letter to Mark Evans regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 9	Letter to Tim Coutts and Barry Girvan regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 10	Letter to Di Lymbury regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 11	Letter to Arnold Williams regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 12	Letter to Andrew Moran regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information

Office of the NSW Deputy Premier  
**ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**PRIVILEGED DOCUMENTS**

(a) 13	Letter to Jayne Moran regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 14	Letter to Ross Farlow regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 15	Letter to Sam O'Connor regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 16	Letter to Darrell Hayden regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 17	Letter to Glenn Poole and Terry Poole regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 18	Letter to Andrew Mullins regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 19	Letter to Ken Murrell regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 20	Letter to Gary Sharp regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 21	Letter to Cherie Brown regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 22	Email to NSW Nationals Re: Is your property koala habitat? Including attachment Letter to Minister for Ag NSW.pdf	16-Sep-20	Craig Huf	Y	Personal information
(a) 23	Email Re: Koala SEPP including attachment 2019 Koala SEPP - response to dept of Planning[3].pdf	16-Sep-20	Craig Huf	Y	Personal information
(a) 24	Email to Craig Huf regarding Koala SEPP including attachment Correspondence - Acting Group Deputy Secretary to Mr Provest.pdf MDPE20 1589 - Attachment - Letter to Craig and Allison Huf.PDF	31-Jul-20	Geoff Provest MP, Member for Tweed	Y	Personal information

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**ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
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(a) 25	Email to Stuart Bocking regarding Fw: Re: SEPP44 & Biodiversity Impacts (Case ref: CL14109)	18-Sep-20	Kate Walker	Y	Personal information
(a) 26	Email to Barilaro_Office_Email regarding FW: SEPP-44 including attachment Scan.pdf	26-Mar-20	Electorate Office Monaro	Y	Personal information
(a) 27	Email to Barilaro_Office_Email regarding FW: attn: John Barilar & Adam Marshall - Koala SEPP including attachment Koala SEPP_Impact on Rural Lands.pdf	6-Apr-20	Electorate Office Monaro	Y	Personal information
(a) 28	Email to Michael Zakoski, Monaro Electorate Office RE: Koala SEPP incorrect mapping (Case Ref: MO23950)	19-May-20	Stuart Bocking	Y	Personal information
(a) 30	Email to Stuart Bocking RE: Enquiry from Michael O'Connor about KOALA HABITAT - Melinda Pavey - OXLEY	19-May-20	Electorate Office Oxley	Y	Personal information
(a) 32	Email regarding FW: Koala SEPP (Case ref: MY141214)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 33	Email regarding FW: Koala SEPP (Case ref: MY141162)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 34	Email regarding FW: Minister Stokes Accountabilty (Case Ref: MY141157)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 35	Email regarding FW: Koala SEPP (MY141156)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 36	Email regarding FW: Taking a Stand (Case ref: MY141153)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 37	Email regarding FW: Koala Bill	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 38	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 39	Email regarding FW: Does sustainable logging permanently damage Koala popluations?	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 40	Email regarding FW: National Party review (Case ref: MY141170)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 41	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information

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**ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
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(a) 42	Email regarding FW: Koala Habitat Protection	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 43	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 44	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 45	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 46	Email regarding FW: Stand fast. (Case ref: MY141175)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 47	Email regarding FW: Farmers koala survey policy	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 48	Email regarding FW: KOALA STAND	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 49	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 50	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 51	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 52	Email regarding FW: Koala's	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 53	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 54	Email regarding FW: Draft Koala Habitat Protection Legislation and Mapping - Submission including attachment Koala Habitat Submission - 2.4.2020.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 55	Email regarding FW: Sepp Koala Habitat Protection 2019 including attachment Koala SEPP Habitat Protection 2019 Gulaptis.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 56	Email regarding FW: Koala SEPP 2020 Submission from Adam Chapman including attachment Adam Chapman Koala SEPP 2020 Submission.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information

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**ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
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(a) 57	Email regarding FW: Proposed koala habitat/vegetation zones and impacts on farmers (Case ref: CL11311)	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 58	Email regarding FW: Koala SEPP 2020 including attachment Letter to the Hon. John Barilaro.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 59	Email regarding FW: koala sepp44 (Case ref: CL11325)	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 60	Email regarding FW: Koala SEPP 2019 including attachment Koala SEPP 2019 18.3.20.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 61	Email regarding FW: koala sepp44 including attachment koala sepp44.docx	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 62	Email regarding FW: JACK KOALA SEPP44 including JACK KOALA SEPP44.docx	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 63	Email regarding FW: Attn: Chris Gulaptis re Koala SEPP March 2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 64	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 65	Email regarding FW: New Koala SEPP 1/3/2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 66	Email regarding FW: Stephen Bromhead rep email from constituent regarding SEPP 44 (Case Ref: MY97442)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 67	Email regarding FW: Sepp 2019 concerns (Case Ref: MY96376)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 68	Email regarding Stephen Bromhead SEPP44 (Case Ref: MY95583) including attachments Minister Stokes response re SEPP44 MY83781 (1).pdf; Koala SEPP Brief in force 1 March 2020.pdf; email response from Ralph Blenkin.pdf; Stephen Bromhead letter.pdf	18-Sep-20	Myall Lakes Electorate Office	Y	Personal information



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**ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
**PRIVILEGED DOCUMENTS**

(a) 69	Email regarding FW: Electricity poles & Koalas (Case Ref: MY94624) including attachment	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 70	Email regarding FW: Stephen Bromhead response to email Koala SEPP 2020 Briefing (Case Ref: MY84401)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 71	Email regarding Another SEPP letter from Stephen to Minister Stokes and response	18-Sep-20	Nikki Lowe	Y	Personal information
(a) 72	Email regarding FW: Koala Sepp	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 73	Email regarding FW: State Environmental Planning Policy (Koala Habitat protection) 2019 (Case Ref: MY84069)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 74	Email regarding CM: FW: John Barilaro, Member for Monaro "National parks"	7-Feb-20	Barilaro Office Email	Y	Personal information
(a) 75	Email regarding FW: Questionable Koala policy	24-Mar-20	Kathryn Attwells	Y	Personal information
(a) 76	Email regarding Abandonment of Farmers	24-Apr-20	Kathryn Attwells	Y	Personal information
(a) 77	Email regarding FW: Koala SEPP 2019 (MY84065)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 78	Email regarding FW: NSW Koala State Environment Planning Policy Guideline Public Consultation	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 79	Email regarding Stephen rep email on behalf of constituent Dallas Worth re SEPP44 (Case Ref: MY94933)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 80	Email regarding FW: Koala SEPP44 including attachment Jones SEPP44 Submission.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 81	Email regarding FW: Rappville recovery & SEPP Koala Habitat Protection	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information

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ORDER FOR PAPERS - SO52 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
PRIVILEGED DOCUMENTS

(a) 82	Email regarding FW: State Environmental Planning Policy (Koala Habitat Protection) 2019, "Green Tape" and Environmental Land Management in New South Wales and attachments including Correspondence to The Hon John Barilaro MP and Correspondence to The Hon. Catherine Cusack	8-Sep-20	Barilaro Office Email	Y	Personal information
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**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE  
BY THE OFFICE OF THE DEPUTY PREMIER  
ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT  
PROTECTION) CORRESPONDENCE –  
16 SEPTEMBER 2020**

In accordance with the terms of the resolution agreed to by the Legislative Council on 16 September 2020, and the terms of Standing Order 52, documents have been identified for production by the Office of the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade, 'the Office', and the potential application of privilege to those documents has been considered. This submission has been prepared in support of the claims for privilege made by this Office.

It is to be noted that these claims for privilege are not raised as a basis to resist production of documents that are within scope of the resolution. Rather, these claims are made, pursuant to Standing Order 52(5), to identify those documents over which privilege may be claimed, in order to allow the Legislative Council to consider the claims and in support of an application that it is in the public interest that the documents should not be made publicly available.

It is important to indicate our willingness to provide all relevant documents relating to personal information under privilege, and conduct redactions to ensure the protection of personal information from correspondents who have not given their consent for the information to be made public. Our priority is ensuring this privacy remains intact and respectfully request this remains the case.

**Personal information**

It is submitted that certain documents identified and indexed as privileged, contain personal information and the public interest in the non-disclosure of that information outweighs the interest in its disclosure.

In support of this claim, such information would ordinarily be protected from public disclosure under common law or pursuant to the *Government Information (Public Access) Act 2009* (the GIPA Act) or the *Privacy and Personal Information Protection Act 1998*.

The Hon. Mr Keith Mason AO QC, 'the arbiter', has noted that the House has undoubted power to take additional measures to prevent disclosure of confidential information where that is not in the public interest.<sup>1</sup>

On several occasions, the arbiter has also endorsed the agreement of members, who had initially disputed a claim of privilege, that certain personal "private" information be redacted, avoiding the need for the arbiter to resolve such disputes.<sup>2</sup> The arbiter has noted, amongst other matters, that members will always have access to un-redacted versions of the documents and the capacity to access such information if it is really needed.<sup>3</sup>

With regard to the above considerations, the Office has redacted personal information from certain documents that may cause the identity of an individual to be ascertained. This includes names and contact information (including addresses, email addresses and phone numbers) and other identifying information.

The Office considers that it would be prejudicial to the public interest and to the system of representative and responsible government in NSW for such personal information to be made public. The Office submits that making identifying information publicly available, especially given the particular nature of the subject matter, may lead to harassment of individuals who have

corresponded with a Member of Parliament. It would be reasonable to assume that the candour of such communications may be impeded if individuals were aware that, with no notice and without consultation, their personal information in connection with that correspondence was released.

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<sup>1</sup> Mason, K, *Report under Standing Order 52 on disputed claim of privilege; Sydney Stadiums* ("Sydney Stadiums Report"), 22 May 2018; at pp. 2, 4.

<sup>4</sup> *Sydney Stadiums Report* at p.10; Mason, K., *Report under Standing Order 52 on disputed claims of privilege, Greyhound Welfare*, 14 February 2017 ("Greyhounds Report"), at p. 10. It is, of course, necessary that each instance should be examined on its merits, and it is not suggested the circumstances in those matters are equivalent to the current matter.

<sup>5</sup> *Sydney Stadiums Report* at p. 1

Office of the NSW Deputy Premier  
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**PRIVILEGED DOCUMENTS**

Document No.	Document	Date of Creation	Author	Privilege Claim	Claim for Privilege
				Y/N?	
(a) 1	Letter to the Hon. John Barilaro MP on behalf of Peter Caban	20-Mar-20	Clayton Barr MP, Member for Cessnock	Y	Personal information
(a) 2	Letter to Gemma Porter regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 3	Letter to Stephen Bromhead MP regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
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(a) 6	Letter to Steve Orchard regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 7	Letter to Paul and Cathy Smith regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 8	Letter to Mark Evans regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
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(a) 11	Letter to Arnold Williams regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
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(a) 19	Letter to Ken Murrell regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 20	Letter to Gary Sharp regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
(a) 21	Letter to Cherie Brown regarding the Koala Habitat Protection SEPP 2019 and attachments	1-Apr-20	The Hon. John Barilaro MP	Y	Personal information
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(a) 23	Email Re: Koala SEPP including attachment 2019 Koala SEPP - response to dept of Planning[3].pdf	16-Sep-20	Craig Huf	Y	Personal information
(a) 24	Email to Craig Huf regarding Koala SEPP including attachment Correspondence - Acting Group Deputy Secretary to Mr Provest.pdf MDPE20 1589 - Attachment - Letter to Craig and Allison Huf.PDF	31-Jul-20	Geoff Provest MP, Member for Tweed	Y	Personal information

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(a) 28	Email to Michael Zakoski, Monaro Electorate Office RE: Koala SEPP incorrect mapping (Case Ref: MO23950)	19-May-20	Stuart Bocking	Y	Personal information
(a) 30	Email to Stuart Bocking RE: Enquiry from Michael O'Connor about KOALA HABITAT - Melinda Pavey - OXLEY	19-May-20	Electorate Office Oxley	Y	Personal information
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(a) 33	Email regarding FW: Koala SEPP (Case ref: MY141162)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 34	Email regarding FW: Minister Stokes Accountabilty (Case Ref: MY141157)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
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(a) 49	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 50	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 51	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 52	Email regarding FW: Koala's	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 53	Email regarding FW: Koalas	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
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(a) 63	Email regarding FW: Attn: Chris Gulaptis re Koala SEPP March 2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 64	Email regarding FW: Koala SEPP	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 65	Email regarding FW: New Koala SEPP 1/3/2020	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 66	Email regarding FW: Stephen Bromhead rep email from constituent regarding SEPP 44 (Case Ref: MY97442)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 67	Email regarding FW: Sepp 2019 concerns (Case Ref: MY96376)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 68	Email regarding Stephen Bromhead SEPP44 (Case Ref: MY95583) including attachments Minister Stokes response re SEPP44 MY83781 (1).pdf; Koala SEPP Brief in force 1 March 2020.pdf; email response from Ralph Blenkin.pdf; Stephen Bromhead letter.pdf	18-Sep-20	Myall Lakes Electorate Office	Y	Personal information

Office of the NSW Deputy Premier  
**ORDER FOR PAPERS - SOS2 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE**  
 PRIVILEGED DOCUMENTS

(a) 69	Email regarding FW: Electricity poles & Koalas (Case Ref: MY94624) including attachment	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 70	Email regarding FW: Stephen Bromhead response to email Koala SEPP 2020 Briefing (Case Ref: MY84401)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 72	Email regarding FW: Koala Sepp	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 73	Email regarding FW: State Environmental Planning Policy (Koala Habitat protection) 2019 (Case Ref: MY84069)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 74	Email regarding CM: FW: John Barilaro, Member for Monaro "National parks"	7-Feb-20	Barilaro Office Email	Y	Personal information
(a) 75	Email regarding FW: Questionable Koala policy	24-Mar-20	Kathryn Attwells	Y	Personal information
(a) 76	Email regarding Abandonment of Farmers	24-Apr-20	Kathryn Attwells	Y	Personal information
(a) 78	Email regarding FW: NSW Koala State Environment Planning Policy Guideline Public Consultation	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 79	Email regarding Stephen rep email on behalf of constituent Dallas Worth re SEPP44 (Case Ref: MY94933)	17-Sep-20	Myall Lakes Electorate Office	Y	Personal information
(a) 80	Email regarding FW: Koala SEPP44 including attachment Jones SEPP44 Submission.pdf	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information
(a) 81	Email regarding FW: Rappville recovery & SEPP Koala Habitat Protection	17-Sep-20	Chris Gulaptis MP, Member for Clarence	Y	Personal information

Office of the NSW Deputy Premier  
ORDER FOR PAPERS - S052 - STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) CORRESPONDENCE  
PRIVILEGED DOCUMENTS

(a) 82	Email regarding FW: State Environmental Planning Policy (Koala Habitat Protection) 2019, "Green Tape" and Environmental Land Management in New South Wales and attachments including Correspondence to The Hon John Barilaro MP and Correspondence to The Hon. Catherine Cusack	8-Sep-20	Barilaro Office Email	Y	Personal information
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**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE  
BY THE OFFICE OF THE DEPUTY PREMIER, AND MINISTER FOR REGIONAL NEW SOUTH WALES,  
INDUSTRY AND TRADE  
ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT  
PROTECTION) CORRESPONDENCE –  
16 SEPTEMBER 2020**

In accordance with the terms of the resolution agreed to by the Legislative Council on 16 September 2020, and the terms of Standing Order 52, documents have been identified for production by the Office of the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade, and the potential application of privilege to those documents has been considered. This submission has been prepared in support of the claims for privilege made by this Office.

It is to be noted that these claims for privilege are not raised as a basis to resist production of documents that are within scope of the resolution. Rather, these claims are made, pursuant to Standing Order 52(5), to identify those documents over which privilege may be claimed, in order to allow the Legislative Council to consider the claims and in support of an application that it is in the public interest that the documents should not be made publicly available.

**Personal information**

It is submitted that certain of the documents identified and indexed as privileged contain personal information and that the public interest in the non-disclosure of that information outweighs the interest in its disclosure.

In support of this claim, it is submitted that such information would ordinarily be protected from public disclosure under common law or pursuant to the *Government Information (Public Access) Act 2009* (the GIPA Act) or the *Privacy and Personal Information Protection Act 1998*.

The Hon. Mr Keith Mason AO QC has noted that the House has undoubted power to take additional measures to prevent disclosure of confidential information where that is not in the public interest.<sup>1</sup>

The arbiter has also, on several occasions, endorsed the agreement of members, who had initially disputed a claim of privilege, that certain personal "private" information be redacted, avoiding the need for the arbiter to resolve such disputes.<sup>2</sup> The arbiter has noted, amongst other matters, that members will always have access to un-redacted versions of the documents and the capacity to access such information if it is really needed.<sup>3</sup>

With regard to the above considerations, this Office has redacted from certain documents personal information which might cause the identity of an individual to be ascertainable. This includes names and contact information (including addresses, email addresses and phone numbers) and other identifying information.

This Office considers that it would be prejudicial to the public interest and to the system of representative and responsible government in NSW for such personal information to be made public. This Office submits that making identifying information publicly available, especially given the controversial nature of the subject matter, may lead to harassment of individuals who have corresponded with a Member of Parliament. It would be reasonable to assume that the candour of such communications may be impeded if individuals were aware that, with no notice and without consultation, their personal information in connection with that correspondence was released.

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<sup>1</sup> Mason, K, *Report under Standing Order 52 on disputed claim of privilege; Sydney Stadiums* ("Sydney Stadiums Report"), 22 May 2018; at pp. 2, 4.

<sup>4</sup> *Sydney Stadiums Report* at p.10; Mason, K., *Report under Standing Order 52 on disputed claims of privilege, Greyhound Welfare*, 14 February 2017 ("Greyhounds Report"), at p. 10. It is, of course, necessary that each instance should be examined on its merits, and it is not suggested the circumstances in those matters are equivalent to the current matter.

<sup>5</sup> *Sydney Stadiums Report* at p. 1

4.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Leslie Williams MP to the Hon. Matt Kean MP	12/03/2020	The Hon. Leslie Williams MP	Y – in part
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**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE  
BY THE OFFICE OF THE MINISTER FOR PLANNING AND PUBLIC SPACES  
ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT  
PROTECTION) CORRESPONDENCE –  
16 SEPTEMBER 2020**

In accordance with the terms of the resolution agreed to by the Legislative Council on 16 September 2020, and the terms of Standing Order 52, documents have been identified for production by the Office of the Minister for Planning and Public Spaces, and the potential application of privilege to those documents has been considered. This submission has been prepared in support of the claims for privilege made by the Office.

It is to be noted that these claims for privilege are not raised as a basis to resist production of documents that are within scope of the resolution. Rather, these claims are made, pursuant to Standing Order 52(5), to identify those documents over which privilege may be claimed, in order to allow the Legislative Council to consider the claims and in support of an application that it is in the public interest that the documents should not be made publicly available.

**Personal information**

It is submitted that certain of the documents identified and indexed as privileged contain personal information and that the public interest in the non-disclosure of that information outweighs the interest in its disclosure.

In support of this claim, it is submitted that such information would ordinarily be protected from public disclosure under common law or pursuant to the *Government Information (Public Access) Act 2009* (the GIPA Act) or the *Privacy and Personal Information Protection Act 1998*.

This Office considers that it would be prejudicial to the public interest and to the system of representative and responsible government in NSW for interactions between individuals and their elected representatives to be made public, in circumstances where the communication may originally have been made without any expectation that it would be published. It would be reasonable to assume that the candour of such communications may be impeded if individuals were aware that, with no notice and without consultation, not only might their correspondence be released, but also their personal information in connection with that correspondence.

Given the short seven day turn around for this resolution, it was not possible to redact all personal information within the documents discovered. Documents containing personal information have been made privileged so that they may be returned on time. If the Parliament wishes to make the privileged documents public, please contact Tom Loomes, Director of Parliamentary Business in my office on 0413 877 490 or [tom.loomes@minister.nsw.gov.au](mailto:tom.loomes@minister.nsw.gov.au) so the relevant redactions can be made.

## OFFICE OF THE MINISTER FOR PLANNING

### ORDER FOR PAPERS – State Environmental Planning Policy (Koala Habitat Protection) Correspondence

#### PRIVILEGED DOCUMENTS

Document No.	Document	Date of Creation	Author	Privilege Claim Y/N?
(a) 1	Correspondence from The Hon Adam Marshall MP, Member for Northern Tablelands – obo Richard Daugherty and Dorothy Vickery	1 April 2020	The Hon Adam Marshall MP	Y
(a) 2	Correspondence from The Hon Adam Marshall MP, Member for Northern Tablelands – obo Richard Daugherty and Dorothy Vickery	1 April 2020	The Hon Adam Marshall MP	Y
(a) 3	Correspondence from The Hon Kevin Anderson MP, Member for Tamworth – obo Daniel Goodwin	14 July 2020	The Hon Kevin Anderson MP	Y
(a) 4	Correspondence from Mrs Leslie Williams MP, Member for Port Macquarie – obo Stephen Bryson	22 April 2020	Mrs Leslie Williams MP	Y
(a) 5	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Victor McGuire	25 February 2020	The Hon Melinda Pavey MP	Y
(a) 6	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Trent Whitby	24 February 2020	The Hon Melinda Pavey MP	Y



(a) 7	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Jane Dunne	17 March 2020	The Hon Melinda Pavey MP	Y
(a) 8	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo Gemma Porter	3 April 2020	The Hon Melinda Pavey MP	Y
(a) 9	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – obo General concerns	20 March 2020	The Hon Melinda Pavey MP	Y
(a) 10	Correspondence from The Hon Melinda Pavey MP, Member for Oxley – Ministerial referral obo Janetta Matchett	22 April 2020	The Hon Melinda Pavey MP	Y
(a) 11	Correspondence from Mr Michael Johnsen MP, Member for Upper Hunter – obo KG & PAV Fenley	17 April 2020	Mr Michael Johnsen MP	Y
(a) 12	Correspondence from Mr Michael Johnsen MP, Member for Upper Hunter – obo Annie Kraeft	8 April 2020	Mr Michael Johnsen MP	Y

**SUBMISSION IN SUPPORT OF CLAIM FOR CONFIDENTIALITY AND PRIVILEGE  
BY THE OFFICE OF THE MINISTER FOR ENERGY AND ENVIRONMENT  
ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT  
PROTECTION) CORRESPONDENCE –  
16 SEPTEMBER 2020**

In accordance with the terms of the resolution agreed to by the Legislative Council on 16 September 2020, and the terms of Standing Order 52, documents have been identified for production by the Office of the Minister for Energy and Environment, and the potential application of privilege to those documents has been considered. This submission has been prepared in support of the claims for privilege made by this Office.

It is to be noted that these claims for privilege are not raised as a basis to resist production of documents that are within scope of the resolution. Rather, these claims are made, pursuant to Standing Order 52(5), to identify those documents over which privilege may be claimed, in order to allow the Legislative Council to consider the claims and in support of an application that it is in the public interest that the documents should not be made publicly available.

**Personal information**

It is submitted that certain of the documents identified and indexed as privileged contain personal information and that the public interest in the non-disclosure of that information outweighs the interest in its disclosure.

In support of this claim, it is submitted that such information would ordinarily be protected from public disclosure under common law or pursuant to the *Government Information (Public Access) Act 2009* (the GIPA Act) or the *Privacy and Personal Information Protection Act 1998*.

The Hon. Mr Keith Mason AO QC has noted that the House has undoubted power to take additional measures to prevent disclosure of confidential information where that is not in the public interest.<sup>1</sup>

The arbiter has also, on several occasions, endorsed the agreement of members, who had initially disputed a claim of privilege, that certain personal "private" information be redacted, avoiding the need for the arbiter to resolve such disputes.<sup>2</sup> The arbiter has noted, amongst other matters, that members will always have access to un-redacted versions of the documents and the capacity to access such information if it is really needed.<sup>3</sup>

With regard to the above considerations, this Office has redacted from certain documents personal information which might cause the identity of an individual to be ascertainable. This includes names and contact information (including addresses, email addresses and phone numbers) and other identifying information.

This Office considers that it would be prejudicial to the public interest and to the system of representative and responsible government in NSW for such personal information to be made public. This Office submits that making identifying information publicly available, especially given the controversial nature of the subject matter, may lead to harassment of individuals who have corresponded with a Member of Parliament. It would be reasonable to assume that the candour of such communications may be impeded if individuals were aware that, with no notice and without consultation, their personal information in connection with that correspondence was released.

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<sup>1</sup> Mason, K, *Report under Standing Order 52 on disputed claim of privilege; Sydney Stadiums* ("Sydney Stadiums Report"), 22 May 2018; at pp. 2, 4.

<sup>4</sup> *Sydney Stadiums Report* at p.10; Mason, K., *Report under Standing Order 52 on disputed claims of privilege, Greyhound Welfare*, 14 February 2017 ("Greyhounds Report"), at p. 10. It is, of course, necessary that each instance should be examined on its merits, and it is not suggested the circumstances in those matters are equivalent to the current matter.

<sup>5</sup> *Sydney Stadiums Report* at p. 1

**MINISTER FOR ENERGY AND ENVIRONMENT**

**ORDER FOR PAPERS – STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION)  
CORRESPONDENCE**

**PRIVILEGED DOCUMENTS**

<b>Document No.</b>	<b>Item</b>	<b>Document</b>	<b>Date of Creation</b>	<b>Author</b>	<b>Privilege Claim Y/N?</b>
1.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Adam Marshall MP to the Hon. Matt Kean MP	01/04/2020	The Hon. Adam Marshall MP	Y
2.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Barnaby Joyce MP to the Hon. Matt Kean MP	30/03/2020	The Hon. Barnaby Joyce MP	Y
3.	1(a) all correspondence from National Party Members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party Members of Parliament on behalf of third parties	Correspondence from the Hon. Leslie Williams MP to the Hon. Matt Kean MP	12/03/2020	The Hon. Leslie Williams MP	Y