

WIELAND Donna

From: S.47F
Sent: Friday, 15 November 2019 2:02 PM
To: WIELAND Donna; S.47F
Cc: CALLACHOR Damian; HALLAM Diana; S.47F
Subject: RE: Regroup around Senate Order to Produce Documents and other matters [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Donna,

Would 10:30am on Tuesday at the Department suit you?

Thanks,
Heather

S.47F Assistant Adviser
Office of the Hon Michael McCormack MP
Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina
P S.47F M S.47F E S.47F @infrastructure.gov.au
MG41, Parliament House | Canberra ACT 2600
Suite 2, 11-15 Fitzmaurice Street | Wagga Wagga NSW 2650

UNOFFICIAL

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Sent: Thursday, 14 November 2019 6:13 PM
To: S.47F @infrastructure.gov.au; S.47F @infrastructure.gov.au; S.47F @infrastructure.gov.au
Cc: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>; HALLAM Diana <Diana.Hallam@infrastructure.gov.au>; S.47F @infrastructure.gov.au
Subject: Regroup around Senate Order to Produce Documents and other matters [SEC=UNOFFICIAL]

UNOFFICIAL

Hi S.47F

Is it possible that we could meet in Canberra early next week to walk through the various RJIP documents subject to the Senate Order so that we can get early agreement on an approach, or to identify any issues early enough to get advice on before next sittings.

We can also catch you up on a range of other matters for regional programs, let me know what you would like to discuss.

I will leave you to advise me which day suits the three of you and either we can come to you at PH, or you can come to the Department, whichever suits.

Regards

Donna Wieland
General Manager, Regional Programs Branch
Regional Development and Local Government Division
Department of Infrastructure, Transport, Cities and Regional Development
GPO Box 594, Canberra ACT 2601
t 02 6274 7446 | m s.47F
w www.infrastructure.gov.au

Executive Assistant: s.47F
t s.47F e s.47F [@infrastructure.gov.au](mailto:s.47F@infrastructure.gov.au)

The Department proudly acknowledges the Traditional Owners and Custodians of Australia, and their continuing connections to the land, waters and communities. We pay our respects to them and to their Elders past, present and emerging.

UNOFFICIAL

WIELAND Donna

From: WIELAND Donna
Sent: Friday, 15 November 2019 1:35 PM
To: s.47F
Cc: s.47F
Subject: RE: Regroup around Senate Order to Produce Documents and other matters [SEC=OFFICIAL]

OFFICIAL

They will want all complete documents in hard copy, but your approach to using one batch to indicate the handling approach will be helpful.

OFFICIAL

From: s.47F <s.47F@infrastructure.gov.au>
Sent: Friday, 15 November 2019 9:22 AM
To: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Cc: s.47F <s.47F@infrastructure.gov.au>
Subject: RE: Regroup around Senate Order to Produce Documents and other matters [SEC=OFFICIAL]

OFFICIAL

Thanks Donna

Once we get confirmation of the date and time, can we discuss what documents you will need?

s.47F has pulled together a sample based on the Geelong region.

Cheers

s.47F

OFFICIAL

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Sent: Thursday, 14 November 2019 6:13 PM
To: s.47F <s.47F@infrastructure.gov.au>; s.47F <s.47F@infrastructure.gov.au>; s.47F <s.47F@infrastructure.gov.au>
Cc: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>; HALLAM Diana <Diana.Hallam@infrastructure.gov.au>; s.47F <s.47F@infrastructure.gov.au>
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Donna Wieland
General Manager, Regional Programs Branch
Regional Development and Local Government Division
Department of Infrastructure, Transport, Cities and Regional Development
GPO Box 594, Canberra ACT 2601
t 02 6274 7446 | m **S.47F**
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Executive Assistant: **S.47F**
t **S.47F** e **S.47F** [@infrastructure.gov.au](mailto:S.47F@infrastructure.gov.au)

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Great Cities. Strong Regions. Connecting Australians.

UNOFFICIAL

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Regards

Donna Wieland
General Manager, Regional Programs Branch
Regional Development and Local Government Division
Department of Infrastructure, Transport, Cities and Regional Development
GPO Box 594, Canberra ACT 2601



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Executive Assistant: s.47F
t s.47F e s.47F [@infrastructure.gov.au](mailto:s.47F@infrastructure.gov.au)

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UNOFFICIAL

WIELAND Donna

From: WIELAND Donna
Sent: Thursday, 14 November 2019 1:20 PM
To: S.47F
Subject: FW: RJIP OPD Sen President letter [SEC=OFFICIAL]
Attachments: 14112019112355-0001.pdf

OFFICIAL

OFFICIAL

-----Original Message-----

From: S.47F @infrastructure.gov.au>
Sent: Thursday, 14 November 2019 12:54 PM
To: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>; HALLAM Diana <Diana.Hallam@infrastructure.gov.au>; S.47F @infrastructure.gov.au>
Cc: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>
Subject: RJIP OPD Sen President letter [SEC=OFFICIAL]

OFFICIAL

Hi all, FYI the signed letter by Min Canavan on this matter.

Cheers

S.47F

OFFICIAL

-----Original Message-----

From: S.47F
Sent: Thursday, 14 November 2019 12:37 PM
To: S.47F @infrastructure.gov.au>
Subject: FW: Scan Data from APHCanavan01 [SEC=UNCLASSIFIED]

Hi S.47F

Attached is the signed OPD delay letter.

WIELAND Donna

From: Reid, John <John.Reid@pmc.gov.au>
Sent: Thursday, 14 November 2019 1:12 PM
To: WIELAND Donna
Cc: HALLAM Diana; BACON Rachel; Peter Rush
Subject: RE: RJIP OPD Sen President letter [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Thanks Donna,
No worries - just let us know when you'd like to discuss.

Cheers,
JR

John Reid PSM | First Assistant Secretary Government Division Department of the Prime Minister and Cabinet p.
(02) 6271 5786 | m. s.47F e. john.reid@pmc.gov.au | w. www.pmc.gov.au One National Circuit Barton
ACT 2600 | PO Box 6500 CANBERRA ACT 2600

-----Original Message-----

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Sent: Thursday, 14 November 2019 1:09 PM
To: Reid, John <John.Reid@pmc.gov.au>
Cc: HALLAM Diana <Diana.Hallam@infrastructure.gov.au>; BACON Rachel <Rachel.Bacon@infrastructure.gov.au>
Subject: RJIP OPD Sen President letter [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

John

Thanks for your help today, much appreciated. Attached is the final signed letter. I have also discussed the substance of the order further with my Secretary and he thought there may also be a 'cabinet deliberations' ground to be further explored. I will do a little further research and will likely make a time with you or Peter to discuss further next week.

Thanks

Donna Wieland

General Manager, Regional Programs Branch Regional Development and Local Government Division Department of Infrastructure, Transport, Cities and Regional Development GPO Box 594, Canberra ACT 2601 t 02 6274 7446 | m

s.47F w www.infrastructure.gov.au Executive Assistant: s.47F e

s.47F @infrastructure.gov.au

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WIELAND Donna

From: WIELAND Donna
Sent: Thursday, 14 November 2019 1:09 PM
To: 'john.reid@pmc.gov.au'
Cc: HALLAM Diana; BACON Rachel
Subject: RJIP OPD Sen President letter [SEC=OFFICIAL:Sensitive]
Attachments: 14112019112355-0001.pdf

OFFICIAL:Sensitive

John

Thanks for your help today, much appreciated. Attached is the final signed letter. I have also discussed the substance of the order further with my Secretary and he thought there may also be a 'cabinet deliberations' ground to be further explored. I will do a little further research and will likely make a time with you or Peter to discuss further next week.

Thanks

Donna Wieland

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s.47F @infrastructure.gov.au

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OFFICIAL:Sensitive



Senator the Hon Matthew Canavan

Minister for Resources and Northern Australia

14 NOV 2019

Senator the Hon Scott Ryan
President of the Senate
Parliament House
PO Box 4608
CANBERRA ACT 2600

Dear President *Scott,*

I refer to the order of the Senate of 13 November 2019 relating to documents referred to in the Auditor General Report No.12 2019-20 Award of Funding under the Regional Jobs and Investment Packages (RJIP).

Due to the scope of the order, it is not possible for the Minister to produce the documents in the timeframe requested. Additional time is required to identify what documents and information may be or may not be acceptable to publicly release, and over which a claim for public interest immunity may need to be made.

Additionally, the Department has previously supplied relevant documents, to the Australian National Audit Office (ANAO) under section 32 of the Auditor General Act 1997. The ANAO handed down its Report into RJIP on 5 November 2019. The Report by the ANAO was comprehensive and released information publically which was not sensitive (as defined in Section 37 of the Act). The ANAO made three recommendations that affected departmental processes, which the Department has accepted. The ANAO did not find any evidence that the Ministerial Panel contravened the Commonwealth Grants Rules and Guidelines, and particularly did not find any evidence of electoral bias in Ministerial Panel decision making.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'm. Canavan'.

Matthew Canavan

s. 42(1)





s. 42(1)



WIELAND Donna

From: s.47F
Sent: Thursday, 14 November 2019 10:49 AM
To: WIELAND Donna
Subject: FW: Advice Required - Senate Notice of Motion - ALP_Order for Production re RJIP & Ministerial Panels [SEC=OFFICIAL]
Attachments: 20191112_NoM_ALP_Order for Production re RJIP & Ministerial Panels.pdf; SO 77 - Senator Watt (216) - 12 November 2019.pdf

OFFICIAL

OFFICIAL

From: s.47F
Sent: Tuesday, 12 November 2019 6:08 PM
To: s.47F @infrastructure.gov.au; s.47F @infrastructure.gov.au
Cc: s.47F
s.47F

s.47F @infrastructure.gov.au
Subject: RE: Advice Required - Senate Notice of Motion - ALP_Order for Production re RJIP & Ministerial Panels [SEC=OFFICIAL]

Hi all,

Please find attached Standing Order 77 in relation to the attached Notice of Motion to be dealt with in the Senate at **3:30pm tomorrow**.

Can you please provide advice to the Government's position on the Notice as amended as soon as possible, and preferably **by 6:30pm tonight**.

Thanks, s.47F

From: s.47F @infrastructure.gov.au
Sent: Monday, 11 November 2019 6:39 PM
To: s.47F
Cc: s.47F
s.47F

Subject: RE: Advice Required - Senate Notice of Motion - ALP_Order for Production re RJIP & Ministerial Panels [SEC=OFFICIAL]

OFFICIAL

Hi s.47F please see below our advice on this,
Cheers

s.47F

1. How should we vote on the voices?

Oppose (NO)

2. Is it essential for us to make a statement in order to put the reasons for our position on the record?

Yes

The Department of Infrastructure, Transport, Cities and Regional Development has accepted the recommendations of the report, having already implemented improved practices that address these recommendations based on the findings of an assurance review proactively conducted by the Department in July 2018. The ANAO report concluded there was no bias evident in the assessment and decision making process concerning funding of projects in RJIP regions over others. This Government will continue to deliver programs and infrastructure that supports the future of regional Australia.

3. Should we call a division if we lose the vote on the voices?

Yes

4. How should we vote in a division?

Oppose (NO).

5. **Has your Minister approved the advice above?**

Yes

OFFICIAL

From: s.47F

Sent: Monday, 11 November 2019 5:06 PM

To: s.47F <s.47F@infrastructure.gov.au>; s.47F <s.47F@infrastructure.gov.au>

Cc: s.47F

s.47F

Subject: Advice Required - Senate Notice of Motion - ALP_Order for Production re RJIP & Ministerial Panels

Hi all,

Please find attached a Notice of Motion to be dealt with in the Senate **at 3:30pm tomorrow**.

The Senate Leadership Group requires advice as to the Government's position as soon as possible, and preferably **by 7:30pm tonight**.

Please provide clear answers to each of the following five questions:

1. How should we vote on the voices?
Support (AYE), Oppose (NO), or Not Oppose (SILENT).
2. Is it essential for us to make a statement in order to put the reasons for our position on the record?
Yes or No.
*(If Yes, please provide a statement of **no more than 100 words** that factually states the Government's position and **is not argumentative**. Statements **should be avoided** where possible, particularly if we are calling a division.)*
3. Should we call a division if we lose the vote on the voices?
Yes or No.
*(If our vote on the voices is Not Oppose, then No **must** be chosen.)*
4. How should we vote in a division?
Support (AYE) or Oppose (NO).
*(This must match our vote on the voices. However, if our vote on the voices is Not Oppose, then either Support or Oppose **must** be chosen.)*
5. **Has your Minister approved the advice above?**
Yes or No.
*(The Senate Leadership Group requires that **all advice be approved** by your Minister.)*

Please reply all with your finalised, approved advice.

If you have any questions, or your office is not responsible for this matter, please let me know.

Many thanks.

Kind regards,

s.47F

Office of Senator the Hon. Jonathon Duniam
Assistant Minister for Forestry and Fisheries
Assistant Minister for Regional Tourism
Deputy Manager of Government Business in the Senate
Liberal Senator for Tasmania

T. s.47F

M. s.47F



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Ref: XXXXXX

Senator the Hon Scott Ryan
 President of the Senate
 Parliament House
 PO Box 4608
 CANBERRA ACT 2600

Dear Senator

I refer to the ~~Notice of Motion lodged by Senator Watt on order of the Senate of 132~~
 November, 2019 relating to documents referred to in the Auditor General Report No.12
 2019-20 *Award of Funding under the Regional Jobs and Investment Packages (RJIP)*.

Due to the scope of the ~~request by Senator Watt order~~, it is not possible for the ~~Department of~~
~~Infrastructure, Transport, Cities and Regional Development Minister~~ to produce the
 documents in the timeframe requested. Additional time is required to identify what
 documents and information may be or may not be acceptable to publicly release, ~~and over~~
~~which a claim for public interest immunity may need to be made.~~

Commented [PJ1]: See comment in cover email.

Additionally, ~~the~~ Department of Infrastructure, Transport, Cities and Regional Development
 has previously supplied ~~the relevant documents in question, to the Australian National Audit~~
~~Office (ANAO) under confidential provisions section 32 of - the Auditor General Act 1997 to~~
~~the Australian National Audit Office (ANAO). The ANAO which handed down its Report~~
 into RJIP on 5 November 2019. The Report by the ANAO was comprehensive and released
 information publically which was ~~deemed to be acceptable~~ not sensitive (as defined in Section
 37 of the Act). The ANAO made three recommendations that affected departmental
 processes, which the Department has accepted. The ANAO did not find any evidence that
 the Ministerial Panel contravened the Commonwealth Grants Rules and Guidelines, and
 particularly did not find any evidence of electoral bias in Ministerial Panel decision making.

Formatted: Font: Italic

- Information contained in the documents would impact on the privacy of applicants as
 outlined under the RJIP program guidelines ~~and would require wide-ranging~~
~~consultation before any release could occur.~~
- Due to the eligible applicant types, information captured by this request is reasonably
 considered to impact on the commercially sensitive nature of information supplied
 from applicants. Release of this information may benefit competitors or influence
 future decisions on further application processes ~~which weighted~~

Commented [WD2]: Suggest delete, contradicts the additional time argument.

Yours sincerely

MICHAEL MCCORMACK

Notice of Motion

(Order for Production of Documents)

Senator Watt

Mr President

I give notice that, on the next day of sitting, I shall move that there be laid on the table by the Minister representing the Minister for Infrastructure, Transport and Regional Development, by **no later than 5:30pm 13 November 2019**, the following documents referred to in Auditor General Report No.12 2019-20 *Award of Funding Under the Regional Jobs and Investment Packages (RJIP)*:

- a) All written briefings provided to Ministerial Panels to inform the award of grant funding in each of the 10 regions.
- b) All written responses from Ministerial Panels to the Department following consideration of advice provided in a) above, including
 - a. all records of requests by Panels to award funding to applications that had not been recommended by the Department, and all reasons for Panels awarding funding to applications that had not been recommended by the Department
 - b. all records of requests by Panels to not award funding to applications that had been recommended by the Department, and all records of reasons for Panels not awarding funding to applications that had been recommended by the Department
 - c. any documents identifying projects identified as ineligible, including any that received funding under the RJIP
 - d. any documents identifying late applications, including any projects that received funding under the RJIP
 - e. any documents identifying projects where there was a request for a co-funding exemption, including all records related to the decisions on whether to grant an exemption
- c) A copy of the assurance review contracted by the Department of Infrastructure, Transport, Cities and Regional Development.
- d) All documents provided to Ministers/Ministerial Panels containing the scoring/assessment of all grant applications under the RJIP, and all responses by Ministers/Ministerial Panels to this advice.

s.47F

Lodged 2/11
s.47F

Notice of Motion

(Order for Production of Documents)

Senator Watt

Mr President

I give notice that, on the next day of sitting, I shall move that there be laid on the table by the Minister representing the Minister for Industry, Science and Technology, by **no later than 5:30pm 13 November 2019**, the following documents referred to in Auditor General Report No.12 2019-20 *Award of Funding Under the Regional Jobs and Investment Packages (RJIP)*:

- a) The memorandum of understanding signed in July 2017 under which the Business Grants Hub was engaged to administer aspects of the program;
- b) Documents that show how the cost of \$8.078 million was determined;
- c) All other documents relating to the Business Grants Hub being selected to administer the RJIP including emails/briefs between the Minister, Minister's Office, the Department and the Business Grants Hub, as well as all correspondence between the Department of Industry, Science and Technology and the Department of Infrastructure, Regional Development and Cities
- d) Request for quote and the final agreed contract between the Department of Industry and the contractor who undertook the assessment process at a cost of \$3.15 million.

s.47F



Lodged 11/11

s.47F

Notice of Motion

(Order for Production of Documents)

Senator Watt

Mr President

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 - a. all records of requests by Panels to award funding to applications that had not been recommended by the Department, and all reasons for Panels awarding funding to applications that had not been recommended by the Department
 - b. all records of requests by Panels to not award funding to applications that had been recommended by the Department, and all records of reasons for Panels not awarding funding to applications that had been recommended by the Department
 - c. any documents identifying projects identified as ineligible, including any that received funding under the RJIP
 - d. any documents identifying late applications, including any projects that received funding under the RJIP
 - e. any documents identifying projects where there was a request for a co-funding exemption, including all records related to the decisions on whether to grant an exemption
- c) A copy of the assurance review contracted by the Department of Infrastructure, Transport, Cities and Regional Development.
- d) All documents provided to Ministers/Ministerial Panels containing the scoring/assessment of all grant applications under the RJIP, and all responses by Ministers/Ministerial Panels to this advice.

s.47F

Lodged 2/11
s.47F

WIELAND Donna

From: s.47F
Sent: Thursday, 14 November 2019 9:50 AM
To: WIELAND Donna
Subject: OPD [SEC=OFFICIAL:Sensitive]
Attachments: PII letter template.docx

OFFICIAL:Sensitive

As discussed,

s.47F

OFFICIAL:Sensitive

Ref: XXXXXXX

Senator the Hon Scott Ryan
President of the Senate
Parliament House
PO Box 4608
CANBERRA ACT 2600

Dear Senator

I refer to the Notice of Motion lodged by Senator Watt on 12 November, 2019 relating to documents referred to in the Auditor General Report No.12 2019-20 *Award of Funding under the Regional Jobs and Investment Packages (RJIP)*.

Due to the scope of the request by Senator Watt, it is not possible for the Department of Infrastructure, Transport, Cities and Regional Development to produce the documents in the timeframe requested. Additional time is required to identify what documents and information may be or may not be acceptable to publicly release.

Additionally, Department of Infrastructure, Transport, Cities and Regional Development has previously supplied the documents in question, under confidential provisions to the Australian National Audit Office (ANAO) which handed down its Report into RJIP on 5 November. The Report by the ANAO was comprehensive and released information publically which was deemed to be acceptable.

- Information contained in the documents would impact on the privacy of applicants as outlined under the RJIP program guidelines and would require wide-ranging consultation before any release could occur.
- Due to the eligible applicant types, information captured by this request is reasonably considered to impact on the commercially sensitive nature of information supplied from applicants. Release of this information may benefit competitors or influence future decisions on further application processes which weighted

Yours sincerely

MICHAEL MCCORMACK

WIELAND Donna

From: s.47F
Sent: Thursday, 14 November 2019 7:39 AM
To: WIELAND Donna; s.47F
Subject: RE: RJIP program guidelines info about handling of information [SEC=OFFICIAL]

OFFICIAL

Donna,

s.47F has pulled this.

Will provide a hard copy when you get in, but basically it refers back to the guidelines and also talks about publishing non-sensitive information (applications declaration).

Regards

s.47F

OFFICIAL

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Sent: Wednesday, 13 November 2019 7:16 PM
To: s.47F @infrastructure.gov.au; s.47F
s.47F @infrastructure.gov.au
Subject: RJIP program guidelines info about handling of information [SEC=OFFICIAL]

OFFICIAL

Hi s.47F

Can you check first thing whether there is a question (or other statements) on the application form that covers 14.1 and 14.2 below. This relates to the Senate Order.

14 How we use your information

Unless the information you provide to us is

- confidential information as per 14.1, or
- personal information as per 14.3,

we may share the information with other Commonwealth or state government agencies and Members of Parliament for a relevant purpose such as

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

14.1 How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets one of the four conditions below

1. You clearly identify the information as confidential and explain why we should treat it as confidential.
2. The information is commercially sensitive.
3. Disclosing the information would cause unreasonable harm to you or someone else.
4. You provide the information with an understanding that it will stay confidential.

14.2 When we may disclose confidential information

We may disclose confidential information

- to the committee and our Commonwealth employees and contractors or state government employees, to help us manage the program effectively
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Commonwealth or state government Minister or Assistant Minister
- to a House or a Committee or Members of the Australian Parliament.

We may also disclose confidential information if

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

14.3 How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988*. This includes letting you know

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, the committee, and other Commonwealth or state government employees and contractors, so we can

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)^[1] on the department's website for more information on

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

14.4 Public announcement

We will publish non-sensitive details of successful projects on, business.gov.au, the [Department of Infrastructure and Regional Development website](#)^[2] and/or [GrantConnect](#) website. We are required to do this by the *Commonwealth Grants Rules and Guidelines* and the [Australian Government Public Data Policy Statement](#)^[3], unless otherwise prohibited by law. This information may include

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

We publish this information to ensure open access to non-sensitive data within Australian Government agencies to enable greater innovation and productivity across all sectors of the Australian economy.

14.5 Freedom of information

The *Freedom of Information Act 1982* (FOI Act) applies to all documents we create, receive or store about the program. If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

OFFICIAL

[1] <http://www.industry.gov.au/Pages/PrivacyPolicy.aspx>

[2] <https://infrastructure.gov.au/department/grants/index.aspx>

[3] <http://www.dpmc.gov.au/resource-centre/data/australian-government-public-data-policy-statement>

WIELAND Donna

From: s.47F
Sent: Wednesday, 13 November 2019 5:49 PM
To: WIELAND Donna
Cc: s.47F HALLAM Diana
Subject: RE: For your attention. [SEC=OFFICIAL]

OFFICIAL

Hey Donna,

Any movement on the two tranches of documents? We could potentially go for a partial release?

Cheers

s.47F

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>
Sent: Tuesday, 12 November 2019 1:12 PM
To: s.47F <s.47F@infrastructure.gov.au>
Cc: BACON Rachel <Rachel.Bacon@infrastructure.gov.au>; HALLAM Diana <Diana.Hallam@infrastructure.gov.au>; s.47F <s.47F@infrastructure.gov.au>
Subject: FW: Order to Produce Documents [SEC=OFFICIAL]

OFFICIAL

Hi s.47F

I have managed to talk with the right people in PM&C.

Attached is the template letter that is used if you want to claim public interest immunity grounds (but need to address it to the President of the Senate).

We will package up the requested information into two lots. The first pack will be documents that are not particularly sensitive that can be released. We should be able to meet the deadline for those. The second pack will be documents that the Minister may wish to consider 'public immunity interest' reasons for non-disclosure in accordance with Odgers' Australian Senate Practice.

'Advice to Government' is not one of those grounds. But damage to commercial interests and unreasonable invasion of privacy are. The letter to the President would need to explain the harms. This is likely to be a complex task to work through.

Importantly, you might wish to get Minister McKenzie to seek an extension of time in the debate on the motion to order the production of documents, to give the Department and Minister time to consider the possible harms that would lead to a public immunity interest claim, as there is significant volumes of documents that were provided to the ANAO that would need to be examined for redactions.

Thanks

Donna

WIELAND Donna

From: Media (Infrastructure)
Sent: Wednesday, 13 November 2019 5:04 PM
To: WIELAND Donna
Subject: FW: Political Alert - Senate orders Government must release regional rorts documents (FED)
Attachments: 317W1717.PDF

From: CCH Parliament
Sent: Wednesday, 13 November 2019 5:03:30 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: politicalalert@cch.com.au
Subject: Political Alert - Senate orders Government must release regional rorts documents (FED)

Please find attached:

SENATE ORDERS GOVERNMENT MUST RELEASE REGIONAL RORTS DOCUMENTS (FED)

Shadow Minister for Infrastructure, Transport and Regional Development, Catherine King, and Shadow Minister for Northern Australia, Murray Watt, said the Senate has today passed two motions ordering the Government must produce documents on matters relating to its mismanagement of the \$220.5 million Regional Jobs and Investment Packages. Labor moved the Orders in response to repeated refusals by Deputy Prime Minister McCormack to release information in light of the scathing Auditor-General's report No.12 2019-20 Award of Funding Under the Regional Jobs and Investment Packages (RJIP). It has now been over a week since the Government sought to bury this scathing Audit by releasing it less than an hour before the Melbourne Cup.

317W1717

Total number of pages 2

SUPPORT: politicalalert@cch.com.au or 02 6273 2070. MAILBOX: <http://www.cchparliament.com.au>

WIELAND Donna

From: s.47F
Sent: Wednesday, 13 November 2019 1:08 PM
To: WIELAND Donna
Subject: FW: For your attention. [SEC=PROTECTED]

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>
Sent: Tuesday, 12 November 2019 7:39 PM
To: s.47F@infrastructure.gov.au; s.47F@infrastructure.gov.au
Subject: RE: For your attention. [SEC=OFFICIAL]

OFFICIAL

No worries from me on that approach

Thank you

OFFICIAL

From: s.47F@infrastructure.gov.au
Sent: Tuesday, 12 November 2019 7:25 PM
To: s.47F@infrastructure.gov.au; CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>
Subject: FW: For your attention. [SEC=OFFICIAL]

OFFICIAL

I also think the fact we provided everything to the ANAO already which is what they based their report off could be factored in.

Agreed with [REDACTED] below that the commercially sensitive nature and privacy of applicants needs to be considered and I think would give us basis to decline the release. Point to the ANAO report, additional information is not in the public interest I wouldn't say.

Can certainly align with Industry MO and Finance.

s.47F

OFFICIAL

From: s.47F@infrastructure.gov.au
Sent: Tuesday, 12 November 2019 6:47 PM

To: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>; s.47F

s.47F <s.47F@infrastructure.gov.au>

Subject: FW: For your attention. [SEC=OFFICIAL]

OFFICIAL

DC s.47F

- Given the considerable amount of material we would be expected to stump up- and the commercially/business sensitive nature of much of it, I think we have reasonable grounds to claim public interest immunity.
- s.47F I think it would have to be done in coordination with Finance Min Office and Industry – just to ensure everyone aligned.

Anyone have additional views?

s.47F

OFFICIAL

From: HALLAM Diana <Diana.Hallam@infrastructure.gov.au>

Sent: Tuesday, 12 November 2019 5:30 PM

To: CALLACHOR Damian <Damian.Callachor@infrastructure.gov.au>; s.47F

s.47F <s.47F@infrastructure.gov.au>

Subject: For your attention. [SEC=OFFICIAL]

OFFICIAL

Hi Damian and s.47F

Not sure if you've seen the two Orders to Produce Documents tabled in the Senate today – attached – relating to the ANAO Report into the Regional Jobs and Investment Packages.

Donna Wieland has provided some advice to s.47F (below) regarding claims for public interest immunity.

FYI

Thanks

Diana

Diana Hallam
Executive Director
Regional Development and Local Government Division
Department of Infrastructure, Transport, Cities and Regional Development

From: WIELAND Donna <Donna.Wieland@infrastructure.gov.au>

Sent: Tuesday, 12 November 2019 1:12 PM

To: s.47F <s.47F@infrastructure.gov.au>

Cc: BACON Rachel <Rachel.Bacon@infrastructure.gov.au>; HALLAM Diana <Diana.Hallam@infrastructure.gov.au>;

WIELAND Donna

From: Rush, Peter <Peter.Rush@pmc.gov.au>
Sent: Tuesday, 12 November 2019 12:57 PM
To: WIELAND Donna
Cc: Reid, John; Belgrove, David; BACON Rachel
Subject: Order to Produce Documents [SEC=OFFICIAL]
Attachments: PII letter template.docx

OFFICIAL

Donna:

As discussed, Odgers' *Australian Senate Practice* deals with Public Interest Immunity claims in Chapter 19 Relations with the executive government, starting at page 662.

I have attached a template PII letter. It is based on the scenario that a claim for PII is being made in relation to questions in an Estimates hearing. If an Order to Produce Documents is agreed by the Senate, the Minister Representing your Minister should address any claim for PII to the President. You would need to "tune" the letter to refer to the OPD motion and the relevant grounds for a PII claim. Importantly, the letter needs to identify the specific harm of disclosure.

Happy to discuss further, if/when the actual circumstances arise.

Regards,

Peter Rush | Assistant Secretary

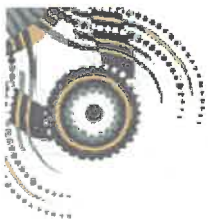
Parliamentary and Government Branch | Government Division

Department of the Prime Minister and Cabinet

p. (02) 6271 5909 | e. peter.rush@pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

Executive Assistant: **s.47F** | e. **s.47F** [@pmc.gov.au](mailto:s.47F@pmc.gov.au)



The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

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message from your computer system.

Subject: FW: Order to Produce Documents [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED] s.47F

I have managed to talk with the right people in PM&C.

Attached is the template letter that is used if you want to claim public interest immunity grounds (but need to address it to the President of the Senate).

We will package up the requested information into two lots. The first pack will be documents that are not particularly sensitive that can be released. We should be able to meet the deadline for those.

The second pack will be documents that the Minister may wish to consider 'public immunity interest' reasons for non-disclosure in accordance with Odgers' Australian Senate Practice.

'Advice to Government' is not one of those grounds. But damage to commercial interests and unreasonable invasion of privacy are. The letter to the President would need to explain the harms. This is likely to be a complex task to work through.

Importantly, you might wish to get Minister McKenzie to seek an extension of time in the debate on the motion to order the production of documents, to give the Department and Minister time to consider the possible harms that would lead to a public immunity interest claim, as there is significant volumes of documents that were provided to the ANAO that would need to be examined for redactions.

Thanks

Donna

OFFICIAL

Ref: XXXXXXX

Senator XXXX
Chair
Senate Finance and Public Administration Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Senator

I refer to the questions asked by Senator XX at the Senate Estimates hearing on XX October 2019, regarding XXXX.

Revealing information about xx would or could reasonably be expected to [state ground for PII – i.e. prejudice legal proceedings, prejudice a law enforcement investigation, international relations, relations with the states etc – see section 4.6 of the [Guidelines for Official Witnesses before Parliamentary Committees and Related Matters](#)]. On that basis, I claim public interest immunity in relation to providing such information.

[Provide a rationale about why not disclosing the information is important and identify the actual harm that could be caused with such a disclosure – such as country XX is important to Australia's strategic and economic interests and would impact on future negotiations, disclosure could prejudice a fair trial or law enforcement investigation being conducted by the police, disclosure could undermine free flowing Cabinet deliberations etc...]

Yours sincerely

MATHIAS CORMANN

WIELAND Donna

From: s.47F
Sent: Monday, 11 November 2019 5:36 PM
To: HALLAM Diana; WIELAND Donna; s.47F
Cc: s.47F CALLACHOR Damian
Subject: Order to produce documents [SEC=OFFICIAL]
Attachments: 20191112_NoM_ALP_Order for Production re RJIP & Ministerial Panels.pdf;
20191112_NoM_ALP_Order for Production re RJIP & Grants Hub.pdf

OFFICIAL

Hi team, please see attached which have come through.

We will be proposing to oppose – but FYI in case it gets up, we will need to have a discussion around path forward.

Cheers

s.47F

s.47F Assistant Adviser
Office of the Hon Michael McCormack MP
Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina
s.47F | E s.47F [@infrastructure.gov.au](mailto:s.47F@infrastructure.gov.au)
MG41, Parliament House | Canberra ACT 2600
Suite 2, 11-15 Fitzmaurice Street | Wagga Wagga NSW 2650

OFFICIAL

WIELAND Donna

From: S.47F
Sent: Monday, 11 November 2019 5:54 PM
To: S.47F; WIELAND Donna; HALLAM Diana
Subject: FW: Order for Production of Documents - Heads up – RJIP Briefing Material [DLM=For-Official-Use-Only] [SEC=OFFICIAL]
Attachments: Information Sheet - Orders for the Production of Documents - as at 05112019.docx; OPD - xx - MinRepIndustry - RJIP Briefing Material - Due 13 Nov 19.pdf

OFFICIAL

Hey all, FYI, the information sheet might help too,

S.47F

For Official Use Only

From: Senate Parliamentary Liaison Office [<mailto:SenatePLO@pmc.gov.au>]

Sent: Monday, 11 November 2019 4:46 PM

To: S.47F

DLO <IndustryDLO@industry.gov.au>; S.47F

S.47F

Cc: Senate Parliamentary Liaison Office <SenatePLO@pmc.gov.au>

Subject: Order for Production of Documents - Heads up – RJIP Briefing Material [SEC=OFFICIAL]

OFFICIAL

Afternoon All

Please note this motion has **NOT** been considered by the Senate yet – it may not get agreed to, this is to provide a heads up.

Please see the attached motion requiring the Minister representing the Minister for Industry, Science and Technology (Senator Canavan) to table 'documents briefing material relating to the Auditor General Report No.12 2019-20- Award of Funding Under the Regional Jobs and Investment Packages (RJIP)' (details in the attached). This motion will be moved by Senator Watt tomorrow, Tuesday 12 November 2019 – the Senate has **not yet considered the motion.**

If agreed by the Senate, the Senator's office will shortly receive a letter from the Clerk of the Senate outlining the order agreed by the Senate. The Senator is required to provide the specified documents by **no later than 5.30pm, Wednesday 13 November 2019.**

Once the documents have been gathered and approved by the Senator for tabling, they should be accompanied by a letter to the Clerk of the Senate (Mr Richard Pye) or the President of the Senate (Senator the Hon Scott Ryan), indicating that the documents are the Senator's response to the Order for the Production of Documents.

Alternatively, the Senator can write to the President of the Senate outlining their reasons for not being in a position to comply with the order. Please note, letters regarding non-compliance with the OPD cannot/not be sent to the Clerk.

Four copies of the material should be provided to the Senate sub-programming office (room SG105 (outside of the government entrance to the Senate chamber) on sitting days, or room SG25 on non-sitting days). In addition, as a matter of courtesy, **one copy** should be delivered to the requesting Senators office.

Attached is a one page information sheet on Orders for the Production of Documents, but please contact me if you have any questions.

Please ensure you consult with Senator Cormann's office if the Order will not be complied with in part or full:

- jonathan.sharman@finance.gov.au
- chris.browne@finance.gov.au
- steven.mammarella@finance.gov.au

Thanks, Debbie

Debbie Arnold

Assistant Secretary | Parliamentary Liaison Officer for the Senate
Department of the Prime Minister and Cabinet
SG 119, Parliament House, Canberra

t: 02 6277 7597 | m: S.47F

e. Debbie.Arnold@pmc.gov.au | www.dpmc.gov.au

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Senate - Orders for the Production of Documents (OPDs) Appendix 17.1

What is an OPD	<ul style="list-style-type: none"> The Senate may make an order for the Government to table specified information/documents at or by a particular time on a particular day. An order can be made as a 'one off' request for documents or may be a permanent order, known as an 'order of continuing effect' (where there may be annual or biannual deadlines). These orders are known as Orders for the Production of Documents (OPDs) or 'an order for returns' and are a common means by which senators seek information. Responses to OPDs are sometimes referred to as 'returns to order'.
Authority	<ul style="list-style-type: none"> Senate Standing Order 164
Request for an OPD	<ul style="list-style-type: none"> A notice of motion will be lodged and moved by a senator, and determined during 'Discovery of Formal Business' on any sitting day, ie after Question Time on Mondays to Wednesdays or before Question Time on Thursdays. If agreed, the Clerk will write to the Leader of the Government in the Senate and the relevant Minister in the Senate to inform them of the Order. The Senate PLO will also give the Minister's office a heads up (by email) as soon as the motion is agreed in the Chamber to ensure as much notice as possible is given.
Responding to an OPD	<ul style="list-style-type: none"> Decisions about the release of documents are up to the relevant Minister/s. There has been general acceptance by the Senate that there is some information held by the Government which ought not to be disclosed, but consideration should be given to past practice and the sanctions the Senate is able to impose. There are two options: <ul style="list-style-type: none"> Comply in full Partial or nil response - Ministers must then outline the reason/s for non-compliance and any claims for public interest immunity. If complying in full, letters should be addressed to the Clerk or the President. If not complying or complying in part only, letters should be addressed to the President. Where the Minister is a House Minister, the response must be from the Minister representing the Minister in the Senate. Where an OPD impacts on a number of portfolios, one Minister's office must coordinate a whole of government response. It is then essential that the response is cleared by all Ministers affected. Responses should be unclassified as they will be tabled in the chamber and available on the APH website.
Lodgement and copy requirements	<ul style="list-style-type: none"> Four copies of the response should be delivered to the Senate Table Office in SG105 (adjacent to the Government entrance to the Senate Chamber) on sitting days, or in SG25 on non-sitting days, by the time agreed by the Senate. In addition, as a matter of courtesy, one copy should be delivered to the Senator who moved the motion (specified in the email from the Senate PLO). Where the documents are to be provided to a Senate Committee, one copy should be provided to the Committee Secretary (either hard copy or electronic) – contact details will be in the email from the Senate PLO and are on committee websites.
Possible sanctions for non-compliance with an OPD	<ul style="list-style-type: none"> If a minister does not comply or provide a satisfactory response within 30 days of the deadline, a senator may after Question Time ask the relevant minister for an explanation and may move to take note of the explanation or move a motion in relation to the minister's failure to provide an answer or satisfactory explanation. Possible sanctions for non-compliance by a Minister include: <ul style="list-style-type: none"> a censure motion against the Minister, a ban on legislation from the Minister's portfolio for a period, establishment of a Senate select committee to inquire into and report on matters related to an OPD, a resolution of contempt of the Senate with penalties applied in accordance with the <i>Parliamentary Privileges Act 1987</i>.
Questions	<p>Debbie Arnold, Senate Parliamentary Liaison Officer debbie.arnold@pmc.gov.au or SenatePLO@pmc.gov.au 02 6277 7597 or s.47F</p>