

MEDIA RELEASE

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ACCESS & INFLUENCE

NSW PREMIER IMPLICATED IN AGL UNDISCLOSED POLITICAL DONATIONS SCANDAL

The current **NSW Premier Gladys Berejiklian** was a direct beneficiary of undisclosed political donations for which AGL was convicted in January 2017. These donations were made during assessment of the **Dalton Power Project (DPP)**. Although not Premier at the time, this "investment" by AGL afforded them the opportunity to establish relationships, furthering over-familiarity between our decision makers and industry heavy weights. This accelerates the perception of inequitable access and influence that exists for those seeking to game the system.

"Corporate interests don't donate money unless they hope to get something in return" says University of NSW Constitution Law expert George Williams.

The **NEM** is not a market it's a cartel. This oligopoly has so much to lose, they constantly lobby politicians to ensure change does not occur. AGL alone has 55 registered lobbyists. The line between big business, developers, lobbyists and politicians becomes blurred. Those operating in this space regularly move from one sphere to another. Favours are returned, relationships enhanced and extended.

The DPP was approved under a controversial piece of legislation already repealed. It continues to enable developers like **AGL** to avoid scrutiny, due process and appeal. **Part 3A** of the **EP&A Act** was repealed because of the corruption that occurred through its use, but not before politicians were jailed and governments destroyed amid scandal and corruption.

With the repeal of **Part 3A Transitional** provisions currently before the **NSW Parliament**, AGL is seeking one last chance to abuse this loophole to gain an extension on approval for the DPP and make modifications without detailing what they are or having them assessed under a new EA.

The **ICAC** report regarding **Ministerial discretion** and the **corrupt conduct** facilitated by **Part 3A**, stated that:

"The Part 3A system is characterised by a lack of published, objective criteria, there are also various elements of Part 3A that are discretionary, particularly as regards residential and commercial development, which are prohibited or exceed existing development standards. The existence of a wide discretion to approve projects that are contrary to local plans and do not necessarily conform to state strategic plans has the potential to deliver sizable windfall gains to particular applicants. This creates a corruption risk and a community perception of a lack of appropriate boundaries... Under the current system, the Minister has the discretion to declare a project to be a Part 3A project by Ministerial Order. It is the loose criteria and the broad discretion that potentially give rise to perceptions of undue influence".

Tony Chappel, **AGL Head of Government & Community** and 'Chief Spinner' for the DPP, is a perfect example of a player who has seamlessly moved between the political sphere and big business. From renewables warrior, to **Whitehaven Coal**, to Environment Minister's Chief of Staff, to **Planning Minister's** Chief of Staff then straight to AGL last year; **Chappel** is being spruiked as the next Liberal Candidate for Ku-ring-Gai.

Referring specifically to **Chappel**, the AFR reported, *"The merry-go-round of spinners and lobbyists in the energy sector continues."* No wonder **AGL Energy** boss **Andrew Vesey** is happy with his new recruit." (*Australian Financial Review*, Will Glasgow, Feb. 21 2016)

Whether through political donations or *over familiarity*, the disgraced, discredited and repealed Part 3A, under which the DPP continues to be assessed, allows AGL to use their access to influence politics and hence critical Planning decisions.

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Secretary, Department of Planning and Environment v AGL Energy Limited; Secretary, Department of Planning and Environment v AGL Upstream Infrastructure investments Pty Limited [2017] NSWLEC 2 (12 January 2017)