

Action Item 36.3 – Response to People for the Plains questions to DPE (November 2018)

Question: Looking through the 'old' DIGS site on PEL 238 there are a number of Reports in the confidential section that are older than 10 years. The NGPCCC was informed that Confidential Reports were supposed to be released after 10 years. <http://digsopen.minerals.nsw.gov.au/>

Q1. Will the Department now release those Reports whose dates are older than 10 years so that the public may see them?

Q2. If the Department will not release these Reports, then will the Department now give a reason for this reversal?

Response:

- Following review of the question from People for the Plains (Mr Tony Pickard), Division of Resources and Geoscience has made additional 3 reports (2 well completion reports and proposal to drill report) publicly available including:
<https://search.geoscience.nsw.gov.au/report/R00046864>
<https://search.geoscience.nsw.gov.au/report/R00079965>
<https://search.geoscience.nsw.gov.au/report/RE0001336>
- Documents are not automatically opened after 10 years and are subject to disclosure provisions under the *Petroleum (Onshore) Act 1991*. Of relevance is Clause 113M "Disclosure of Information" which includes information provided to DRG under reporting conditions, such as annual reports, where the information remains confidential while the petroleum title is in force.

113M Disclosure of information

(1) A person must not disclose any information obtained in connection with the administration or execution of this Act, unless the disclosure is made:

(a) with the consent of the person from whom the information was obtained, or

(b) in accordance with Division 2 or 3, or

(c) in connection with the administration or execution of this Act, or

(d) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or

(e) with the concurrence of the Minister, or

(f) in accordance with a requirement imposed under the Government Information (Public Access) Act 2009, or

(g) by an inspector or a member of staff of the Department who exercises functions under this Act or the Mining Act 1992 to an officer or authority engaged in administering or executing the environment protection legislation, the Environmental Planning and Assessment Act 1979, work health and safety legislation (within the meaning of the Mining Act 1992) or any other legislation prescribed by the regulations, or

(h) in accordance with the regulations.

Maximum penalty: 100 penalty units.

(2) A reference in this section to information obtained in connection with the administration or execution of this Act includes a reference to a return or other information relating to royalty under this Act that is obtained by the Minister, or a delegate of the Minister, from a tax officer (within the meaning of the Taxation Administration Act 1996).

- For more information on public disclosure of records please contact Mr John Davidson, Manager – Petroleum & Renewables via digs.info@geoscience.nsw.gov.au or phone 4063 6718.