

**ORDER FOR PAPERS—ERARING POWER STATION – FURTHER ORDER
ORDER FOR PAPERS—RENEWABLE ENERGY ZONES (REZ) IN NEW SOUTH WALES -
FURTHER ORDER (11 MAY 2022)**

According to resolution of the House this day, item numbers 11 and 12 in the list of private members' business standing in the name of Mr Latham relating to further orders for papers to be considered in globo.

Mr Latham moved, according to sessional order: That private members' business item nos 1797 and 1798 be considered in a short form format.

Question put and passed.

Mr Latham moved, according to notice:

Eraring Power Station – Further order

- (1) That this House notes that:
 - (a) on Wednesday 30 March 2022, this House ordered documents relating to an order for papers regarding the Eraring Power Station,
 - (b) on Thursday 21 April 2022, the Clerk received a return consisting of the following:
 - (i) a single document – an email from a staff member at Investment NSW marked cabinet-in-confidence regarding "Project Phoenix",
 - (ii) correspondence from the General Counsel, Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided,
 - (iii) correspondence from the Secretary, Department of Premier and Cabinet, stating that the Office of the Treasurer and Minister for Energy has advised it was unable to provide a return by the due date and will provide a return as soon as possible, and
 - (c) no further documents have been returned in response to the order of the House.
- (2) That this House:
 - (a) notes the failure of the government comply with an order of the House regarding Eraring Power Station and to produce documents necessary for this House to undertake its function of scrutinising the executive government,
 - (b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*, and
 - (c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.
- (3) 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 created since 1 January 2021 in the possession, custody or control of the Treasurer, and Minister for Energy, Treasury (including Energy NSW), Investment NSW, or the Department of Planning and Environment relating to Eraring Power Station:
 - (a) all documents regarding the early closure of Eraring Power Station in 2025, including:
 - (i) any proposals, communications and negotiations between the NSW Government, the Australian Energy Market Operator (AEMO) or Origin Energy,
 - (ii) all documents relating to options considered to avoid the early closure and job losses,

- (iii) all documents relating to implications for electricity pricing and supply in New South Wales,
 - (iv) all documents relating to the development of a NSW Government jobs or retraining package for the Eraring Power Station workforce,
 - (b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the government response,
 - (c) all documents relating to "Project Phoenix", and
 - (d) 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.
- (4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the Table at the conclusion of prayers on the day next sitting day to explain his reasons for continued non-compliance.

Renewable Energy Zones (REZ) – Further order (11 May 2022)

- (1) That this House notes that:
- (a) on Wednesday 11 November 2020 and Wednesday 30 March 2022, this House ordered documents relating to an order and further order for papers regarding Renewable Energy Zones (REZ) in New South Wales,
 - (b) on Wednesday 2 December 2020, in response to the order of the House of 11 November 2020, the Clerk received a partial return to the consisting of a small number of documents from the Minister for Environment and Energy and the Department of Planning, Industry and Environment relating to the NSW Electricity Infrastructure Roadmap,
 - (c) on Thursday 21 April 2022, in response to the order of the House of 30 March 2022, the Clerk received correspondence from the Secretary of the Department of Premier and Cabinet advising that the Office of the Treasurer and Minister for Energy, Treasury, and the Department of Planning and Environment were unable to provide a return by the due date and will provide a return as soon as possible,
 - (d) on Thursday 28 April 2022, in response to the order of the House of 30 March 2022, the Clerk received a partial return consisting of the following:
 - (i) three documents from the Minister for Energy and Environment,
 - (ii) three documents from the Department of Planning and Environment,
 - (iii) correspondence from the Chief of Staff of the Treasurer and Minister for Energy, certifying that the Office of the Treasurer and Minister for Energy has conducted reasonable searches and that all documents covered by the terms of the resolution held by the Office and lawfully required to be provided have been provided excepting publicly available documents,
 - (iv) correspondence from the General Counsel, NSW Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided, and
 - (e) the returns of 2 December 2020 and 28 April 2022 did not include key documents within the scope of the orders, including documents relating to:
 - (i) modelling on the Electricity Roadmap undertaken by the Aurora consultancy,
 - (ii) the modelling audit by Frontier Economics,
 - (iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPA request no. 21-1692,
 - (iv) advice from the Energy Unit within the Department of Planning and Environment,
 - (iv) the impact of the New England Renewable Energy Zone.

- (2) That this House:
- (a) notes the failure of the Government comply with orders of the House regarding Renewable Energy Zones (REZ) in New South Wales and to produce documents necessary for this House to undertake its function of scrutinising the executive government,
 - (b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*, and
 - (c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.
- (3) 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 created since 1 January 2020, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, or the Department of Planning and Environment relating to Renewable Energy Zones (REZ) in New South Wales:
- (a) all advice, projections, modelling, audits of modelling and costings on the establishment of Renewable Energy Zones in New South Wales prepared by or provided to the Department of Planning and Environment, consultants to the NSW Government, the Australian Energy Market Operator (AEMO), or the Minister with responsibility for Energy, including any document disclosing:
 - (i) modelling on Renewable Energy Zones or the Electricity Roadmap undertaken by the Aurora consultancy headed by Cameron Hepburn,
 - (ii) the modelling audit by Danny Price of Frontier Economics,
 - (iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPA request no. 21-1692,
 - (iv) advice from the Energy Unit and Principal Energy Advisor within the Department of Planning and Environment,
 - (b) any document disclosing the firming capacity needed to make Renewable Energy Zones effective,
 - (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of Renewable Energy Zones,
 - (d) any document disclosing the impact of Renewable Energy Zones on electricity prices, supply and reliability in New South Wales,
 - (e) any document disclosing the impact of Renewable Energy Zones on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales,
 - (f) any document disclosing the potential impact or work undertaken to assess the potential impact of the New England Renewable Energy Zone, and
 - (g) 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.
- (4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the Table at the conclusion of prayers on the next sitting day to explain his reasons for continued non-compliance.

Debate ensued.

Mr Roberts moved: That private members' business items nos. 1797 and 1798 be amended as follows:

- (1) In private members' business item no. 1797, omit "since 1 January 2021" in paragraph (3) and insert instead "between 1 January 2021 and 30 March 2022".
- (2) In private members' business item no. 1798, omit "since 1 January 2020" in paragraph (3) and insert instead "between 1 January 2020 and 30 March 2022".

Debate continued.

Mr Tudehope moved: That private members' business items nos. 1797 and 1798 be amended as follows:

- (1) In private members' business item no. 1797, omit paragraph (3) and insert instead:
 - "(3) 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 created between 1 January 2021 and 30 March 2022 in the possession, custody or control of the Treasurer, and Minister for Energy, Treasury, Energy Corporation of NSW, or the Department of Planning and Environment relating to Eraring Power Station:
 - (a) all documents regarding proposals, communications and negotiations between the New South Wales Government, the Australian Energy Market Operator [AEMO] or Origin Energy concerning the early closure of the Eraring PowerStation and a possible way of keeping it open past its new closing date in 2025,
 - (b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the government response,
 - (c) all documents relating to the development of a New South Wales government jobs package for the EraringPower Station workforce, and
 - (d) 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. "
- (2) In private members' business item no. 1798, omit paragraph (3) and insert instead:
 - "(3) 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 created between 1 January 2020 and 30 March 2022, excluding any documents previously returned under an order of the House, in the possession, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, or the Department of Planning and Environment relating to Renewable Energy Zones (REZ) in New South Wales:
 - (a) all advice, projections, modelling, audits of modelling and costings from the Department of Planning and Environment, consultants to the government or the Australian Energy Market Operator (AEMO), to the Minister for Energy and Environment on the establishment of Renewable Energy Zones in New South Wales,
 - (b) any document disclosing the firming capacity needed to make REZ effective,
 - (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of REZ,
 - (d) any document disclosing the impact of REZ on electricity prices, supply and reliability in New South Wales,

- (e) any document disclosing the impact of REZ on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales,
- (f) 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."

Mr Tudehope, by leave, spoke beyond the time for debate.

Debate continued.

Mr Latham requested that the question on the motions be put separately.

Mr Roberts moved: That private members' business items nos. 1797 and 1798 be amended as follows:

- (1) In private members' business item no. 1797, omit "7 days" in paragraph (3) and insert instead "21 days".
- (2) In private members' business item no. 1798, omit "7 days" in paragraph (3) and insert instead "21 days".

Debate continued.

Mr Latham having requested that the question on the motions be put separately—

Question: That the amendment of Mr Tudehope to private members' business item no. 1797 be agreed to.

Question put and negatived.

Question: That the amendments of Mr Roberts to private members' business item no. 1797 be agreed to.

Question put and passed.

Question: That the amendment of Mr Tudehope to private members' business item no. 1798 be agreed to.

Question put and negatived.

Question: That the amendments of Mr Roberts to private members' business item no. 1798 be agreed to.

Question put and passed.

Question: That private members' business item no. 1797, as amended, be agreed to.

Eraring Power Station – Further order

- (1) That this House notes that:
 - (a) on Wednesday 30 March 2022, this House ordered documents relating to an order for papers regarding the Eraring Power Station,
 - (b) on Thursday 21 April 2022, the Clerk received a return consisting of the following:
 - (i) a single document – an email from a staff member at Investment NSW marked cabinet-in-confidence regarding "Project Phoenix",
 - (ii) correspondence from the General Counsel, Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided,

- (iii) correspondence from the Secretary, Department of Premier and Cabinet, stating that the Office of the Treasurer and Minister for Energy has advised it was unable to provide a return by the due date and will provide a return as soon as possible, and
 - (c) no further documents have been returned in response to the order of the House.
- (2) That this House:
- (a) notes the failure of the government comply with an order of the House regarding Eraring Power Station and to produce documents necessary for this House to undertake its function of scrutinising the executive government,
 - (b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*, and
 - (c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.
- (3) That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created between 1 January 2021 and 30 March 2022 in the possession, custody or control of the Treasurer, and Minister for Energy, Treasury (including Energy NSW), Investment NSW, or the Department of Planning and Environment relating to Eraring Power Station:
- (a) all documents regarding the early closure of Eraring Power Station in 2025, including:
 - (i) any proposals, communications and negotiations between the NSW Government, the Australian Energy Market Operator (AEMO) or Origin Energy,
 - (ii) all documents relating to options considered to avoid the early closure and job losses,
 - (iii) all documents relating to implications for electricity pricing and supply in New South Wales,
 - (iv) all documents relating to the development of a NSW Government jobs or retraining package for the Eraring Power Station workforce,
 - (b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the government response,
 - (c) all documents relating to "Project Phoenix", and
 - (d) 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.
- (4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the Table at the conclusion of prayers on the day next sitting day to explain his reasons for continued non-compliance.

Question put and passed.

Question put: That private members' business item no. 1798, as amended, be agreed to.

Renewable Energy Zones (REZ) – Further order (11 May 2022)

- (1) That this House notes that:

- (a) on Wednesday 11 November 2020 and Wednesday 30 March 2022, this House ordered documents relating to an order and further order for papers regarding Renewable Energy Zones (REZ) in New South Wales,
 - (b) on Wednesday 2 December 2020, in response to the order of the House of 11 November 2020, the Clerk received a partial return to the consisting of a small number of documents from the Minister for Environment and Energy and the Department of Planning, Industry and Environment relating to the NSW Electricity Infrastructure Roadmap,
 - (c) on Thursday 21 April 2022, in response to the order of the House of 30 March 2022, the Clerk received correspondence from the Secretary of the Department of Premier and Cabinet advising that the Office of the Treasurer and Minister for Energy, Treasury, and the Department of Planning and Environment were unable to provide a return by the due date and will provide a return as soon as possible,
 - (d) on Thursday 28 April 2022, in response to the order of the House of 30 March 2022, the Clerk received a partial return consisting of the following:
 - (i) three documents from the Minister for Energy and Environment,
 - (ii) three documents from the Department of Planning and Environment,
 - (iii) correspondence from the Chief of Staff of the Treasurer and Minister for Energy, certifying that the Office of the Treasurer and Minister for Energy has conducted reasonable searches and that all documents covered by the terms of the resolution held by the Office and lawfully required to be provided have been provided excepting publicly available documents,
 - (iv) correspondence from the General Counsel, NSW Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided, and
 - (e) the returns of 2 December 2020 and 28 April 2022 did not include key documents within the scope of the orders, including documents relating to:
 - (i) modelling on the Electricity Roadmap undertaken by the Aurora consultancy,
 - (ii) the modelling audit by Frontier Economics,
 - (iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPA request no. 21-1692,
 - (iv) advice from the Energy Unit within the Department of Planning and Environment,
 - (iv) the impact of the New England Renewable Energy Zone.
- (2) That this House:
- (a) notes the failure of the Government comply with orders of the House regarding Renewable Energy Zones (REZ) in New South Wales and to produce documents necessary for this House to undertake its function of scrutinising the executive government,
 - (b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*, and
 - (c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.
- (3) That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created between 1 January 2020 and 30 March 2022, excluding any documents previously returned under an order of the House, in the possession, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, or the Department of Planning and Environment relating to Renewable Energy Zones (REZ) in New South Wales:

- (a) all advice, projections, modelling, audits of modelling and costings on the establishment of Renewable Energy Zones in New South Wales prepared by or provided to the Department of Planning and Environment, consultants to the NSW Government, the Australian Energy Market Operator (AEMO), or the Minister with responsibility for Energy, including any document disclosing:
- (i) modelling on Renewable Energy Zones or the Electricity Roadmap undertaken by the Aurora consultancy headed by Cameron Hepburn,
 - (ii) the modelling audit by Danny Price of Frontier Economics,
 - (iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPA request no. 21-1692,
 - (iv) advice from the Energy Unit and Principal Energy Advisor within the Department of Planning and Environment,
- (b) any document disclosing the firming capacity needed to make Renewable Energy Zones effective,
- (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of Renewable Energy Zones,
- (d) any document disclosing the impact of Renewable Energy Zones on electricity prices, supply and reliability in New South Wales,
- (e) any document disclosing the impact of Renewable Energy Zones on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales,
- (f) any document disclosing the potential impact or work undertaken to assess the potential impact of the New England Renewable Energy Zone, and
- (g) 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.
- (4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the Table at the conclusion of prayers on the next sitting day to explain his reasons for continued non-compliance.

The House divided.

Ayes 18
 Noes 12
 Majority.....6

AYES

Banasiak	Houssos	Moselmane
Borsak	Hurst	Pearson
Buttigieg (teller)	Jackson	Primrose
D'Adam (teller)	Latham	Roberts
Fachrmann	Mookhey	Secord
Field	Moriarty	Sharpe

NOES

Amato	Maclaren-Jones	Rath
Cusack	Mallard (teller)	Taylor
Farlow (teller)	Martin	Tudehope
Farraway	Poulos	Ward

PAIRS

Donnelly
Graham
Searle
Veitch

Mitchell
Mason-Cox
Franklin
Barrett

Question resolved in the affirmative.