

# Orders for the production of documents

[Last updated 31 May 2024 3:20 PM]

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# Guide to this document

This document contains a list of all orders for the production of documents agreed to during the current Parliament, and links to any responses received. Following each order is a note indicating whether the order has been complied with. An explanation of each status is provided below.

## **Order complied with**

*If the order is for a specified document in the possession of the minister*

The minister has complied with the order by producing the required document, or the document is otherwise produced to the Senate. If the order relates to the provision of answers to questions on notice, the receipt of the answer by the Senate Table Office or the relevant committee secretariat in accordance with the standard processes is taken to discharge the requirements of a Senate order for the production of the answer.

*If the order requires the creation of a document by the minister for the purpose of being tabled*

The order is taken to have been complied with when the minister tables a document containing information that purports to meet the requirements of the order.

## **Order substantially complied with**

As above, but in an instance where only relatively minor or trivial portions of the required document(s) or information are not provided.

## **Order partially complied with**

The minister produces some required documents or information, and offers reasons for not producing the remainder.

## **No documents exist**

The minister responds to state that there are no relevant documents in the possession of the minister that are within the scope of the order.

## **Order not yet complied with**

No response has been provided as at the date of publication by the minister, or the minister responds to indicate that the Government will not comply with the order, whether or not reasons are given and whether or not a claim of public interest immunity is raised.

In cases where a response is received indicating that additional time is required to comply with the order, a compliance status of 'order not yet complied with' will be assigned until an additional response is provided.

A response indicating that the ordered documents are publicly available, for instance on the Department's website, will not ordinarily be taken to comply with an order unless the order allows for the provision of the information online (e.g. the continuing order for the production of indexed lists of departmental and agency files).

## 2022

### No. 3—Foot-and-mouth disease outbreak

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 1 August 2022**, all documents in relation to the recent outbreak of foot-and-mouth disease in Indonesia between the Department of Infrastructure and the Minister for Infrastructure, Transport, Regional Development and Local Government and Australian international airports.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 27 July 2022

**Letter of response provided:** [2 August 2022](#) (there are no documents in the scope of the order, but providing an outline of the role of the department and minister in responding to the outbreak)

**No documents exist**

### No. 4—Foot-and-mouth disease outbreak—Ministerial briefings and advice

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than 1 August 2022**, the following documents:

- (a) all requests for advice from the minister's office to the Department after being alerted to the outbreak of foot-and-mouth disease (FMD) in Indonesia; and
- (b) the incoming government brief to the new Minister for Agriculture, Fisheries and Forestry specifically in relation to the advice on FMD.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 27 July 2022

**Letter of response and documents provided:** [2 August 2022](#) (attaching documents with redaction of material outside the scope of the order, and raising public interest immunity claims in respect of other documents)

**Public interest immunity claims raised:**

- Disclosure of privileged legal advice
- Prejudice to the investigation of a possible breach of the law

**Order partially complied with**

### No. 5—Australian Building and Construction Commission—Briefing notes and materials

That there be laid on the table by the Minister representing the Prime Minister, **by no later than midday on 1 August 2022:**

- (a) any briefing notes, file notes and emails between the Prime Minister and his office and the Minister for Employment and Workplace Relations and/or his office in relation to the Code for the Tendering and Performance of Building Work Amendment Instrument 2022 (Building Code) announced by Minister Burke on 24 July 2022;
- (b) any briefing notes, file notes and emails between the Prime Minister and his office and the Minister for Employment and Workplace Relations and/or his office in relation to the abolition of the Australian Building and Construction Commission (ABCC);



- (c) any briefing materials produced by the Department of the Prime Minister and Cabinet that were provided to the Prime Minister and/or the Prime Minister's office in relation to the changes to the Building Code; and
- (d) any briefing materials produced by the Department of the Prime Minister and Cabinet that were provided to the Prime Minister and/or the Prime Minister's office in relation to the potential abolition of the ABCC.

**Moved by:** Senator Cash

**Date agreed to:** 27 July 2022

**Documents and letter of response provided:** [3 August 2022](#) (paragraphs (a) and (b), a document in response to the paragraphs; paragraphs (c) and (d), there are no relevant documents; and raising a public interest immunity claim)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (Cabinet documents are not provided in response to orders for documents)

**Order partially complied with**

## **No. 6—Australian Building and Construction Commission—Briefing notes and materials**

That there be laid on the table by the Minister representing the Minister for Employment and Workplace Relations, **by no later than midday on 1 August 2022:**

- (a) briefing notes, file notes and emails between the Minister for Employment and Workplace Relations (Minister) and/or his office and the Fair Work Ombudsman (FWO), and/or the Australian Building and Construction Commission (ABCC), in relation to the Code for the Tendering and Performance of Building Work Amendment Instrument 2022 (Building Code) announced by Minister Burke on 24 July 2022;
- (b) briefing notes, file notes and emails between the Minister for Employment and Workplace Relations and/or his office and the FWO, and/or the ABCC in relation to the potential abolition of the ABCC;
- (c) briefing materials produced by the Department of Employment and Workplace Relations that were provided to the Minister and/or the Minister's office in relation to the changes of the Building Code; and
- (d) briefing materials produced by Department of Employment and Workplace Relations that were provided to the Minister and/or the Minister's office in relation to the potential abolition of the ABCC.

**Moved by:** Senator Cash

**Date agreed to:** 27 July 2022

**Letter of response provided:** [1 August 2022](#) (the minister is unable to comply with the agreed timeframe and intends to respond by adjournment on 2 August 2022)

**Additional letter and documents provided:** [3 August 2022](#) (documents within the scope of the order, with redaction of material unrelated to the order and personal information, and additional redaction of material on public interest grounds)

**Public interest immunity claims raised**

- Disclosure of Cabinet deliberations (documents reflecting deliberations of Cabinet)
- Disclosure of privileged legal advice (refer to legal advice that is subject to legal professional privilege)
- Prejudice to legal proceedings (refer to current proceedings before a court)

**Order partially complied with**

## No. 11—Foot-and-mouth disease—Outbreak in Indonesia

That there be laid on the table by the Minister representing the Prime Minister, **by no later than Thursday, 4 August 2022**, the following documents:

- (a) all requests for advice from the Prime Minister's Office and the Department of the Prime Minister and Cabinet after being alerted to the outbreak of foot-and-mouth disease in Indonesia; and
- (b) all requests for co-operation with state governments from the Prime Minister's Office and the Department of the Prime Minister and Cabinet in response to the outbreak of foot-and-mouth disease in Indonesia.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 2 August 2022

**Letter of response provided:** [4 August 2022](#) (raising public interest immunity claims; noting the Government was advised of the outbreak in early May and implemented a strong response to prevent an incursion of foot-and-mouth disease as well as supporting Indonesia in controlling its outbreak)

**Public interest immunity grounds raised:**

- Prejudice to international relations (releasing information could harm relations between the Commonwealth and Indonesia)
- Damage to relations between the Commonwealth and the states and territories

**Order not yet complied with**

## No. 14—COVID-19 vaccines—claims for death and injuries

That there be laid on the table by the Minister representing the Minister for Government Services, **by no later than 10 am on 4 August 2022**, a statement outlining the following information in relation to claims for deaths and injuries arising from COVID-19 vaccines:

- (a) the number of claims for deaths and injuries that have been paid out;
- (b) the number of claims for deaths and injuries that are currently outstanding;
- (c) the number of claims for deaths and injuries that have been dismissed; and
- (d) whether a non-disclosure agreement is a condition of any successful claim.

**Moved by:** Senator Rennick

**Date agreed to:** 3 August 2022

**Letter of response provided:** [4 August 2022](#) (the Government does not agree that the order is a properly made out order for documents as it seeks a document that is not in existence, but a statement)

**Order not yet complied with**

## No. 23—Pension changes—Briefing materials and correspondence

That there be laid on the table by the Minister representing the Treasurer, **by no later than 3 pm on Thursday, 8 September 2022**:

- (a) any briefing materials provided by the Department of the Treasury to the Treasurer and/or the Treasurer's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022;

- (b) any emails, file notes or other records of interactions between the Department of the Treasury and the Treasurer and/or the Treasurer's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022; and
- (c) any emails, file notes or other records of interactions between the Department of the Treasury and the Department of the Prime Minister and Cabinet or the Department of Social Services since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022.

**Moved by:** Senator Dean Smith

**Date agreed to:** 6 September 2022

**Letter of response provided:** [8 September 2022](#) (claiming public interest immunity in respect of all documents discussing this topic since 23 May 2022)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (as release of the documents requested would result in the disclosure of Cabinet deliberations, they cannot be returned)

**Order not yet complied with**

## No. 24—Pension changes—Briefing materials and correspondence

That there be laid on the table by the Minister representing the Prime Minister, **by no later than 3 pm on Thursday, 8 September 2022:**

- (a) any briefing materials provided by the Department of the Prime Minister and Cabinet to the Prime Minister and/or the Prime Minister's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022;
- (b) any emails, file notes or other records of interactions between the Department of the Prime Minister and Cabinet and the Prime Minister and/or the Prime Minister's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022; and
- (c) any emails, file notes or other records of interactions between the Department of the Prime Minister and Cabinet and the Department of Social Services or the Department of the Treasury since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022.

**Moved by:** Senator Dean Smith

**Date agreed to:** 6 September 2022

**Letter of response provided:** [8 September 2022](#) (claiming public interest immunity in respect of all documents discussing this topic since 23 May 2022)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (as release of the documents requested would result in the disclosure of Cabinet deliberations, they cannot be returned)

**Order not yet complied with**

## No. 25—Pension changes—Briefing materials and correspondence

That there be laid on the table by the Minister representing the Minister for Social Services, **by no later than 3 pm on Thursday, 8 September 2022**:

- (a) any briefing materials provided by the Department of Social Services to the Minister and/or the Minister's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022;
- (b) any emails, file notes or other records of interactions between the Department of Social Services and the Minister and/or the Minister's office since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022; and
- (c) any emails, file notes or other records of interactions between the Department of Social Services and the Department of the Prime Minister and Cabinet or the Department of the Treasury since 23 May 2022 in relation to:
  - (i) potential pension changes, including changes to the Work Bonus Scheme, or
  - (ii) the Social Services Legislation Amendment (Enhancing Pensioner and Workforce Participation) Bill 2022.

**Moved by:** Senator Dean Smith

**Date agreed to:** 6 September 2022

**Letter of response provided:** [8 September 2022](#) (searches have returned a significant number of documents, and the minister intends to respond to the order by midday on 12 September 2022)

**Letter of response and ordered documents provided:** [15 September 2022](#) (letter, enclosing 35 documents (with redaction of private information and material outside the scope of the order) and raising a public interest immunity claim with respect to some of the documents ordered)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (release of some of the documents requested would result in the disclosure of Cabinet deliberations)

**Order partially complied with**

## No. 26—Australian Research Council funding schemes—Applications

That there be laid on the table by the Minister representing the Minister for Education, **by no later than midday on Tuesday, 13 September 2022**, tabulated information about applications for the following Australian Research Council (ARC) funding schemes:

Future Fellowships 2022

Discovery Early Career Researcher Award 2023

Linkage Projects 2021, round 3

Laureate Fellowships 2022

Discovery Indigenous 2023

Discovery Projects 2023

Centres of Excellence 2023

Linkage Infrastructure, Equipment and Facilities 2023,

for each scheme:

- (a) the total number of applications;

- (b) the number of applications for which the ARC CEO has requested at least one set of revisions to the national interest test statement;
- (c) the number of applications for which the ARC CEO has requested multiple sets of revisions to the national interest test statement; and
- (d) the number of applications that the ARC CEO has not recommended for funding on the basis of the national interest test statement.

**Moved by:** Senator Faruqi

**Date agreed to:** 6 September 2022

**Ordered document provided:** [15 September 2022](#)

**Order complied with**

## No. 29—Industrial relations matters

That there be laid on the table by the Minister representing the Prime Minister, **by no later than midday on 12 September 2022:**

- (a) any briefing notes, file notes and any written communication between the Prime Minister and his office and the Minister for Employment and Workplace Relations and/or his office in relation to the Minister for Employment and Workplace Relations' letter to the President of the Fair Work Commission (FWC), dated 2 September 2022;
- (b) any briefing materials, file notes and any written communication produced by the Department of the Prime Minister and Cabinet that were provided to the Prime Minister and/or the Prime Minister's office in relation to the Minister for Employment and Workplace Relations' letter to the President of the FWC, dated 2 September 2022;
- (c) any briefing materials, file notes and any written communication produced by the Department of the Prime Minister and Cabinet that were provided to the Prime Minister and/or the Prime Minister's office in relation to the proposal of multi-employer bargaining; and
- (d) any correspondence between Minister Burke and/or his office and any official from the Rail, Tram, and Bus Union, including but not limited to Mr Alex Claassens and Mr Mark Diamond.

**Moved by:** Senator Cash

**Date agreed to:** 7 September 2022

**Letter of response provided:** [26 September 2022](#) (there are no documents to produce in response to this order)

**No documents exist**

## No. 30—Industrial relations matters

That there be laid on the table by the Minister representing the Minister for Employment and Workplace Relations, **by no later than midday on 12 September 2022:**

- (a) any briefing notes, file notes and any written communication between the Minister for Employment and Workplace Relations (Minister) and/or the Minister's office and any member of the Fair Work Commission (FWC), including but not limited to the President, any FWC staff, including but not limited to the General Manager, in relation to the Minister's letter to the President of the FWC, dated 2 September 2022;
- (b) any briefing materials, file notes and any written communication produced by the Department of Employment and Workplace Relations that were provided to the Minister and/or the Minister's office in relation to the Minister's letter to the President of the FWC, dated 2 September 2022;

- (c) any briefing materials, file notes and any written communication produced by the Department of Employment and Workplace Relations that were provided to the Minister and/or the Minister's office in relation to the proposal of multi-employer bargaining; and
- (d) any correspondence between the Minister and/or the Minister's office and any official from the Rail, Tram, and Bus Union, including but not limited to Mr Alex Claassens and Mr Mark Diamond.

**Moved by:** Senator Cash

**Date agreed to:** 7 September 2022

**Ordered documents provided:** [15 September 2022](#) (with redaction of information unrelated to the order)

**Order complied with**

### No. 32—Australian Bureau of Statistics—Births and deaths data

That there be laid on the table by the Minister representing the Treasurer, **by no later than 10 am on Wednesday, 14 September 2022**, all data held by the Australian Bureau of Statistics in connection with:

- (a) live births in Australia for the period from 1 January 2021 to 6 September 2022, by month and state or territory;
- (b) provisional mortality statistics for May, June and July 2022; and
- (c) causes of death data for 2021.

**Moved by:** Senator Roberts

**Date agreed to:** 7 September 2022

**Letter of response provided:** [15 September 2022](#) (paragraph (a) – providing a link to information on the ABS website on live births data by quarter and state and territory, attaching statistics for a quarter, and stating that data is not available for disclosure for later quarters on public interest grounds; paragraph (b) – providing a link to mortality statistics for May and that the June statistics will be available on 30 September; and raising a public interest immunity claim with respect to July; paragraph (c) – stating that the 2021 causes of death publication will be released on 19 October 2022, and raising a public interest immunity claim with respect to the disclosure until that date)

**Public interest immunity claim raised:** Publication would undermine the trust, quality and integrity of Australia's official statistics

**Order partially complied with**

### No. 33—Special Envoy for Disaster Recovery

That there be laid on the table by the Minister representing the Prime Minister, **by no later than midday on 13 September 2022:**

- (a) briefing notes, file notes and any written communication between the Prime Minister and/or his office and the Special Envoy for Disaster Recovery, Senator Sheldon, and/or his office in relation to Senator Sheldon's announcement of \$30 million in funding for Northern Rivers region, dated 1 September 2022;
- (b) briefing materials, file notes and any written communication produced by the Department of the Prime Minister and Cabinet that were provided to the Prime Minister and/or his office and the Special Envoy and/or his office in relation to Senator Sheldon's announcement of \$30 million in funding for Northern Rivers region, dated 1 September 2022;
- (c) any correspondence between the Prime Minister and/or his office and the Special Envoy and/or his office in relation to his role as Special Envoy for Disaster Recovery since his appointment on 24 July 2022.

**Moved by:** Senators Cash, McKenzie and Davey

**Date agreed to:** 8 September 2022

**Letter of response and documents provided:** [26 September 2022](#) (there is no correspondence between the Prime Minister or his office or the department and Senator Sheldon in relation to his role as Special Envoy; the department did not provide any briefing or other written material; and raising a public interest immunity claim with respect to the disclosure of advice and other documents provided to the Prime Minister and his office concerning a request from the NSW Premier)

**Public interest immunity claim raised:** Damage to relations between the Commonwealth and the states (disclosure would harm the Commonwealth's ongoing relationship with a state government on this and future disaster recovery funding arrangements)

**Motion concerning compliance with order (88):** [23 November 2022](#) (requiring the minister to comply by midday on 28 November 2022) ([statement made](#))

**Additional letters of response provided:** [30 November 2022](#) (maintaining the public interest immunity claim previously raised)

**No documents exist with respect to parts of the order; and order otherwise not yet complied with**

### No. 34—Special Envoy for Disaster Recovery

That there be laid on the table by the Minister for Emergency Management, **by no later than midday on 13 September 2022:**

- (a) briefing notes, file notes and any written communication between the Minister for Emergency Management (Minister) and/or his office and the Special Envoy for Disaster Recovery, Senator Sheldon, and/or his office in relation to Senator Sheldon's announcement of \$30 million in funding for Northern Rivers region, dated 1 September 2022;
- (b) briefing materials, file notes and any written communication produced by the Department of Home Affairs that were provided to the Minister and/or his office and the Special Envoy and/or his office in relation to Senator Sheldon's announcement of \$30 million in funding for Northern Rivers region, dated 1 September 2022;
- (c) any correspondence between the Minister and/or his office and the Special Envoy and/or his office since his appointment on 24 July 2022.

**Moved by:** Senators Cash, McKenzie and Davey

**Date agreed to:** 8 September 2022

**Letter of response and ordered documents provided:** [15 September 2022](#) (providing a partial response but raising public interest immunity claims with respect to the remaining documents)

**Public interest immunity claims raised:**

- Damage to relations between the Commonwealth and the states
- Damage to commercial interests

**Order partially complied with**

### No. 37—TikTok

That there be laid on the table by the Minister representing the Minister for Home Affairs, **by no later than midday on Wednesday, 28 September 2022:**

- (a) the letters from TikTok's Director of Public Policy, Australia and New Zealand, Mr Brent Thomas, addressed to the Minister for Home Affairs, dated 6 June and 21 July 2022; and
- (b) the response letter from the Department of Home Affairs addressed to TikTok's Director of Public Policy, Australia and New Zealand, Mr Brent Thomas, dated 17 August 2022.

**Moved by:** Senator Paterson

**Date agreed to:** 27 September 2022

**Letter of response and documents provided:** [28 September 2022](#)

**Order complied with**

### No. 38—Murray-Darling Basin

That there be laid on the table by the Minister representing the Minister for the Environment and Water, Senator Wong, **by no later than 10 am on Friday, 7 October 2022**, any briefing notes, file notes, emails and reports since 1 July 2017 regarding the:

- (a) 'Barmah-Millewa Feasibility Study';
- (b) terms of reference and membership of the 'Modernising Murray River Systems' independent technical assessment of infrastructure in the southern Murray-Darling Basin; and
- (c) feasibility study for the 'River Murray bank stabilisation works'.

**Moved by:** Senator Roberts

**Date agreed to:** 27 September 2022 (statement made)

**Letter of response provided:** [18 October 2022](#) (work is underway to provide a response, but documents will not be available for tabling until 21 October 2022; discussions are in train with Senator Roberts' office)

**Ordered documents provided:** [21 October 2022](#)

**Order complied with**

### No. 41—Australian legal tender—Effigy of Sovereign

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Friday, 7 October 2022:**

- (a) any briefing notes, file notes and emails provided by the Department of the Treasury to the Treasurer and/or his office, or to the Assistant Minister for Competition, Charities and Treasury and/or his office since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender;
- (b) any briefing notes, file notes and emails between the Department of the Treasury and the Department of the Prime Minister and Cabinet since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender; and
- (c) any briefing notes, file notes and emails between the Treasurer and the Prime Minister and/or Prime Minister's office since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender.

**Moved by:** Senator Smith

**Date agreed to:** 27 September 2022

**Letter of response provided:** [7 October 2022](#) (documents relevant to the order have been identified, but further time is required to respond to ensure contents are suitable for public disclosure)

**Additional letter and documents provided:** [25 October 2022](#) (paragraphs (a) and (b)—attaching documents identified as meeting the criteria; paragraph (c)—no documents have been identified; and raising public interest immunity claims with respect to redactions in the documents provided)

**Public interest immunity claims raised:**

- Damage to international relations (information was provided in confidence by international partners on their planned approaches to changes to their coins; disclosure could adversely affect relationships with these partners)



- Impact on collector coin market (details of forthcoming designs are available on the Federal Register of Legislation once the relevant currency determination has been registered; premature release could result in speculation about future releases)

**Order partially complied with**

## No. 42—Australian legal tender—Effigy of Sovereign

That there be laid on the table by the Minister representing the Prime Minister, **by no later than midday on Friday, 7 October 2022:**

- any briefing notes provided by the Department of the Prime Minister and Cabinet to the Prime Minister and/or the Prime Minister's office since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender;
- any briefing notes, file notes and emails between the Department of the Prime Minister and Cabinet and the Department of the Treasury since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender; and
- any briefing notes, file notes and emails between the Department of the Prime Minister and Cabinet and the Prime Minister and/or the Prime Minister's office since 30 May 2022 in relation to changes and/or potential changes to the effigy of the Sovereign on Australian legal tender.

**Moved by:** Senator Smith

**Date agreed to:** 27 September 2022

**Letter of response and ordered documents provided:** [15 September 2023](#) (attaching relevant documents, but claiming public interest immunity in respect to some information in the documents, which has been redacted)

**Public interest immunity claim raised:** Impact on collector coin market (details of forthcoming designs are available on the Federal Register of Legislation once the relevant currency determination has been registered; premature release could result in speculation about future releases)

**Order partially complied with**

## No. 45—Safeguard Mechanism reforms consultation process—Submissions

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy, **by no later than midday on 30 September 2022**, all submissions received by the Department of Climate Change, Energy, the Environment and Water and associated agencies that were provided as part of the Safeguard Mechanism reforms consultation process.

**Moved by:** Senator Hughes

**Date agreed to:** 27 September 2022

**Letter of response provided:** [30 September 2022](#) (providing a link to the relevant part of the department's website containing all submissions other than those submitted on a confidential basis; and raising a public interest immunity claim with respect to disclosure of the confidential submissions)

**Public interest immunity claim raised:** Impact on future stakeholder engagement (tabling the confidential submissions would negatively impact the Government's ongoing consultation on the reforms, and may limit the Government's ability to conduct effective consultation on other policy matters in the future)

**Order not yet complied with**

## No. 50—Hahndorf township improvements

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than midday on Friday, 4 November 2022**, the following documents:

- (a) all documents in relation to the Hahndorf Township Improvements and Access Upgrade Project between the Federal Minister for Infrastructure, Transport, Regional Development and Local Government and the South Australian Minister for Infrastructure and Transport; and
- (b) all documents in relation to the Hahndorf Township Improvements and Access Upgrade Project between the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and the South Australian Department of Infrastructure and Transport.

**Moved by:** The Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 25 October 2022

**Letters of response provided:** [4 November 2022](#) (raising public interest immunity claims)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)

**Motion concerning compliance with order (89):** [23 November 2022](#) (requiring the minister to comply by midday on 28 November 2022)

**Additional letter of response provided:** [28 November 2022](#) (maintaining the public interest immunity claim previously raised)

**Additional motion concerning compliance with order (109):** [7 February 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [8 February 2023](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

## No. 52—Superannuation industry—Payment disclosure requirements

That there be laid on the table by the Minister representing the Assistant Treasurer, **by no later than midday on Thursday, 27 October 2022**, any briefing notes, file notes and emails received by the Assistant Treasurer from superannuation industry representatives in relation to changes to the superannuation industry payment disclosure requirements.

**Moved by:** Senator Bragg

**Date agreed to:** 25 October 2022

**Letters of response provided:** [31 October 2022](#) (raising a public interest immunity claim)

**Public interest immunity claim raised:** Privacy (individuals and organisations have a reasonable expectation that representations made to the minister are not put on the public record without proper consent and consultation)

**Motion concerning compliance with order (85):** [23 November 2022](#) (requiring the minister to comply by midday on 28 November 2022) ([statement made](#))

**Additional letter of response provided:** [30 November 2022](#) (maintaining the public interest immunity claim raised previously; advising that Treasury has released a number of documents that may assist in response to an FOI request; and providing a link to those documents)

**Order not yet complied with**

## No. 54—Townsville Enterprise Development Centre—Hells Gates Dam

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, Senator Watt, **by no later than 9.30 am on 27 October 2022**, the business case prepared by the Townsville Enterprise Development Centre for the Hells Gates Dam.

**Moved by:** Senator Roberts

**Date agreed to:** 26 October 2022

**Letters of response provided:** [27 October 2022](#) (providing a link to the business case, which was published by the Queensland Government)

**Order not yet complied with**

## No. 55—Budget 2022-23

That there be laid on the table, by the Minister representing the Prime Minister and the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than midday on Thursday, 27 October 2022**, all correspondence between the Prime Minister and the Minister for Infrastructure, Transport, Regional Development and Local Government and any Premier, Chief Minister, Treasurer or minister of any state or territory government regarding requests for, or approval of, Australian Government funding for projects or programs in the 2022-23 Federal Budget announced on 25 October 2022.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 26 October 2022 ([statement made](#))

**Letter of response provided:** [3 November 2022](#) (raising public interest immunity claims)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)

**Motion concerning compliance with order (90):** [23 November 2022](#) (requiring the minister to comply by midday on 28 November 2022)

**Additional letter of response provided:** [28 November 2022](#) (maintaining the public interest immunity claim previously raised)

**Additional motion concerning compliance with order (110):** [7 February 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [9 February 2023](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

## No. 56—ASEAN meeting on military medicine

That there be laid on the table by the Minister for Foreign Affairs, **by no later than 3 pm on Wednesday, 2 November 2022:**

- (a) any briefing materials provided by the Department of Foreign Affairs and Trade to the Minister for Foreign Affairs and/or the Minister's office since 23 May 2022, in relation to:
  - (i) Australia's preparations for co-hosting the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November, or
  - (ii) the provision of an invitation to the Government of Myanmar to attend the meeting;

- (b) any emails, file notes or other records of interactions between the Department of Foreign Affairs and Trade and the Minister for Foreign Affairs and/or the Minister's office since 23 May 2022 in relation to:
  - (i) Australia's preparations for co-hosting the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November, or
  - (ii) the provision of an invitation to the Government of Myanmar to attend the meeting; and
- (c) the written invitation for Myanmar to attend the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November.

**Moved by:** Senator Dean Smith

**Date agreed to:** 26 October 2022 ([statement made](#))

**Letter of response provided:** [28 November 2022](#) (there are no documents to return in response to the order)

**No documents exist**

### **No. 57—ASEAN meeting on military medicine**

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 3 pm on Wednesday, 2 November 2022:**

- (a) any briefing materials provided by the Department of Defence to the Minister for Defence and/or the Minister's office since 23 May 2022 in relation to:
  - (i) Australia's preparations for co-hosting the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November, and
  - (ii) the provision of an invitation to the Government of Myanmar to attend the meeting;
- (b) any emails, file notes or other records of interactions between the Department of Defence and the Minister for Defence and/or the Minister's office since 23 May 2022 in relation to:
  - (i) Australia's preparations for co-hosting the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November, and
  - (ii) the provision of an invitation to the Government of Myanmar to attend the meeting; and
- (c) the written invitation for Myanmar to attend the 15th meeting of the ASEAN Defence Ministers' Meeting Plus Experts' Working Group on Military Medicine in Brunei Darussalam, scheduled for early November.

**Moved by:** Senator Dean Smith

**Date agreed to:** 26 October 2022 ([statement made](#))

**Letter of response and ordered document provided:** [28 November 2022](#)

**Order complied with**

## No. 58—Wine Tourism and Cellar Door Grant program

That there be laid on the table by the Minister representing the Treasurer, **by no later than 3 pm on Wednesday, 2 November 2022:**

- (a) any briefing materials provided by the Department of the Treasury to the Treasurer and/or the Treasurer's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program, or
  - (ii) an audit of the program; and
- (b) any emails, file notes or other records of interactions between Department of the Treasury and the Treasurer and/or the Treasurer's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program, or
  - (ii) an audit of the program.

**Moved by:** Senator Dean Smith

**Date agreed to:** 26 October 2022

**Letter of response provided:** [3 November 2022](#) (there are no documents in the scope of the order)

**No documents exist**

## No. 59—Wine Tourism and Cellar Door Grant program

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than 3 pm on Wednesday, 2 November 2022:**

- (a) any briefing materials provided by the Department of Agriculture, Fisheries and Forestry to the Minister for Agriculture, Fisheries and Forestry and/or the Minister's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program, or
  - (ii) an audit of the program; and
- (b) any emails, file notes or other records of interactions between the Department of Agriculture, Fisheries and Forestry and the Minister for Agriculture, Fisheries and Forestry and/or the Minister's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program; or
  - (ii) an audit of the program.

**Moved by:** Senator Dean Smith

**Date agreed to:** 26 October 2022

**Letter of response provided:** [4 November 2022](#) (seeking more time to comply with order)

**Additional letter of response and ordered documents provided:** [21 November 2022](#) (of the eight documents provided, seven have been redacted in part where they contain personal information or information not within the scope of the order; and raising a public interest immunity claim with respect to the disclosure of a further eight documents)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations

**Order partially complied with**

## No. 60—Wine tourism and cellar door grants program

That there be laid on the table by the Minister for Trade and Tourism, **by no later than 3 pm on Wednesday, 2 November 2022:**

- (a) any briefing materials provided by Tourism Australia to the Minister for Trade and Tourism and/or the Minister's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program, or

- (ii) an audit of the program; and
- (b) any emails, file notes or other records of interactions between Tourism Australia and the Minister for Trade and Tourism and/or the Minister's office since 23 May 2022 in relation to:
  - (i) the Wine Tourism and Cellar Door grants program, or
  - (ii) an audit of the program.

**Moved by:** Senator Dean Smith

**Date agreed to:** 26 October 2022

**Letter of response provided:** [31 October 2022](#) (there are no documents in the scope of the order)

**No documents exist**

## No. 61—Global Methane Pledge

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than midday on 2 November 2022**, the following:

- (a) any briefing notes, file notes and emails between the Minister and/or their office, and the Department of Agriculture, Fisheries and Forestry (the Department) regarding the Global Methane Pledge that was committed to on 23 October 2022 (the GMP);
- (b) any briefing notes, file notes and emails internally within the Department regarding the GMP;
- (c) any briefing notes, file notes and emails between the Minister and/or their office, and the Minister for Climate Change and Energy and/or their office, regarding the GMP;
- (d) any briefing notes, file notes and emails between the Minister and/or their office, and the Minister for the Environment and Water and/or their office, regarding the GMP;
- (e) any briefing notes, file notes and emails between the Minister and/or their office, and the Foreign Minister and/or their office, regarding the GMP;
- (f) any briefing notes, file notes and emails between the Minister and/or their office, and the Prime Minister and/or their office, regarding the GMP;
- (g) any modelling conducted by the Department regarding the impact of the GMP;
- (h) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Department and stakeholders with reference to the GMP; and
- (i) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Minister and/or their office and stakeholders with reference to the GMP.

**Moved by:** Senator McDonald

**Date agreed to:** 26 October 2022

**Letter of response provided:** [3 November 2022](#) (seeking more time to comply with the order)

**Motion concerning compliance with order (99):** [28 November 2022](#) (requiring the minister to comply by midday on 1 December 2022)

**Additional letter of response and documents provided:** [14 February 2023](#) (with redaction of personal and identifying information; and additional redaction of material on public interest grounds)

**Public interest immunity claims raised:**

- Damage to commercial interests
- Impact on future stakeholder engagement

**Order partially complied with**

## No. 62—Global Methane Pledge

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy, Senator Wong, **by no later than midday on 2 November 2022**, the following:

- (a) any briefing notes, file notes and emails between the Minister and/or their office, and the Department of Climate Change, Energy, the Environment and Water (the Department) regarding the Global Methane Pledge that was committed to on 23 October 2022 (the GMP);
- (b) any briefing notes, file notes and emails internally within the Department regarding the GMP;
- (c) any briefing notes, file notes and emails between the Minister and/or their office, and the Minister for the Environment and Water and/or their office, regarding the GMP;
- (d) any briefing notes, file notes and emails between the Minister and/or their office, and the Foreign Minister and/or their office, regarding the GMP;
- (e) any briefing notes, file notes and emails between the Minister and/or their office, and the Prime Minister and/or their office, regarding the GMP;
- (f) any modelling conducted by the Department regarding the impact of the GMP;
- (g) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Department and stakeholders with reference to the GMP; and
- (h) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Minister and/or their office and stakeholders with reference to the GMP.
- (i) between the Minister and/or their office and stakeholders with reference to the GMP.

**Moved by:** Senator McDonald

**Date agreed to:** 26 October 2022

**Letter of response provided:** [3 November 2022](#) (seeking more time to comply with order)

**Motion concerning compliance with order (98):** [28 November 2022](#) (requiring the minister to comply by midday on 1 December 2022)

**Additional letter of response and ordered documents provided:** [14 February 2023](#) (providing relevant documents within scope of the order, with redaction of personal and identifying information; and on other public interest grounds)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Prejudice to international relations
- Damage to commercial interests
- Impact on future stakeholder engagement

**Order partially complied with**

## No. 69—Gabba stadium project

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than midday on 3 November 2022**, all correspondence, briefing materials, emails, plans, proposals, file notes, meeting minutes and minutes between the Department of Infrastructure, Transport, Regional Development, Communications and the Arts or the Minister and their office and:

- (a) the Queensland Premier, Treasurer, Minister for Education, Minister for Public Works and Procurement and Minister for State Development, Infrastructure, Local Government and Planning and their offices; and
- (b) the Queensland Departments of the Premier and Cabinet, Treasury, Education, Public Works and Procurement, and State Development, Infrastructure, Local Government and Planning;

in relation to the Gabba Stadium project and impacts on East Brisbane State School.

**Moved by:** Senator Allman-Payne

**Date agreed to:** 27 October 2022

**Letter of response provided:** [4 November 2022](#) (raising a public interest immunity claim)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)

**Motion concerning compliance with order (92):** [24 November 2022](#) (requiring the minister to comply by midday on 29 November 2022)

**Additional letter of response provided:** [29 November 2022](#) (maintaining the public interest immunity claim previously raised)

**Additional motion concerning compliance with order (120):** [7 February 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [8 February 2023](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

## No. 73—Fuel excise

That there be laid on the table by the Minister representing the Treasurer, **by no later than 3 pm on Thursday, 1 December 2022:**

- (a) any briefing notes, file notes and emails provided by the Treasury to the Treasurer and/or to his office since 30 May 2022 in relation to the reintroduction of the full fuel excise from 29 September 2022 and monitoring activities undertaken by the Australian Competition and Consumer Commission (ACCC);
- (b) any briefing notes, file notes and emails between the Treasury and the ACCC since 30 May 2022 in relation to the reintroduction of the full fuel excise from 29 September 2022 and monitoring activities undertaken by the ACCC; and
- (c) any briefing notes, file notes and emails between the Treasurer and the ACCC since 30 May 2022 in relation to the reintroduction of the full fuel excise from 29 September 2022 and monitoring activities undertaken by the ACCC.

**Moved by:** Senator Dean Smith

**Date agreed to:** 21 November 2022

**Letter of response and ordered documents provided:** [9 December 2022](#) (five documents falling within the scope of the order were provided; and the minister claimed public interest immunity over a further document)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations

**Order partially complied with**

## No. 77—Questions on notice—Answers

That—

- (a) the Senate notes that, as at 3 pm on 18 November 2022, there were 103 overdue questions on notice; and
- (b) there be laid on the table by the Leader of the Government in the Senate, **by no later than 5 pm on Monday, 28 November 2022**, answers to all 103 overdue questions on notice.

**Moved by:** Senator Cash

**Date agreed to:** 21 November 2022

**Letter of response provided:** [30 November 2022](#) (the Government will continue to answer questions placed on notice according to the timelines set by the Senate where they are able to do so)

**Order not yet complied with**



## No. 83—Small business—Skills and training boost—Technology investment boost

That there be laid on the table by the Minister representing the Minister for Small Business, **by no later than midday on 25 November 2022**:

- (a) all submissions received by Treasury and associated agencies that were provided as part of the consultation process for the following:
  - (i) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Skills and training boost, and
  - (ii) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Technology investment boost;
- (b) briefing materials, file notes and any written communication produced by Treasury that were provided to the Minister for Small Business and/or her office in relation to the consultation on the following bills:
  - (i) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Skills and training boost, and
  - (ii) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Technology investment boost; and
- (c) briefing materials, file notes, ministerial submissions and any written communication produced by Treasury that were provided to the Minister for Small Business and/or her office to assist in decision making on the following bills:
  - (i) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Skills and training boost, and
  - (ii) Treasury Laws Amendment (Measures for Consultation) Bill 2022: Technology investment boost.

**Moved by:** Senator Cash

**Date agreed to:** 22 November 2022

**Letter of response provided:** [28 November 2022](#) (documents relevant to the request have been identified but additional time is required to finalise the process)

**Additional letter of response provided:** [14 December 2022](#) (raising public interest immunity claims)

**Public interest immunity claim raised:** Impact on future stakeholder engagement (disclosure of information received on a confidential basis is likely to erode stakeholder confidence in the consultation process)

**Order not yet complied with**

## No. 86—Crypto asset secondary service providers—Licensing and custody regime

That there be laid on the table by the Minister representing the Assistant Treasurer, **by no later than 5 pm on Tuesday, 29 November 2022**, the following documents in relation to the consultation on ‘Crypto asset secondary service providers: Licensing and custody requirements’, commenced by the Treasury on 21 March 2022:

- (a) all briefings provided to the Assistant Treasurer by the Treasury relating to the Treasury consultation, received between 21 May and 29 November 2022;
- (b) all documents detailing any policy options that have been recommended to the Assistant Treasurer by the Treasury relating to the Treasury consultation, received between 21 May and 29 November 2022;

- (c) any draft legislation that has been developed by the Treasury to implement the policy recommendations specified in paragraph (b), between 21 May and 29 November 2022;
- (d) all documents and/or correspondence between the Assistant Treasurer and the Treasury detailing a determination on why submissions to the Treasury consultation have not been uploaded to the Treasury website received between 21 May and 29 November 2022;
- (e) all submissions provided to the Treasury consultation; and
- (f) all documents, briefings and/or correspondence detailing meetings between the Assistant Treasurer and the Treasury regarding this Treasury consultation, between 21 May and 29 November 2022.

**Moved by:** Senator Bragg

**Date agreed to:** 23 November 2022 ([statement made](#))

**Letter of response provided:** [30 November 2022](#) (it would be an unreasonable diversion of resources to respond within the timeline provided, but the minister trusts upcoming responses to an FOI request and question on notice will assist the Senate)

**Additional letter of response provided:** [9 November 2023](#) (paragraphs (a), (b), (d) and (f) – stating that the documents are publicly available on the department’s website; paragraph (c) – stating that no draft legislation currently exists; paragraph (e) – providing a link to the public submissions on the department’s website)

**Order not yet complied with**

## No. 87—Budget 2022-23—Budget Process Operational Rules

That there be laid on the table by the Minister for Finance, **by no later than midday on Monday, 28 November 2022:**

- (a) a copy of the Budget Process Operational Rules used in the formation of the 2022-23 October Budget (BPORs);
- (b) any briefings, minutes or advice provided to the Minister for Finance by the Department of Finance relating to the BPORs and amendments to the BPORs since 22 May 2022; and
- (c) any letter, email, communique or other document that accompanied the BPORs when they were issued as advice to agencies.

**Moved by:** Senator Hume

**Date agreed to:** 23 November 2022

**Letter of response and documents provided:** [28 November 2022](#) (attaching documents related to paragraphs (a) and (c); and raising a public interest immunity claim in relation to paragraph (b))

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (briefings provided to the Finance Minister in the context of Budget preparations may have the effect of disclosing the deliberations of Cabinet, and compromise the ability of the APS to confidentially brief Cabinet Ministers)

**Order partially complied with**

## No. 96—Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022—Modelling and analysis

That there be laid on the table by the Minister representing the Minister for Education, **by no later than 2 pm on 29 November 2022**, modelling and analysis that was conducted by the Department of the Treasury into the potential economic impact and increase in workforce participation resulting from the Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 (as discussed by Department of the Treasury officials on 2 November 2022 at a public hearing of the Education and Employment Legislation Committee).

**Moved by:** Leader of Pauline Hanson's One Nation (Senator Hanson)

**Date agreed to:** 28 November 2022 ([statement tabled](#))

**Letter of response provided:** [29 November 2022](#) (raising a public interest immunity claim with respect to the documents ordered)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (the advice was prepared by the Treasury to inform and support Cabinet decision-making and was also used by the Education department for the purpose of preparing a Cabinet submission and determining the advice it provided to Cabinet)

**Order not yet complied with**

## No. 97—Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022—Legal advice

That there be laid on the table by the Minister representing the Minister for Education, **by no later than 2 pm on 29 November 2022**, legal advice that was provided to the Government regarding the requirement in the Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 for early childhood education and care providers to collect gap fees via electronic funds transfer, particularly as this relates to the restriction of the use of legal tender and coinage (as mentioned by Senator Chisholm in the Senate on 21 November 2022).

**Moved by:** Leader of Pauline Hanson's One Nation (Senator Hanson)

**Date agreed to:** 28 November 2022 ([statement made](#))

**Letter of response provided:** [29 November 2022](#) (raising a public interest immunity claim with respect to the documents ordered)

**Public interest immunity claim raised:** Disclosure of privileged legal advice

**Order not yet complied with**

## No. 100—Australian banknotes—Effigy of Sovereign

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Wednesday, 30 November 2022**, any briefing notes, file notes, emails or other records of interaction between the Reserve Bank of Australia and:

- (a) the Treasurer and/or his office;
- (b) the Assistant Minister for Competition, Charities and Treasury and/or his office; or
- (c) the Department of the Treasury since 30 May 2022;

in relation to changes and/or potential changes to the effigy of the Sovereign on Australian banknotes.

**Moved by:** Senator Dean Smith

**Date agreed to:** 28 November 2022

**Letter of response provided:** [30 November 2022](#) (there are no documents in scope of the order)

**No documents exist**

## No. 103—Australian Packaging Covenant—Collective impact report

- (1) That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on 1 December 2022**, the following documents:
  - (a) any review conducted in 2022 of the Australian Packaging Covenant Organisation (APCO) National Packaging Targets 2025, including any draft document provided to the Minister or the Department in respect of same, or any document that pertains to any update of the collective impact report released in November 2021; and
  - (b) any briefing or advice prepared for the Minister in 2022 that relates to updating the APCO 2025 targets since the 2021 Collective Impact report.
- (2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 29 November 2022

**Letter of response provided:** [2 December 2022](#) (noting that more time will be required to comply and that a detailed response will be provided by 15 December 2022)

**Ordered documents provided:** [16 December 2022](#)

**Order complied with**

## No. 104—Australian Packaging Covenant—National packaging targets

- (1) That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on 1 December 2022**, the following documents:
  - (a) any correspondence or communication since 18 November 2021 between the Minister or Department and Australian Packaging Covenant Organisation (APCO) in relation to the 2025 National Packaging Targets; and
  - (b) the list of stakeholders that APCO has contacted in the course of its 2022 review or intends to contact.
- (2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 29 November 2022

**Letter of response provided:** [2 December 2022](#) (noting that more time will be required to comply and that a detailed response will be provided by 15 December 2022)

**Ordered documents provided:** [16 December 2022](#)

**Order complied with**

## No. 106—Budget 2022-23—Infrastructure projects

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 1 pm on Thursday, 1 December 2022**, the following documents:

- (a) all correspondence from the Minister for Infrastructure, Transport, Regional Development and Local Government to state and territory infrastructure and transport ministers regarding funding decisions in the October 2022-23 Budget for infrastructure projects in each respective jurisdiction;
- (b) all correspondence received by the Minister for Infrastructure, Transport, Regional Development and Local Government from state and territory infrastructure and transport ministers in response to correspondence in paragraph (a); and

- (c) copies of the tables prepared by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for each state and territory, outlining projects under the Infrastructure Investment Program – Australian Government committed projects as at October Budget 2022-23.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 29 November 2022

**Letter of response provided:** [2 December 2022](#) (paragraphs (a) and (b), raising a public interest immunity claim; paragraph (c), providing a link to where the information will be published online once agreed to by jurisdictions; and stating that over 900 pages of information has been provided during the consideration of estimates in response to requests for similar information)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure would harm the Commonwealth's ongoing relationship with a state government on this and future infrastructure funding arrangements)

**Order not yet complied with**

### No. 107—Great Barrier Reef—Reactive monitoring mission

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 8 pm on 30 November 2022**, the Commonwealth Government's written response to the report on the Joint World Heritage Centre/IUCN, *Reactive monitoring mission to the Great Barrier Reef (Australia) 2022*, which was issued on or about 12 September 2022.

**Moved by:** Senator McKim

**Date agreed to:** 30 November 2022

**Letter of response and ordered document provided:** [16 December 2022](#)

**Order complied with**

### No. 113—Child Care Subsidy activity test

That there be laid on the table by the Minister representing the Minister for Education, **by no later than 9.30 am on Thursday, 8 December 2022**, any modelling, costing or analysis that has been conducted by the Department of the Treasury or the Department of Education in relation to modifications to and/or the removal of the Child Care Subsidy activity test since 1 January 2022.

**Moved by:** Senator Faruqi

**Date agreed to:** 1 December 2022 ([statement made](#))

**Letter of response provided:** [8 December 2022](#) (raising a public interest immunity claim in response to the documents ordered; and noting that senators may wish to use the Parliamentary Budget Office services)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (the advice is information prepared by the department for the purpose of preparing a submission to Cabinet, and to inform and support Cabinet decision-making)

**Order not yet complied with**

**No. 114—Bracknell Community Hall grant award**

That—

- (a) there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 3 February 2023**, the following documents:
- (i) the application/s made by Meander Valley Council (Tasmania) in respect of the community development grant award GA171062 (Bracknell Community Hall Upgrade),
  - (ii) any assessments of the grant application/s for GA171062,
  - (iii) any grant agreement in respect of grant award GA171062,
  - (iv) any payment schedule for the grant award GA171062,
  - (v) any progress reports, ad hoc reports and completion report submitted in respect of grant award GA171062,
  - (vi) any financial declaration and audited financial acquittal report submitted in respect of grant award GA171062,
  - (vii) any grant agreement variation submitted in respect of grant award GA171062,
  - (viii) any record of compliance visits in respect of grant award GA171062,
  - (ix) any evaluation/s completed in respect of grant award GA171062, and
  - (x) any correspondence between the applicant and the then Department of Infrastructure, Transport, Regional Development, Communications and the Arts in respect of the grant award; and
- (b) if the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 1 December 2022

**Letter of response and ordered documents provided:** [7 February 2023](#) (with redaction of parts of the documents on public interest grounds; and stating that no documents exist with respect to paragraphs (viii) and (ix))

**Public interest immunity claim raised:** Commercial confidentiality (the documents contain financial and personal details of third-party organisations that could reasonably be expected to damage the commercial interests of those parties)

**Order substantially complied with**

# 2023

## No. 123—Budget process operational rules

That there be laid on the table by the Minister for Finance, **by no later than midday on Wednesday, 8 February 2023:**

- (a) a copy of the current Budget Process Operational Rules (BPORs) used on the formation of the 2023-24 Budget;
- (b) any briefings, minutes or advice provided to the Minister for Finance by the Department of Finance relating to the BPORs and amendments to the BPORs since 18 June 2022; and
- (c) any letter, email, communique or other document that accompanied the BPORs when they were issued after 17 June 2022 as advice to agencies.

**Moved by:** Senator Hume

**Date agreed to:** 7 February 2023 ([statement made](#))

**Letter of response provided:** [8 February 2023](#) (raising a public interest immunity claim; and stating that once the Budget is delivered, the Government will consider further requests for the rules)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (release of the BPORs and any accompanying documents, and briefings provided in the context of Budget deliberations, could compromise the ability of the APS to confidentially brief Cabinet ministers and impact the functioning of government)

**Motion concerning compliance with order (156):** [9 February 2023](#) (requiring the minister to comply as soon as possible) ([statement made](#))

**Additional letter of response provided:** [13 February 2023](#) (restating the public interest immunity claim previously raised, and stating that the minister will be in a position to release the rules after the delivery of the 2023-24 Budget)

**Additional motion concerning compliance with order (165):** [8 March 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Further motion concerning compliance with order (227):** [10 May 2023](#) (requiring the minister to comply with the order as soon as possible, and by no later than 5 pm on 11 May 2023)

**Further letter of response provided:** [12 May 2023](#) (stating that the rules have been publicly released on the department's website)

**Order not yet complied with**

## No. 124—Parliament—Cost of sitting

That there be laid on the table by the Minister for Finance, **by no later than 5 pm on 9 March 2023**, the total cost in relation to the recalling of Parliament for the unscheduled sitting on 15 December 2022, including a breakdown of the costs in relation to the following categories:

- (a) parliamentary travel allowance;
- (b) parliamentary airfares;
- (c) parliamentary Commonwealth car, cabcharge and rideshare expenses;
- (d) staff travel allowance;
- (e) staff airfares;
- (f) staff cabcharge and rideshare expenses;
- (g) any additional staffing requirements (including, but not limited to, security services, attendants, restaurants and catering staff); and
- (h) any other costs in relation to the recalling of Parliament.

**Moved by:** Senator Roberts

**Date agreed to:** 6 March 2023

**Letter of response provided:** [9 March 2023](#) (the information is held by the Department of Finance and IPEA, it is not possible to accurately quantify the costs listed in this order)

**Order not yet complied with** (see also order no. [188](#))

## No. 126—Credit rating

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 9 February 2022:**

- (a) a copy of all reports by Moody's Corporation, Fitch Ratings Inc., and S&P Global (or an affiliate or subsidiary of any of the aforementioned) received by the Treasury or the Treasurer's office relating to the Commonwealth of Australia's credit rating since 22 May 2022; and
- (b) a copy of all associated briefing materials, minutes, memorandums and other related documents produced by the Treasury for the Treasurer or his office relating to the Commonwealth of Australia's credit rating.

**Moved by:** Senator Hume

**Date agreed to:** 7 February 2023 (see also [order no. 235](#))

**Letter of response provided:** [9 February 2023](#) (stating that officials are progressing the request but additional time is required)

**Motion concerning compliance with order (172):** [8 March 2023](#) (requiring the minister to comply with the order by no later than midday on Thursday, 9 March 2023)

**Letter of response and ordered documents provided:** [9 March 2023](#) (paragraph (a)—attaching seven documents identified as within scope; paragraph (b)—attaching 12 documents within scope, with redaction of personal information and unrelated material; and raising public interest immunity claims with respect to information on particular pages concerning paragraph (b))

**Public interest immunity claims raised:**

- Protection of market sensitive information (such information is fundamental to the stability and integrity of financial markets)
- Impact on future stakeholder engagement (documents contain information regarding confidential discussions with rating agencies and disclosure would adversely affect current and future relationships with these partners)

**Order partially complied with**

## No. 129—Australian Public Service employee census 2022

That there be laid on the table by the Minister for the Public Service, **by no later than 2 pm on Thursday, 9 February 2023**, the Australian Public Service employee census 2022 highlights report for the following national collecting and cultural institutions:

- (a) National Gallery of Australia;
- (b) National Portrait Gallery;
- (c) Australian National Maritime Museum;
- (d) Bundanon Trust;
- (e) Australian War Memorial; and
- (f) the Questacon division of the Department of Industry, Science and Resources.

**Moved by:** Senator David Pocock

**Date agreed to:** 7 February 2023



**Letter of response and documents provided:** [9 February 2023](#) (paragraphs (a) (c) (e) and (f) – reports provided ; paragraph (b) – the agency did not participate in the 2022 APS employee census; paragraph (d) – the Trust is not an APS agency therefore no reports exist)

**Order complied with**

## No. 131—Budget estimates 2022-23—Unanswered questions on notice

That—

- (a) the Senate notes that, as at 9 am on Monday, 6 February 2023, 567 questions on notice from the October and November 2022-23 Budget estimates remain unanswered and are overdue:
- (i) Prime Minister and Cabinet, 143 questions,
  - (ii) Social Services, 118 questions,
  - (iii) Employment and Workplace Relations, 108 questions,
  - (iv) Treasury, 52 questions,
  - (v) Infrastructure, Transport, Regional Development, Communications and the Arts, 38 questions,
  - (vi) Finance, 32 questions,
  - (vii) Health and Aged Care, 26 questions,
  - (viii) Foreign Affairs and Trade, 20 questions,
  - (ix) Attorney-General's, 19 questions,
  - (x) Climate Change, Energy, the Environment and Water, 8 questions,
  - (xi) Industry, Science and Resources, 2 questions, and
  - (xii) Defence, 1 question;
- (b) there be laid on the table by the Leader of the Government in the Senate, **by no later than 9 am on Friday, 10 February 2023**, the answers to all 567 unanswered questions on notice from the October and November 2022-23 Budget estimates; and
- (c) if the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Cash

**Date agreed to:** 7 February 2023

**Letter of response provided:** [10 February 2023](#) (providing statistics on the answering of estimates questions on notice)

**Additional letter of response provided:** [20 October 2023](#) (advising that there are no unanswered questions on notice remaining from the 2022-23 October Budget estimates)

**Order complied with**

## No. 133—Goods and Services Tax—Western Australia

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Monday, 20 February 2023**, any briefing notes, file notes, emails, correspondence or other records of interaction since 23 May 2022 between:

- (a) the Commonwealth Grants Commission and the Treasurer and/or the Treasurer's office;
- (b) the Department of the Treasury and the Treasurer and/or the Treasurer's office;
- (c) the Department of the Prime Minister and Cabinet and the Treasurer and/or the Treasurer's office; or
- (d) the Treasurer and/or the Treasurer's office and state or territory treasurers and/or the offices of state or territory treasurers;

in relation to:

- (e) the distribution of GST revenue;
- (f) the GST formula;
- (g) the statutory review of the operation of the *Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Act 2018*, required by section 4 of that Act; or
- (h) Western Australia's 70 cent GST floor.

**Moved by:** Senator Dean Smith

**Date agreed to:** 7 February 2023 (see also orders nos. [134](#), [135](#) and [307](#))

**Letter of response provided:** [6 March 2023](#) (stating that officials are progressing the request but additional time is required)

**Additional letter of response and ordered documents provided:** [22 March 2023](#) (attaching four documents falling within the scope of the order with redactions, including of information not directly related to the order, and claiming public interest immunity over two further documents within scope)

**Public interest immunity claim raised:** Commonwealth and state relations (the documents would disclose the deliberations of the Council on Federal Financial Relations and National Cabinet and adversely affect Commonwealth-State relations)

**Order partially complied with**

## No. 134—Goods and Services Tax—Western Australia

That there be laid on the table by the Minister for Finance, **by no later than midday on Monday, 20 February 2023**, any briefing notes, file notes, emails, correspondence or other records of interaction since 23 May 2022 between:

- (a) the Commonwealth Grants Commission and the Minister for Finance and/or the Minister's office;
- (b) the Department of the Treasury and the Minister for Finance and/or the Minister's office;
- (c) the Department of the Prime Minister and Cabinet and the Minister for Finance and/or the Minister's office; or
- (d) the Minister for Finance and/or the Minister's office and state or territory ministers for Finance and/or the offices of state or territory ministers for finance;

in relation to:

- (e) the distribution of GST revenue;
- (f) the GST formula;
- (g) the statutory review of the operation of the *Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Act 2018*, required by section 4 of that Act; or
- (h) Western Australia's 70 cent GST floor.

**Moved by:** Senator Dean Smith

**Date agreed to:** 7 February 2023 (see also orders nos. [133](#), [135](#) and [307](#))

**Letter of response provided:** [23 February 2023](#) (there are no documents in the scope of the order)

**No documents exist**

## No. 135—Goods and Services Tax—Western Australia

That there be laid on the table by the Minister representing the Prime Minister, **by no later than midday on Monday, 20 February 2023**, any briefing notes, file notes, emails, correspondence or other records of interaction since 23 May 2022 between:

- (a) the Commonwealth Grants Commission and the Prime Minister and/or the Department of the Prime Minister and Cabinet;
- (b) the Department of the Treasury and the Prime Minister and/or the Department of the Prime Minister and Cabinet;
- (c) the Department of the Prime Minister and Cabinet and the Minister for Finance and/or the Minister's office, or
- (d) the Prime Minister and/or the Prime Minister's office and state or territory premiers or chief ministers for Finance and/or the offices of state or territory premiers or chief ministers;

in relation to:

- (e) the distribution of GST revenue;
- (f) the GST formula;
- (g) the statutory review of the operation of the *Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Act 2018*, required by section 4 of that Act; or
- (h) Western Australia's 70 cent GST floor.

**Moved by:** Senator Dean Smith

**Date agreed to:** 7 February 2023 (see also orders nos. [133](#), [134](#) and [307](#))

**Motion concerning compliance with order (191):** [22 March 2023](#) (requiring the minister to comply by midday on 27 March 2023)

**Letter of response provided:** [27 March 2023](#) (stating that it will not be possible to produce the documents requested in accordance with the deadline, and it is the minister's expectation that the order will be complied with by 30 March 2023)

**Additional letter of response and ordered documents provided:** [30 March 2023](#) (attaching the relevant documents relating to the request, with redaction of material outside scope, and the names and contact details of junior officers and officials in the APS)

**Order complied with**

## No. 137—National Reconstruction Fund

That there be laid on the table by the Minister representing the Minister for Industry and Science, **by no later than 2 pm on 8 February 2023**, all submissions received by the Department of Industry, Science and Resources as part of the National Reconstruction Fund consultation process.

**Moved by:** Senator Cash

**Date agreed to:** 7 February 2023

**Letter of response provided:** [8 February 2023](#) (stating that all submissions (other than those submitted on a confidential basis) will be published online ahead of the deadline for the order but that the minister will not be able to meet the deadline for delivery of hard copies and will provide them as soon as practicable; and declining to provide the confidential submissions on public interest grounds)

**Public interest immunity claim raised:** Impact on future stakeholder engagement (tabling private submissions would negatively impact the Government's ability to conduct effective consultation on other policy matters in the future)

**Ordered documents provided:** [15 February 2023](#) (the public submissions, with redaction of personal information)

**Order partially complied with**

### No. 138—Livestock exports—Independent observer reports

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than midday on 13 February 2023**, all independent observer reports relating to voyages of livestock export ships in 2022 which were not published on the Department of Agriculture, Fisheries and Forestry's website as of 6 February 2023.

**Moved by:** Senator Faruqi

**Date agreed to:** 8 February 2023

**Ordered documents provided:** [13 February 2023](#) (documents considered to be in scope relating to the order)

**Order complied with**

### No. 139—Samuel Review

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Wednesday, 8 March 2023:**

- (a) a list of formal meetings attended personally by the Minister for the Environment and Water since 29 October 2022 inclusive, in relation to the Government's Samuel Review response and the proposed establishment of an Environment Protection Authority; and
- (b) a list of formal meetings attended by staff of the Minister for the Environment and Water since 29 October 2022 inclusive, in relation to the Government's Samuel Review response and the proposed establishment of an Environment Protection Authority.

**Moved by:** Senator Duniam

**Date agreed to:** 8 February 2023

**Ordered documents provided:** [8 March 2023](#)

**Order complied with**

### No. 140—Budget 2022-23—Environmental Defenders Office and Environmental Justice Australia

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Wednesday, 8 March 2023:**

- (a) any briefing materials provided by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to the Minister for the Environment and Water and/or the Minister's office since 23 May 2022 inclusive, in relation to:
  - (i) the provision of government funding in the October 2022 Federal Budget to the Environmental Defenders Office, and
  - (ii) the provision of government funding in the October 2022 Federal Budget to Environmental Justice Australia;
- (b) any emails, file notes or other records of interactions between DCCEEW and the Minister for the Environment and Water and/or the Minister's office since 23 May 2022 inclusive, in relation to:
  - (i) the provision of government funding in the October 2022 Federal Budget to the Environmental Defenders Office; and
  - (ii) the provision of government funding in the October 2022 Federal Budget to Environmental Justice Australia.

**Moved by:** Senator Duniam

**Date agreed to:** 8 February 2023

**Letter of response and ordered documents provided:** [8 March 2023](#) (enclosing records of text messages between the CFO and the minister's office, and answers to 2 questions on notice from the 2022-23 Budget estimates hearings; with redaction of personal identifying information, and stating that certain documents would be withheld from release on public interest immunity grounds)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (the documents would disclose the deliberations of Cabinet which have not been officially published)

**Order partially complied with**

### **No. 141—Burrup Peninsula—World heritage listing**

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Wednesday, 8 March 2023:**

- (a) any briefing materials provided by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to the Minister for the Environment and Water and/or the Minister's office since 23 May 2022 inclusive in relation to the potential World Heritage listing of areas of the Burrup Peninsula; and
- (b) any emails, file notes or other records of interactions between DCCEEW and the Minister for the Environment and Water and/or the Minister's office since 23 May 2022 inclusive in relation to the potential World Heritage listing of areas of the Burrup Peninsula.

**Moved by:** Senator Duniam

**Date agreed to:** 8 February 2023

**Letter of response and ordered documents provided:** [8 March 2023](#)

**Order complied with**

### **No. 144—Organics market—Regulation**

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than 2 pm on 22 February 2023**, the following:

- (a) any briefing notes, file notes and emails between the Minister and/or their office, and the Department of Agriculture, Fisheries and Forestry regarding a domestic organic standard or regulation for Australia since 1 June 2022;
- (b) any briefing notes, file notes and emails between the Minister and/or their office with the Treasurer regarding a domestic organic standard or regulation for Australia since 1 June 2022;
- (c) any briefing notes, file notes and emails between the Minister and/or their office with the Assistant Treasurer regarding a domestic organic standard or regulation for Australia since 1 June 2022;
- (d) any briefing notes, file notes and emails between the Minister and/or their office with the Minister for Health and Aged Care regarding a domestic organic standard or regulation for Australia since 1 June 2022;
- (e) any briefing notes, file notes and emails between the Minister and/or their office with the Minister for Trade and Tourism regarding a domestic organic standard or regulation for Australia since 1 June 2022;
- (f) any briefing notes, file notes and emails between the Minister and/or their office with the Prime Minister regarding a domestic organic standard or regulation for Australia;
- (g) any briefing notes, file notes and emails regarding a domestic organic standard or regulation for Australia for meetings with the industry; and
- (h) any correspondence to and from industry organisations regarding a domestic organic standard or regulation for Australia.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 8 February 2023

**Letter of response and ordered documents provided:** [7 March 2023](#)

**Motion concerning compliance with order (205):** [27 March 2023](#) (requiring the minister to provide an explanation of the response to the order at 3.30 pm on 28 March 2023)

**Explanation and additional documents provided:** [28 March 2023](#) (additional documents within scope of the order)

**Order complied with**

## No. 147—Building Community forums

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Monday, 20 February 2023**, the following documents relating to the Building Community forums:

- (a) any briefing notes, file notes, emails, correspondence or other records of interaction since 23 May 2022 between:
  - (i) the Department of the Treasury and the Assistant Minister for Competition, Charities and Treasury or his office, or
  - (ii) the Department of the Prime Minister and Cabinet and the Assistant Minister for Competition, Charities and Treasury or his office,in relation to:
  - (iii) the invitations sent to all invitees to the forums, and
  - (iv) the criteria used to determine which stakeholders would be considered as ‘charity leaders’ to be invited to the forums (as described in a social media post made by the Assistant Minister on 15 August 2022);
- (b) a copy of all of the invitations sent to all invitees to the forums;
- (c) a copy of all visual presentations used and/or materials distributed at the forums;
- (d) any follow up briefing notes, file notes, emails, correspondence or other records of interaction from the forums; and
- (e) the cost breakdown for each forum, including but not limited to:
  - (i) venue hire,
  - (ii) transport,
  - (iii) catering, and
  - (iv) travel costs.

**Moved by:** Senator Dean Smith

**Date agreed to:** 8 February 2023

**Letter of response and documents provided:** [1 March 2023](#) (with regards to paragraph (d) the minister notes that he does not have permission from the senders to share the documents; in relation to paragraph (e) the regular expenditure reports provided by the Independent Parliamentary Expenses Authority are the appropriate mechanism for transparency and accountability regarding work-related travel of parliamentarians)

**Order partially complied with**

## No. 149—Home loan interest rates

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Friday, 10 February 2023**, the following documents relating to the rollover of fixed rate mortgages to variable rate mortgages:

- (a) any briefing notes, file notes, emails, correspondence or other records of interaction since 30 January 2023 between:
  - (i) the Department of the Treasury and the Treasurer or his office,
  - (ii) the Department of the Treasury and the Reserve Bank of Australia,
  - (iii) the Department of the Treasury and the Australian Bureau of Statistics, or
  - (iv) the Department of the Treasury and the Australian Prudential Regulation Authority; in relation to:
- (b) data collection relating to new home loan lending, by fixed and variable interest rate;
- (c) lending data from the Economic and Financial Statistics collection mentioning Australian mortgage holders due to switch from fixed to variable interest rates; and
- (d) Reserve Bank of Australia internal data referring to a number or value of loans by interest rate type.

**Moved by:** Senator Dean Smith

**Date agreed to:** 9 February 2023

**Letters of response provided:** [14 February 2023](#) and [6 March 2023](#) (stating that Treasury officials are actively progressing the request, but additional time is required)

**Additional letter of response provided:** [20 March 2023](#) (attaching two records meeting the criteria in the order, with the redaction of information:

- to comply with data confidentiality and secrecy provisions in the *Australian Prudential Regulation Authority Act 1998*;
- that is personal in nature; and
- outside the scope of the order)

**Order substantially complied with**

## No. 150—Petroleum Exploration Permit 11

- (1) That the following documents be laid on the table by the Minister representing the Minister for Resources, **by no later than 5 pm on 3 March 2023**:
  - (a) all requests for advice from the minister's office to the Department of Industry, Science and Resources in respect of Petroleum Exploration Permit 11 (PEP-11) and subsequent responses;
  - (b) any brief to the new Minister for Resources specifically in relation to the advice, legal or otherwise, on PEP-11; and
  - (c) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Minister and/or department and stakeholders (including any employee or non-executive director of Asset Energy, Advent Energy, MEC Resources, BPH Energy and Grandbridge Limited) with reference to PEP-11.
- (2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 9 February 2023

**Letter of response and document provided:** [7 March 2023](#) (raising public interest immunity claims)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Disclosure of privileged legal advice
- Disclosure may prejudice future decisions on PEP-11

**Order partially complied with**

**No. 151—Petroleum Exploration Permit 11**

- (1) That the following documents be laid on the table by the Minister representing the Prime Minister, **by no later than 5 pm on 3 March 2023:**
  - (a) all requests for advice from the Prime Minister's office to any government department in respect of Petroleum Exploration Permit 11 (PEP-11) and subsequent responses;
  - (b) any brief to the new Prime Minister specifically in relation to the advice, legal or otherwise, on PEP-11; and
  - (c) any briefing notes, minutes, file notes and emails regarding meetings conducted between the Minister and/or relevant department and stakeholders (including any employee or non-executive director of Asset Energy, Advent Energy, MEC Resources, BPH Energy and Grandbridge Limited) with reference to PEP-11.
- (2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 9 February 2023

**Letter of response and document provided:** [7 March 2023](#) (raising public interest immunity claims)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Disclosure of privileged legal advice
- Disclosure may prejudice future decisions on PEP-11

**Order partially complied with**

**No. 153—Bunbury Outer Ring Road project—Cost assessment**

That the final independent cost assessment for the Bunbury Outer Ring Road project be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 5 pm on Friday, 10 February 2023.**

**Moved by:** Senator Hanson-Young

**Date agreed to:** 9 February 2023

**Letter of response provided:** [8 March 2023](#) (raising public interest immunity claims)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states, and harm the Commonwealth's ongoing relationship with state governments on this and future infrastructure funding arrangements)

**Order not yet complied with**



## No. 154—Bunbury Outer Ring Road project—Cost assessment

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 5 pm on Friday, 10 February 2023**, in relation to the Bunbury Outer Ring Road project in Western Australia:

- (a) any non-compliance notifications from the proponent to the department, or compliance reports requested by the department since 1 August 2022; and
- (b) the offsets strategy and offsets management plan submitted by the proponent to the department for approval by the Minister.

**Moved by:** Senator Hanson-Young

**Date agreed to:** 9 February 2023

**Letter of response provided:** [13 February 2023](#) (advising that the documents will not be available for tabling until 24 February 2023)

**Additional letter and ordered documents provided:** [28 February 2023](#) (paragraph (a) – enclosing five documents, with redaction of information identifying employees, and where information is out of scope of the order; paragraph (b) – no documents have been identified within scope)

**Order complied with**

## No. 160—Australian Securities and Investments Commission—Deputy Chair

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 9 March 2023**, the report of an investigation conducted by the Treasury into allegations made about the conduct of an Australian Securities and Investments Commission (ASIC) Deputy Chair, referred to in a letter from Treasury Secretary Dr Steven Kennedy to ASIC Chair Mr Joseph Longo on 1 February 2022.

**Moved by:** Senator Bragg

**Date agreed to:** 7 March 2023

**Letter of response provided:** [9 March 2023](#) (raising public interest immunity claims)

**Public interest immunity claim raised:**

- Protection of personal information (disclosure of the information sought would unreasonably infringe the privacy of individuals referred to in the information)
- Disclosure of privileged legal advice

**Order not yet complied with**

## No. 162—Australian carbon credit units

That—

- (a) the Senate rejects the Minister for Climate Change and Energy's claim of public interest immunity, outlined in a letter received by the Environment and Communications Legislation Committee on 1 March 2023, in relation to documents and modelling that would demonstrate the forecast use of Australian carbon credit units because this information would not in any way disclose the deliberations of Cabinet ministers; and
- (b) there be laid on the table by the Minister representing the Minister for Climate Change and Energy, Senator Wong, **by 4 pm on Thursday, 9 March 2023**, the documents and modelling relied on for the forecast usage of Australian carbon credit units over the decade to 2030.

**Moved by:** Senator Hanson-Young

**Date agreed to:** 7 March 2023

**Letter of response provided:** [9 March 2023](#) (raising public interest immunity claims)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (Cabinet documents are not provided in response to orders for documents)
- Market sensitivities (providing Government forecasts of Australian Carbon Credit Units (ACCU) market demand would be a signal to the market, creating the potential risk of significant flow-on effects for the operation of future auctions for Australian Government purchase of ACCUs)

**Motion relating to compliance with order (182):** [21 March 2023](#) (rejecting the public interest immunity claims)

**Order not yet complied with**

## No. 163—Environmental biosecurity risk management

That there be laid on the table, by the Minister for Agriculture, **by no later than 5 pm on 6 April 2023**, the following documents:

- (a) the final report of the national environmental biosecurity stocktake of activities in 2016-17, referred to on page 17 of the Inspector General of Biosecurity's 2019 report, *Environmental biosecurity risk management in Australia*;
- (b) the final reports of the national stocktakes of biosecurity investment for 2013-14, 2014-15 and 2015-16 (referred to on page 107 of the 2017 intergovernmental agreement on biosecurity review final report, *Priorities for Australia's biosecurity system: An independent review of the capacity of the national biosecurity system and its underpinning intergovernmental agreement*); and
- (c) any other national stocktakes of biosecurity investment undertaken in relation to years after 2015-16 or any other national environmental biosecurity stocktake in relation to years after 2016-17.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 8 March 2023

**Ordered documents provided:** [6 April 2023](#) (noting that the minister's department does not hold documents relevant to paragraph (c))

**Order complied with**

## No. 164—National Offshore Petroleum Safety and Environmental Management Authority—Otway Basin—Inspection report

- (1) That there be laid on the table by the Minister representing the Minister for Resources, **by no later than 5 pm on 6 April 2023**, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) final inspection report for the petroleum environmental inspection of the Schlumberger Otway Basin 2DMC Marine Seismic Survey, and associated documents, including:
  - (a) details of the proposed scope for this inspection and areas of focus;
  - (b) details of other issues that arose during the course of the inspection;
  - (c) the overview of the observations and findings from the inspection;
  - (d) the conclusions and recommendations of that report;
  - (e) the Schlumberger response to these recommendations; and
  - (f) the documentation collected by NOPSEMA in the course of the inspection.

- (2) That the Senate:
- (a) notes the freedom of information disclosure F184 by NOPSEMA on 22 February 2023; and
  - (b) refers the Minister representing the Minister for Resources to Senate resolution no. 51 relating to the application of *Freedom of Information Act 1982* provisions to the Senate's inquiry powers.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 8 March 2023

**Letter of response and ordered documents provided:** [20 April 2023](#) (enclosing documents within the scope of the order, and raising a public interest immunity claim with respect to disclosure of parts of certain documents)

**Public interest immunity claim raised:** Prejudice to an active investigation (tabling information in parts of the documents would be prejudicial to an active NOPSEMA investigation)

**Order partially complied with**

### No. 169—Proposed superannuation changes—Modelling

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Thursday, 16 March 2023**, any advice or modelling provided by Treasury showing that 80,000 or 0.5% of Australians will be affected by the Government's proposed superannuation changes, referred to in the Prime Minister's press conference on 28 February 2023.

**Moved by:** Leader of the Opposition in the Senate (Senator Birmingham)

**Date agreed to:** 8 March 2023

**Letter of response provided:** [20 March 2023](#) (stating that one relevant document is in scope, but declining to provide it on public interest grounds)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (the document is a Cabinet submission, and Cabinet documents are not provided in response to orders for documents, consistent with the principle that deliberations of the Executive Council and of the Cabinet should be able to be conducted in secrecy so as to preserve the freedom of deliberation of those bodies)

**Order not yet complied with**

### No. 170—Proposed superannuation changes—Modelling

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Thursday, 16 March 2023**, any advice or modelling provided by Treasury showing that 1 in 10 Australians will be affected by the Government's proposed superannuation changes over 30 years, referred to by the Minister for Finance and the Treasurer during question time on 6 March 2023.

**Moved by:** Leader of the Opposition in the Senate (Senator Birmingham)

**Date agreed to:** 8 March 2023

**Letter of response and ordered documents provided:** [20 March 2023](#) (attaching the two documents falling within the scope of the order)

**Order complied with** (see also order no. [193](#))

## No. 171—Clarion-Clipperton Zone—Environmental monitoring and management plan

That there be laid on the table by the Minister representing the Minister for Industry and Science, **by no later than 5 pm on 6 April 2023**, the following documents:

- (a) the agreement between the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and The Metals Company (TMC) in relation to the development of an environmental monitoring and management plan (EMMP) for its proposed deep-sea polymetallic nodule collection operations in the Clarion-Clipperton Zone of the Pacific Ocean;
- (b) details of the \$1.5 million payment by TMC made to CSIRO in respect of the EMMP or any associated work, including any terms or conditions applied;
- (c) communication between CSIRO and TMC (including its owners) in respect of the EMMP;
- (d) communication between CSIRO and organisations included in the CSIRO-led consortium involved in the development of the EMMP;
- (e) any environmental baseline data being used by CSIRO in the development of the EMMP, including any provided by TMC;
- (f) any draft of the EMMP or framework used in its development; and
- (g) any communication with any Commonwealth Government department in relation to the EMMP and the formation of the CSIRO-led consortium.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 8 March 2023

**Ordered documents provided:** [6 April 2023](#)

**Order complied with**

## No. 176—Australian Labor Party—Discretionary payments

That there be laid on the table by the Minister for Finance, **by no later than 5 pm on 27 March 2023**, all documents relating to:

- (a) the \$1.456 million in discretionary payments from the Department of Finance to the Australian Labor Party in the 2021-22 financial year; and
- (b) discretionary payments from the Department of Finance to the Australian Labor Party in the 2022-23 financial year to date.

**Moved by:** Senator Roberts

**Date agreed to:** 20 March 2023

**Letter of response provided:** [30 March 2023](#) (identifying the programs under which discretionary payments were made to the ALP, and stating that funding under the programs is disclosed in annual returns on the AEC Transparency Register)

**Order not yet complied with**

## No. 183—Freedom of Information Commissioner—Resignation

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 27 March 2023**:

- (a) briefing notes and file notes held by either the Attorney-General and/or his office and/or the Attorney-General's Department, as well as any correspondence between the Attorney-General and/or his office and the Attorney-General's Department in relation to the resignation of Mr Leo Hardiman PSM KC as Freedom of Information Commissioner, dated 5 March 2023;

- (b) briefing notes and file notes held by either the Attorney-General and/or his office and/or the Attorney-General's Department, as well as any correspondence between the Attorney-General and/or his office and the Freedom of Information Commissioner and/or any correspondence between the Attorney-General's Department and the Freedom of Information Commissioner in relation to the Commissioner's resignation;
- (c) briefing notes and file notes held by either the Attorney-General and/or his office and/or the Attorney-General's Department, as well as any correspondence between the Attorney-General and/or his office and the Freedom of Information Commissioner and/or the Attorney-General's Department and the Freedom of Information Commissioner in relation to the Commissioner's resignation statement; and
- (d) briefing notes and file notes held by either the Attorney-General and/or his office and/or the Attorney-General's Department, as well as any correspondence between the Attorney-General and/or his office and the Freedom of Information Commissioner and/or the Attorney-General's Department and the Freedom of Information Commissioner in relation to resourcing of the functions of the Freedom of Information Commissioner and/or the backlog of FOI reviews.

**Moved by:** Senator Cash

**Date agreed to:** 22 March 2023

**Letter of response and ordered documents provided:** [27 March 2023](#) (attaching information sought by the order, with redaction of material not relevant to the scope of the order; and declining to provide the remainder of the documents on public interest grounds)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (release of the information would, or might reasonably be expected to, disclose deliberations of the Cabinet, including those linked to the Budget process, disclosure of which would undermine the decision-making process for allocating public resources to the Government's policy priorities)
- Privacy (disclosure of information provided on a confidential basis may cause harm to the personal and professional reputations of a number of individuals, including staff at the Office of the Information Commissioner, and may affect the willingness of other individuals to provide information in the future; and could impede the frankness of future communications between statutory office holders and ministers)

**Motion concerning compliance with order (221):** [30 March 2023](#) (requiring the minister to provide an explanation of the failure to fully comply with the order, on 30 March 2023) [[statement made responding to motion](#)]

**Explanation provided:** [30 March 2023](#)

**Order partially complied with**

## No. 184—SmartCard scheme

That there be laid on the table by the Minister representing the Minister for Social Services, **by no later than 5 pm on 11 April 2023:**

- (a) each contract for the delivery of the SmartCard, including the contract with Indue Ltd (Contract Notice ID: 3945982); and
- (b) any documents showing the total cost of the SmartCard scheme since inception.

**Moved by:** Senator Rice

**Date agreed to:** 21 March 2023

**Letter of response provided:** [24 April 2023](#) (stating that the minister is unable to provide the contracts for the delivery of the card; but providing a summary of details of the contracts, while noting full details are available on AusTender; and that there are no documents that show total costs to date)

**Public interest immunity claim raised:** Damage to commercial interests (the documents contain details of commercial strategies, fee and pricing structures and intellectual property that could disadvantage contracted providers and advantage competitors if disclosed)

**Motion concerning compliance with order (224):** [10 May 2023](#) (requiring the minister to comply with the order by no later than 2 pm on 8 June 2023)

**Additional letter of response provided:** [19 June 2023](#) (maintaining the public interest immunity claim previously raised)

**Paragraph (a) not yet complied with; and no documents exist in respect of paragraph (b)**

## No. 186—Startup Year program

That the Senate—

- (a) notes that:
- (i) on 29 September 2022, the Government announced the commencement of the Startup Year program consultation process, releasing a consultation paper, and called for submissions by 15 November 2022,
  - (ii) during the consultation, the Government also conducted a survey in relation to the Startup Year program with current students and recent graduates,
  - (iii) the Government has not made public all submissions it has received or details of the student survey, and
  - (iv) following the introduction of the Education Legislation Amendment (Startup Year and Other Measures) Bill 2023, the bill is scheduled to be introduced into the Senate on 23 March 2023; and
- (b) orders that there be laid on the table by the Minister representing the Minister for Education, **by no later than 10 am on Thursday, 23 March 2023**, the following information relating to the consultation on the Startup Year program:
- (i) a copy of each such submission made to the Government, and
  - (ii) a copy of the details of the student survey, including all data collected and the analysis of such data.

**Moved by:** Senator Henderson

**Date agreed to:** 21 March 2023 ([statement by leave](#))

**Letter of response and ordered documents provided:** [23 March 2023](#) (attaching documents in scope of the order, but withholding submissions where the author has not agreed to publication, on public interest grounds)

**Public interest immunity claim raised:** Impact on future stakeholder engagement (the Government maintains that it is not in the public interest to depart from the established practice of allowing stakeholders to make submissions in a consultation process that are not shared beyond the government of the day, and to break this convention would undermine future consultation processes)

**Order partially complied with**

## No. 188—Parliament—Cost of sitting

That—

- (a) the Senate notes that:
- (i) on 6 March 2023, the Senate ordered the Minister for Finance to lay on the table documents in relation to the cost of recalling Parliament for the 15 December 2022 unscheduled sitting, and

- (ii) on 9 March 2023, the Government responded to the order by stating it could not be complied with as it is not possible to differentiate between parliamentarians' travel for the purpose of Parliament versus other official business; and
- (b) there be laid on the table by the Minister for Finance, **by no later than 5 pm on 27 March 2023**, all costs for the period of 13 to 16 December 2022 inclusive, in relation to the following categories:
  - (i) parliamentarian travel allowance,
  - (ii) parliamentarian airfares,
  - (iii) parliamentarian Commonwealth Car, cabcharge and rideshare expenses,
  - (iv) staff travel allowance,
  - (v) staff airfares,
  - (vi) staff cabcharge and rideshare expenses,
  - (vii) any additional staffing requirements, including, but not limited to, security services, attendants, restaurants and catering staff, and
  - (viii) any other costs in relation to the recalling of Parliament.

**Moved by:** Senator Roberts

**Date agreed to:** 22 March 2023 (see also order no. [124](#))

**Letter of response provided:** [30 March 2023](#) (stating that costs relating to travel will be disclosed in the normal process through quarterly public expenditure reporting when reporting resumes in the second half of 2023; and that as prior to release parliamentarians have an opportunity to review expenditure, releasing the information prior to this time has the potential to result in inaccurate information being reported)

**Order not yet complied with**

## No. 193—Proposed superannuation changes

That there be laid on the table by the Minister representing the Treasurer, **by 9.30 am on Friday, 24 March 2023:**

- (a) the complete email and any associated attachments sent on Friday, 3 March 2023 at 6.03 pm, with the subject line 'Large balances: Q&A for QT and additional info [SEC=OFFICIAL]', to or from the Treasurer's office or the Treasury; and
- (b) any document titled 'Large superannuation balances' generated within the Treasury or the Treasurer's office between 2 and 10 March 2023 that contains the following text: 'In 30 years, it projected that roughly only the top 10 per cent of earners will retire with superannuation balances of around \$3 million or more'.

**Moved by:** Leader of the Opposition in the Senate (Senator Birmingham)

**Date agreed to:** 22 March 2023 (see also order no. [170](#))

**Motion concerning compliance with order (209):** [28 March 2023](#) (requiring the minister to comply by midday on 29 March 2023)

**Letter of response provided:** [30 March 2023](#) (stating that the request is being actively progressed, but given the tight timeframe, and significant volume of orders for documents, additional time is required to finalise the request)

**Additional letter of response and ordered documents provided:** [27 April 2023](#) (with redaction of personal information of staff below the SES level, and contact details of senior staff)

**Order complied with**

## No. 199—Improving Access to Medicinal Cannabis Bill 2023

That there be laid on the table by the Minister representing the Minister for Health and Aged Care, **by no later than 30 March 2023**, any correspondence in relation to the Improving Access to Medicinal Cannabis Bill 2023 sent or received by:

- (a) the Therapeutic Goods Administration;
- (b) the Department of Health; or
- (c) the Minister for Health and Aged Care and/or his office.

**Moved by:** Senator Roberts

**Date agreed to:** 27 March 2023

**Letter of response and ordered documents provided:** [31 March 2023](#) (with redaction of personal information and draft material)

**Order complied with**

## No. 200—MRH-90 helicopter—Jervis Bay incident

- (1) That there be laid on the table by the Minister representing the Minister for Defence, **by 11 May 2023**, all incident reports, safety evaluations, briefing notes, correspondence and information held by:
  - (a) the Department of Defence;
  - (b) the Minister; or
  - (c) the Minister's office;in relation to the 22 March 2023, Jervis Bay incident involving an MRH-90 helicopter.
- (2) Information identifying personnel and information in relation to training techniques may be appropriately redacted from the documents.

**Moved by:** Senator Roberts

**Date agreed to:** 27 March 2023

**Letter of response provided:** [12 May 2023](#) (indicating that the department is conducting an internal investigation and the Minister intends to respond to the order when the investigation is complete)

**Motion concerning compliance with order (243):** [22 June 2023](#) (requiring the minister to comply by midday on 1 November 2023)

**Explanation sought under standing order 164(3):** [6 December 2023](#)

**Letter of response provided:** [7 December 2023](#) (advising that the internal investigation into the incident remains ongoing and that the Deputy Prime Minister intends to respond to the order when the investigation is complete, currently due to be finalised by March 2024)

**Order not yet complied with**

## No. 210—Ceduna—Alcohol and drug-related crime and injuries

That the Senate—

- (a) notes that, during question time on Monday, 27 March 2023, the Minister representing the Prime Minister, Senator Farrell, said, in a response to a question from Senator O'Sullivan regarding the number of offences committed in Ceduna, 'I think the most recent reports that the Minister has received from her Department indicate there has been a decline in admissions and presentations due to alcohol and drugs or injuries in Ceduna'; and



- (b) orders that there be laid on the table by the Minister representing the Minister for Social Services, **by no later than midday on Wednesday, 29 March 2023**, any reports, briefing notes, file notes, emails and correspondence regarding admissions and presentations in Ceduna, referred to by Senator Farrell in his answer.

**Moved by:** Leader of the Opposition in the Senate (Senator Birmingham)

**Date agreed to:** 28 March 2023

**Letter of response provided:** [30 March 2023](#) (stating that it will not be possible to produce the documents by the requested time, and the department will endeavour to produce the documents on 6 April 2023)

**Additional letter of response provided:** [24 April 2023](#) (stating that the response to estimates question on notice DSS SQ23-000196 provides the information requested)

**Order complied with**

### **No. 215—South East Trawl Fishery—Structural adjustment package**

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than 5 pm on 28 April 2023:**

- (a) any meeting notes, consultation documents or communication between the Department of Agriculture, Fisheries and Forestry and the Australian Fisheries Management Authority in relation to the South East Trawl Fishery structural adjustment package;
- (b) any data used in decision-making for the reduction in allowable catch for the South East Trawl Fishery;
- (c) any scientific advice provided in relation to the structural adjustment package;
- (d) any other correspondence, documentation or meeting notes pertaining to the implementation and design of the structural adjustment package; and
- (e) data, scientific assessment and other relevant documentation, including maps, used for the spatial closure of the South East Trawl Fishery.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 29 March 2023

**Letter of response provided:** [28 April 2023](#) (stating that the department is identifying and considering documents within scope of the order, and that the Government will finalise the response as soon as possible)

**Additional letter of response and ordered documents provided:** [11 May 2023](#) (withholding a number of documents on public interest grounds)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (documents withheld on the basis that they may have the effect of disclosing the deliberations of Cabinet; could set a precedent and compromise the ability to confidentially brief the government and may materially impact the functioning of government)
- Disclosure of privileged legal advice (a number of documents withheld on the basis that they contain information which could be subject to a claim for legal professional privilege; where real harm may flow from the waiving of privilege, legal advice should remain confidential)

**Order partially complied with**

## No. 216—Great Barrier Reef

That there be laid on the table by the Minister for Foreign Affairs, **by no later than 5 pm on 28 April 2023**, in relation to the Great Barrier Reef and the next meeting of the UN World Heritage Committee due in September 2023 (including references to in-danger listing), any communication by the Department of Foreign Affairs and Trade with:

- (a) the Department of Climate Change, Energy, the Environment and Water;
- (b) the Great Barrier Reef Marine Park Authority; and
- (c) Australian embassies and/or High Commissions representing Australia in World Heritage Committee member countries.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 29 March 2023

**Letter of response and ordered documents provided:** [10 May 2023](#) (attaching documents within scope of the order, with redaction of material out of scope of the order, and on public interest grounds)

**Public interest immunity claims raised:**

- Prejudice to international relations
- Disclosure of Cabinet deliberations (documents referring to Cabinet processes are not provided, consistent with the principle that deliberations of the Executive Council and the Cabinet should be able to be conducted in secrecy)

**Order partially complied with**

## No. 223—Treasury Laws Amendment (2023 Measures No. 1) Bill 2023

That the Senate—

- (a) notes that:
  - (i) a key role of the Senate is scrutiny of government revenue measures,
  - (ii) in April 2023, Senator Bragg requested the Parliamentary Budget Office (PBO) prepare a costing of Schedule 5 to the Treasury Laws Amendment (2023 Measures No. 1) Bill 2023, including the methodology and assumptions used by the Treasury,
  - (iii) the methodology and assumptions used to cost government revenue measures should be easily disclosable to the PBO and made available to senators in a general anonymised form as part of costing requests, and
  - (iv) any sensitive documents or data provided to the PBO can be handled by that office under strict confidentiality provisions and there is no expectation that any confidential taxpayers' data would be disclosed to anyone outside the PBO;
- (b) orders that there be laid on the table by the Minister representing the Treasurer, **by no later than midday on 11 May 2023**, the methodology and assumptions used to cost Schedule 5 to the Treasury Laws Amendment (2023 Measures No. 1) Bill 2023.

**Moved by:** Senator Bragg

**Date agreed to:** 10 May 2023 ([statement by leave](#))

**Letter of response provided:** [15 May 2023](#) (attaching a response to a question on notice arising from supplementary Budget estimates hearings of the Economics Legislation Committee)

**Order complied with**

## No. 225—Unanswered estimates questions on notice

That—

- (a) the Senate notes that, as at 9 am on Monday, 8 May 2023, 1,929 questions on notice from the 2022-23 supplementary Budget estimates remain unanswered and are overdue:
- (i) Prime Minister and Cabinet, 591 questions,
  - (ii) Defence, 408 questions,
  - (iii) Health and Aged Care, 401 questions,
  - (iv) Social Services, 189 questions,
  - (v) Foreign Affairs and Trade, 133 questions,
  - (vi) Infrastructure, Transport, Regional Development, Communications and the Arts, 52 questions,
  - (vii) Employment and Workplace Relations, 42 questions,
  - (viii) Climate Change, Energy, the Environment and Water, 26 questions,
  - (ix) Finance, 26 questions,
  - (x) Treasury, 25 questions,
  - (xi) Services Australia, 22 questions,
  - (xii) Industry, Science and Resources, 9 questions, and
  - (xiii) Attorney-General's, 4 questions;
- (b) there be laid on the table by the Leader of the Government in the Senate, **by no later than 9 am on Thursday, 18 May 2023**, the answers to all 1,929 unanswered questions on notice from the 2022-23 supplementary Budget estimates; and
- (c) the Senate requires the Leader of the Government in the Senate to attend the chamber at the conclusion of formal business on Thursday, 11 May 2023, to provide an explanation, for no more than 10 minutes, of the failure of the Government to comply with timely response to questions on notice, as required under the standing orders;
- (d) any senator may move to take note of the explanation required by paragraph (c); and
- (e) any motion under paragraph (d) may be debated for no longer than 30 minutes, shall have precedence over all other business until determined, and senators may speak to the motion for not more than 5 minutes each.

**Moved by:** Senator Cash

**Date agreed to:** 10 May 2023

**Letter of response provided:** [20 October 2023](#) (advising that there are no unanswered questions on notice remaining from the 2022-23 supplementary Budget estimates)

**Order complied with**

## No. 229—National Disability Insurance Scheme Financial Sustainability Framework

That there be laid on the table by the Minister representing the Minister for the National Disability Insurance Scheme, **by no later than 4.30 pm on 11 May 2023**, the National Disability Insurance Scheme Financial Sustainability Framework.

**Moved by:** Senator Steele-John

**Date agreed to:** 11 May 2023 (see also orders nos. [253](#), [304](#) and [315](#))

**Letter of response provided:** [12 May 2023](#) (stating that publishing National Cabinet documents would not be appropriate, and that it is impossible for the Government to table the document because it does not yet exist; but providing references within the Budget documents of the commitment to develop a framework)

**Motion concerning compliance with order (303):** [5 September 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [6 September 2023](#)

**Document provided:** [6 September 2023](#)

**Additional motion concerning compliance with order (342):** [14 September 2023](#) (requiring the minister to provide an explanation of failure to comply with the order on the first day of each sitting week until the order is satisfactorily complied with)

**Explanation provided:** [17 October 2023](#)

**No documents exist**

### **No. 235—Credit rating**

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 15 June 2023:**

- (a) a copy of all reports by Moody's Corporation, Fitch Ratings Inc., and S&P Global (or an affiliate or subsidiary of any of the aforementioned) received by the Treasury or the Treasurer's office relating to the Commonwealth of Australia's credit rating since 1 March 2023; and
- (b) a copy of all associated briefing materials, minutes, memorandums and other related documents produced by the Treasury for the Treasurer or his office relating to the Commonwealth of Australia's credit rating.

**Moved by:** Senator Hume

**Date agreed to:** 14 June 2023 (see also order no. [126](#)) ([statement by leave](#))

**Letter of response and documents provided:** [21 June 2023](#)

**Order partially complied with**

### **No. 237—Fisheries industry meetings**

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Wednesday, 21 June 2023:**

- (a) a list of the dates of formal meetings with the Chief Executive Officer of Austral Fisheries personally attended by the Minister for the Environment and Water since 1 June 2022;
- (b) a list of the dates of formal meetings with the Chief Executive Officer of Australian Longline Fishing personally attended by the Minister for the Environment and Water since 1 June 2022; and
- (c) a list of the dates of formal meetings with the Chief Executive Officer of Seafood Industry Australia personally attended by the Minister for the Environment and Water since 1 June 2022.

**Moved by:** Senator Duniam

**Date agreed to:** 14 June 2023

**Ordered documents provided:** [21 June 2023](#)

**Order complied with**

## No. 238—Macquarie Island Marine Park

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Wednesday, 21 June 2023**:

- (a) any emails, file notes, briefing materials or records of other interactions between the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the Minister for the Environment and Water that clearly show and specify the scientific basis of the Minister's decision to expand the size of the Macquarie Island Marine Park; and
- (b) all other documents in the possession of DCCEEW and the office of the Minister for the Environment and Water that clearly show and specify the scientific basis of the Minister's decision to expand the size of the Macquarie Island Marine Park.

**Moved by:** Senator Duniam

**Date agreed to:** 14 June 2023

**Letter of response provided:** [21 June 2023](#) (seeking more time to comply with order)

**Additional letter of response and documents provided:** [27 June 2023](#)

**Order partially complied with**

## No. 240—Native timber harvesting—Western Australia

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, **by no later than midday on Wednesday, 21 June 2023**:

- (a) a list of the dates of formal meetings and discussions between the Minister for Agriculture, Fisheries and Forestry and the Western Australian Minister for Forestry in relation to the implications and consequences of the Andrews Government's decision to end native timber harvesting in Victoria from 1 January 2024;
- (b) any emails, file notes, briefing materials and records of other interactions between the Minister for Agriculture, Fisheries and Forestry and the Western Australian Minister for Forestry in relation to the Andrews Government's decision to end native timber harvesting in Victoria from 1 January 2024;
- (c) a list of the dates of formal meetings and discussions between the Minister for Agriculture, Fisheries and Forestry and the Western Australian Minister for Forestry in relation to the Western Australian Government's decision to end native timber harvesting from 1 January 2024; and
- (a) any emails, file notes, briefing materials and records of other interactions between the Department of Agriculture, Fisheries and Forestry and the Minister for Agriculture, Fisheries and Forestry in relation to the Western Australian Government's decision to end native timber harvesting from 1 January 2024.

**Moved by:** Senator Duniam

**Date agreed to:** 14 June 2023

**Ordered documents provided:** [21 June 2023](#)

**Order complied with**

## No. 242—Macquarie Point—Urban renewal projects

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than Thursday, 22 June 2023**, all information (including documents) relating to the Macquarie Point Precinct and University of Tasmania Stadium 'urban renewal projects' for which the Federal Government has provided \$305 million towards in the 2023-24 Budget under: National Approach for Sustainable Urban Development; Hobart and Launceston – place based co-investments.

**Moved by:** Senator McKim

**Date agreed to:** 14 June 2023

**Letter of response provided:** [23 June 2023](#) (noting that while it is unclear to what specific information is being requested, there is a range of information regarding the project that is publicly available)

**Order not yet complied with**

## No. 244—Great Barrier Reef

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 10 am on 16 June 2023**, the letter in respect of the Great Barrier Reef addressed to United Nations Educational, Scientific and Cultural Organization (UNESCO) Director-General Audrey Azoulay, as referenced in the UNESCO media release of 6 June 2023.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 15 June 2023

**Letter of response provided:** [16 June 2023](#) (stating that the Government is consulting UNESCO ahead of publication, and that the documents will not be available for tabling until 1 July 2023)

**Additional letter of response provided:** [6 July 2023](#) (seeking additional time to comply with order)

**Letter of response and document provided:** [1 August 2023](#)

**Order complied with**

## No. 246—Petroleum resource rent tax—Review of gas transfer pricing

That there be laid on the table by the Minister representing the Treasurer, **by no later than 6 pm on Wednesday, 21 June 2023:**

- (a) all documents (including background material, agenda papers and minutes) relating to the meeting convened on 10 March 2023 by the Treasury with industry participants in respect of possible changes to the gas transfer pricing rules and the petroleum resource rent tax (PRRT);
- (b) a list of all individuals who were invited to the meeting on 10 March 2023, and the organisations they represent;
- (c) a list of all individuals who attended the meeting on 10 March 2023, and the organisations they represent;
- (d) a list of all individuals who signed non disclosure agreements in respect of possible changes to the gas transfer pricing rules and the PRRT, and the organisations they represent; and
- (e) a copy of the non-disclosure agreement in respect of possible changes to the gas transfer pricing rules and the PRRT.

**Moved by:** Senator McKim

**Date agreed to:** 15 June 2023 ([statement made](#))

**Letter of response provided:** [28 June 2023](#) (seeking more time to comply with order)

**Additional letter of response and documents provided:** [24 July 2023](#) (9 documents have been provided in response to the order, a note Treasury prepared for internal purposes has been withheld due to public interest immunity claim)

**Public interest immunity claim raised:** Damage to commercial interests

**Order partially complied with**

## No. 247—Administrative Appeals Tribunal—Resignation of President

That there be laid on the table by the Minister representing the Attorney-General, **by no later than 5 pm on 20 June 2023**:

- (a) all communications between the Attorney-General and/or his office and the Secretary of the Attorney-General's Department, in relation to the resignation of Fiona Meagher as president of the Administrative Appeals Tribunal (AAT), announced on 1 December 2022;
- (b) all documents, including file notes, minutes and briefing materials, relating to any meetings between the former AAT President and the Attorney-General or his office; and
- (c) all documents, including correspondence, file notes, minutes and briefing materials, relating to any meetings between the former AAT President, the Honourable Fiona Meagher, and the Department.

**Moved by:** Senator Cash ([statement made](#))

**Date agreed to:** 15 June 2023

**Letter of response and ordered documents provided:** [20 June 2023](#) (providing documents sought by the order, with the redaction of names and contact details of non-SES officers; and claiming public interest immunity over other documents subject to the order)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (production of the documents would, or might reasonably be expected to, disclose the deliberations of Cabinet that have not otherwise been disclosed)
- Impact on future stakeholder engagement (production of other documents could impede the frankness of future communications between statutory office holders and ministers)

**Motion concerning compliance with order (267):** [22 June 2023](#) (requiring the minister to comply by midday on 28 June 2023)

**Explanation provided:** [31 July 2023](#)

**Order partially complied with**

## No. 248—PricewaterhouseCoopers

That there be laid on the table by the Minister representing the Attorney-General, **by no later than 5 pm on Wednesday, 21 June 2023**:

- (a) all communications between Australian Federal Police Commissioner Reece Kershaw and PricewaterhouseCoopers (PwC) partner Mick Fuller, including, but not limited to, emails, text messages and similar, from 1 July 2022 to date;
- (b) all documents, including, but not limited to, correspondence, file notes, minutes and briefing materials relating to any meetings between Australian Federal Police Commissioner Reece Kershaw and PwC partner Mick Fuller from 1 July 2022 to date; and
- (c) all documents, including, but not limited to, file notes, minutes and briefing materials relating to communications between Australian Federal Police Commissioner Reece Kershaw and PwC partner Mick Fuller provided to or held by the Attorney-General and his office, the Secretary of the Attorney-General's Department or the Attorney-General's Department from 1 July 2022 to date.

**Moved by:** Senator Shoebridge

**Date agreed to:** 15 June 2023

**Letter of response and ordered documents provided:** [21 June 2023](#) (attaching documents sought by the order, and a summary of the purpose of the five meetings between the Commissioner and a PwC partner; and stating that documents have not been provided, or material has been redacted from the minutes of meetings, on public interest grounds)

#### **Public interest immunity claims raised:**

- Commonwealth and state relations (disclosure of junior officers' names could prejudice relations between the Commonwealth and the ACT)
- Adverse impact on law enforcement policy and functions
- Protection of personal information (disclosure of the information sought would unreasonably infringe the privacy of individuals)

#### **Order partially complied with**

### **No. 249—Infrastructure and transport ministers meeting**

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 1 pm on 21 June 2023**, all papers circulated for discussion at the infrastructure and transport ministers meeting held on 9 June 2023, including:

- (a) the agenda;
- (b) any briefing papers or agenda papers on the items listed on the meeting agenda;
- (c) any attachments or consultant reports providing additional material to support briefing papers;
- (d) minutes and action reports of previous meetings;
- (e) any PowerPoint presentations provided either with the agenda papers or during the conduct of the meeting; and
- (f) any other document provided to the full membership of the infrastructure and transport ministers meeting for consideration at the meeting on 9 June 2023.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 15 June 2023

**Letter of response provided:** [21 June 2023](#) (the Government claims public interest immunity over documents relating to the order; and stating that a communique outlining key decisions and outcomes is available on the department's website)

**Public interest immunity claims raised:** Commonwealth and state relations (disclosure would cause prejudice to the relations)

#### **Order not yet complied with**

### **No. 250—Procurement policy**

That there be laid on the table by the Minister for Finance, **by no later than midday on Thursday, 22 June 2023:**

- (a) all departmental briefs, drafts or documents created in the Department of Finance relating to the preparation of the 'Procurement policy note – Ethical conduct of tenders and suppliers';
- (b) all emails, text messages and other communications between the Minister and officials from the department or between the Minister's office and the department relating to the preparation of the 'Procurement policy note – Ethical conduct of tenders and suppliers'; and
- (c) any related documents.

**Moved by:** Senator Hume

**Date agreed to:** 19 June 2023 ([statement made](#))

**Letter of response and documents provided:** [23 June 2023](#)

#### **Order complied with**



## No. 251—Estimates hearings—Briefing materials

That there be laid on the table by the Minister for Finance, **by no later than midday on Thursday, 22 June 2023**:

- (a) all briefing materials prepared for the Minister for Finance by the Department of Finance relating to the Budget estimates hearings of the Finance portfolio by the Finance and Public Administration Legislation Committee; and
- (b) all briefing materials prepared by the department for the members of the Senior Executive Service of the department relating to the Budget estimates hearings of the Finance portfolio by the Finance and Public Administration Legislation Committee.

**Moved by:** Senator Hume

**Date agreed to:** 19 June 2023 ([statement made](#))

**Letter of response provided:** [6 July 2023](#) (stating that the Government considers the scope and requirements of the order to be unprecedented and onerous, and stating that its ability to support estimates processes in the future could be irreparably damaged)

**Order not yet complied with**

## No. 253—National Disability Insurance Scheme Financial Sustainability Framework

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Tuesday, 20 June 2023**, the NDIS Financial Sustainability Framework.

**Moved by:** Senator Steele-John

**Date agreed to:** 19 June 2023 (see also orders nos. [229](#), [304](#) and [315](#))

**Letter of response provided:** [20 June 2023](#) (claiming public interest immunity over the document)

**Public interest immunity claim raised:** Commonwealth and state relations (the document was prepared for a National Cabinet meeting, and its release would be detrimental)

**Motion concerning compliance with order (264):** [22 June 2023](#) (requiring the minister to comply by 4.30 pm on 22 June 2023) ([statement made](#))

**Additional letter of response provided:** [6 July 2023](#) (maintaining the public interest immunity claim previously raised)

**Motion concerning compliance with order (303):** [5 September 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [6 September 2023](#)

**Document provided:** [6 September 2023](#)

**Additional motion concerning compliance with order (342):** [14 September 2023](#) (requiring the minister to provide an explanation of failure to comply with the order on the first day of each sitting week until the order is satisfactorily complied with) ([statement made](#))

**Explanation provided:** [17 October 2023](#)

**Order not yet complied with**

## No. 254—Tax avoidance—Country-by-country reporting

That there be laid on the table by the Minister representing the Treasurer, **by no later than 6 pm on Wednesday, 21 June 2023**, all submissions to the Treasury consultation on public country-by-country reporting.

**Moved by:** Senator McKim

**Date agreed to:** 19 June 2023 ([statement made](#))

**Letter of response and documents provided:** [23 June 2023](#) (attaching 51 of 56 documents that had been identified as meeting the terms of the order, and withholding the remainder on public interest grounds)

**Public interest immunity claim raised:** Impact on future stakeholder engagement (the remaining submissions were communicated in confidence, and disclosure could adversely affect relationships and detract from future consultation processes with the Treasury)

**Order partially complied with**

## No. 255—Maugean skate

- (1) That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 10 am on 22 June 2023:**
  - (a) the letter sent by the Minister for the Environment and Water to the Tasmanian Government in relation to the maugean skate, as referenced in Senate questions without notice on 14 June 2023; and
  - (b) the response from the Tasmanian Government to that letter.
- (2) That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on 23 June 2023**, the minutes of the meeting of the Threatened Species Scientific Committee held during the week beginning 6 June 2023, as referenced in Senate questions without notice on 14 June 2023.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 19 June 2023

**Letter of response and document provided:** [23 June 2023](#) (Paragraphs (1)(a) and (2) of the order has been complied with, redactions of text not in the scope of the order have been redacted; paragraph (1)(b) has not been provided as further consultation is being sort before doing so)

**Order partially complied with**

## No. 257—PricewaterhouseCoopers

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Wednesday, 28 June 2023:**

- (a) all documents, including but not limited to correspondence, file notes, minutes and briefing materials relating to any communication between the Australian Taxation Office (ATO) and the Australian Federal Police (AFP) in relation to the PricewaterhouseCoopers (PwC) tax scandal, from January 2016 to date;
- (b) all information, including but not limited to emails, notes and correspondence shared by the ATO with the AFP from January 2018 to July 2020 in relation to the PwC tax scandal; and
- (c) all documents, including but not limited to correspondence, file notes, minutes and briefing materials relating to the decision by the AFP and the ATO that there was insufficient information to refer the PwC tax scandal to the AFP for investigation.

**Moved by:** Senator Barbara Pocock

**Date agreed to:** 20 June 2023 ([statement made](#))

**Letter of response provided:** [6 July 2023](#) (seeking more time to comply with order to allow consultation with the ATO and AFP noting that the information sought could prejudice the ongoing investigation into PwC )

**Additional letter of response provided:** [20 July 2023](#) (confirming that the documents could prejudice the investigation and raising public interest immunity claims)

**Public interest immunity claims raised:** Interference with an investigation in progress by a law enforcement agency

**Motion concerning compliance with order (274):** [2 August 2023](#) (requiring the minister to comply by midday on Monday, 7 August 2023)

**Additional letter of response provided:** [9 August 2023](#) (maintaining the public interest immunity claim previously raised, but raising additional information to outline the basis on which the claim applies)

**Order not yet complied with**

## Australian Securities and Investments Commission—Current and closed investigations

- (1) That the Senate orders that there be provided to the Senate Economics References Committee by the Minister representing the Treasurer, **by no later than midday on Tuesday, 18 July 2023**, the answers that provide the information sought by the questions listed in Table 1.3 of the report of the Senate Economics References Committee on its inquiry into the capacity and capability of the Australian Securities and Investments Commission (ASIC) to undertake proportionate investigation and enforcement action arising from reports of alleged misconduct.
- (2) That **on Wednesday, 19 July 2023** the Economics References Committee report to the Senate whether the documents have been provided to the committee in accordance with paragraph (1).
- (3) In the event that the order is not complied with in full by the due date, the Senate requires that the Minister representing the Treasurer attend the Senate on Wednesday, 2 August 2023 at the conclusion of motions to take note of answers, to provide an explanation of the failure to comply with the order, and that:
  - (a) any senator may move to take note of the explanation; and
  - (b) any such motion may be debated for no longer than 90 minutes, shall have precedence over all other business until determined, and senators may speak to the motion for not more than 10 minutes each.

**Moved by:** Chair of the Economics References Committee (Senator Bragg)

**Date agreed to:** 20 June 2023 (on a motion to adopt the recommendations of an interim report of the committee)

**Letter of response provided:** [20 July 2023](#) (stating that Assistant Treasurer nor the Treasurer have possession of the documents that are subject of the order, and that ASIC is an independent regulator and that the Government does not intervene in ASIC's investigations and enforcement decisions)

**Additional letter of response provided:** [28 July 2023](#) (from the Chair of the Economics References Committee, stating that the committee has considered the response provided on 20 July 2023 and maintains its view that the orders have not been complied with)

**Explanation provided:** [2 August 2023](#)

**Order not yet complied with**

## Australian Securities and Investments Commission—Public interest immunity claim

- (1) That the Senate orders that there be provided to the Senate Economics References Committee by the Minister representing the Treasurer, **by no later than midday on Tuesday, 18 July 2023**, the answers that provide the information sought by the questions listed in Table 1.4 of the report of the Senate Economics References Committee on its inquiry into the capacity and capability of the Australian Securities and Investments Commission (ASIC) to undertake proportionate investigation and enforcement action arising from reports of alleged misconduct.
- (2) That on Wednesday, 19 July 2023 the Economics References Committee report to the Senate whether the documents have been provided to the committee in accordance with paragraph (1).
- (3) In the event that the order is not complied with in full by the due date, the Senate requires that the Minister representing the Treasurer attend the Senate on Wednesday, 2 August 2023 at the conclusion of motions to take note of answers, to provide an explanation of the failure to comply with the order, and that:
  - (a) any senator may move to take note of the explanation; and
  - (b) any such motion may be debated for no longer than 90 minutes, shall have precedence over all other business until determined, and senators may speak to the motion for not more than 10 minutes each.

**Moved by:** Chair of the Economics References Committee (Senator Bragg)

**Date agreed to:** 20 June 2023 (on a motion to adopt the recommendations of an interim report of the committee)

**Letter of response provided:** [20 July 2023](#) (stating that Assistant Treasurer nor the Treasurer have possession of the documents that are subject of the order, and that ASIC is an independent regulator and that the Government does not intervene in ASIC's investigations and enforcement decisions)

**Additional letter of response provided:** [28 July 2023](#) (from the Chair of the Economics References Committee, stating that the committee has considered the response provided on 20 July 2023 and maintains its view that the orders have not been complied with)

**Explanation provided:** [2 August 2023](#)

**Order not yet complied with**

## No. 260—Sovereignty of First Peoples

That there be laid on the table by the Minister representing the Minister for Indigenous Australians, **by no later than midday on 24 July 2023:**

- (a) all correspondence between the offices of any of the following: the Minister for Indigenous Australians, Attorney-General, Referendum Working Group, Expert Working Group, National Indigenous Australians Agency (NIAA) and Attorney-General's Department; regarding the impact of the proposed constitutional change on the Sovereignty of First Peoples;
- (b) all correspondence between the offices of any of the following: the Minister for Indigenous Australians, Attorney-General, First Nations Referendum Working Group, Expert Working Group, NIAA and Attorney-General's Department; regarding the Sovereignty of First Peoples, including how Sovereignty of First Peoples is defined and understood; and
- (c) all briefing materials prepared for the Expert Working Group and Referendum Working Group by the NIAA and/or the Attorney-General's Department in relation to the sovereignty of First Peoples, including how it is defined and how it might be impacted by the proposed change to the Constitution.

**Moved by:** Senator Thorpe

**Date agreed to:** 21 June 2023

**Letter of response and documents provided:** [27 July 2023](#) (parts of the documents have been redacted or not provided where they are out of the scope of the requests or relate to the names of non-SES officers and contact details; and raising public interest immunity claims)

**Public interest immunity claims raised:** Disclosure of Cabinet deliberations

**Order partially complied with**

## No. 263—Supplementary Budget estimates 2022-23—Unanswered questions on notice

That there be laid on the table by the Leader of the Government in the Senate, **by no later than midday on 7 August 2023**, for each question on notice from the 2022-23 supplementary Budget estimates that was unanswered, as at 1 April 2023:

- (a) the date the responsible minister or their office first received a draft answer in relation to the question; and
- (b) the date when the final answer was provided to the relevant legislation committee.

**Moved by:** Senator Roberts

**Date agreed to:** 22 June 2023

**Letter of response provided:** [9 August 2023](#) (indicating that the Government has answered all but one of the questions, with the remaining answer having been provided to the committee; and detailing where the remainder of the information can be located)

**Order complied with**

## No. 268—Australian Securities and Investments Commission—Review into conduct of Chair

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 10 August 2023**, the final report of a Treasury assurance review into the conduct of the Australian Securities and Investments Commission (ASIC) Chair, Mr Joseph Longo, referred to in an article published in the *Australian Financial Review* on 30 January 2023 entitled ‘ASIC chairman gave ‘abject’ apology for emotional outburst’.

**Moved by:** Senator Bragg

**Date agreed to:** 1 August 2023

**Letter of response and documents provided:** [10 August 2023](#) (claiming public interest immunity over parts of the report arising from the review)

**Public interest immunity claims raised:**

- Protection of personal information (disclosure of the information sought would unreasonably infringe the privacy of individuals referred to in the information)
- Preservation of the integrity of fact-finding investigations regarding an individual’s conduct (to ensure complainants continue to feel comfortable raising allegations about possible misconduct, and third parties are willing to participate in any subsequent investigations)

**Motion concerning compliance with order (298):** [5 September 2023 \(statement\)](#) (requiring ASIC to provide the unredacted report to the Economics References Committee by midday on 7 September 2023; and the committee to report to the Senate by Monday, 11 September 2023 as to whether ASIC has complied with the order)

**Report presented by the Economics References Committee:** [11 September 2023 \(confirming that ASIC has not complied with the order\)](#)

**Order not yet complied with**

### **No. 276—Community Development Program**

That there be laid on the table by the Minister representing the Minister for Indigenous Australians, **by no later than 6 pm on Tuesday, 22 August 2023:**

- (a) quarterly compliance data for the Community Development Program (CDP) for the two quarters of 2023, to 30 June 2023;
- (b) a breakdown of demographic and geographic characteristics of CDP jobseekers as at 30 June 2023; and
- (c) the list of communities consulted on CDP reforms as of 31 July 2023 and a list of communities still to be consulted.

**Moved by:** Senator Thorpe

**Date agreed to:** 7 August 2023

**Ordered documents provided:** [25 August 2023](#)

**Order complied with**

### **No. 281—Makarrata Commission**

That there be laid on the table by the Minister representing the Minister for Indigenous Australians, **by no later than 5 pm on 31 August 2023:**

- (a) Department of the Prime Minister and Cabinet (the department) and/or the National Indigenous Australians Agency (the agency) advice received by the Minister for Indigenous Australians and/or her office in relation to the Makarrata and the Makarrata Commission, including, but not limited to, ministerial submissions, executive minutes and memos from 22 May 2022 to 3 August 2023;
- (b) correspondence from the Minister for Indigenous Australians and/or her office to the department and/or agency in relation to requested information on the Makarrata and the Makarrata Commission from 22 May 2022 to 3 August 2023; and
- (c) all documents relating to the advice provided on the Makarrata and the Makarrata Commission received from stakeholders and provided to the Minister for Indigenous Australians and/or her office, including, but not limited to, letters and emails from 22 May 2022 to 3 August 2023.

**Moved by:** Senator Nampijinpa Price

**Date agreed to:** 7 August 2023

**Letter of response and documents provided:** [4 September 2023](#) (claiming public interest immunity over the documents sought, and enclosing a number of other documents relating to a Makarrata Commission)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations

**Order not yet complied with**

## No. 282—Makarrata Commission

That there be laid on the table by the Minister representing the Prime Minister, **by no later than 5 pm on 31 August 2023**:

- (a) Department of the Prime Minister and Cabinet advice received by the Prime Minister and/or his office in relation to the Makarrata and the Makarrata Commission, including, but not limited to, ministerial submissions, executive minutes and memos from 22 May 2022 to 3 August 2023;
- (b) correspondence from the Prime Minister and/or his office to the department in relation to requested information on the Makarrata and the Makarrata Commission from 22 May 2022 to 3 August 2023; and
- (c) all documents relating to the advice provided on the Makarrata and the Makarrata Commission received from stakeholders, provided to the Prime Minister and/or his office, including but not limited to, letters and emails from 22 May 2022 to 3 August 2023.

**Moved by:** Senator Nampijinpa Price

**Date agreed to:** 7 August 2023

**Letter of response and documents provided:** [4 September 2023](#) (claiming public interest immunity over the documents sought, and enclosing a number of other documents relating to a Makarrata Commission)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations

**Order not yet complied with**

## No. 287—Bureau of Meteorology—Australis II supercomputer

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Thursday, 11 August 2023**, any emails, file notes, briefing materials and records of other interactions, since 31 May 2022, between the Bureau of Meteorology and the Minister for the Environment and Water and/or her staff in relation to the Bureau's supercomputer, known as Australis II.

**Moved by:** Senator Duniam

**Date agreed to:** 8 August 2023

**Letter of response and documents provided:** [11 August 2023](#) (text from the documents has been excluded where it is outside the scope of the order)

**Order complied with**

## No. 290—Australian Securities and Investments Commission—Deputy Chair

That the Senate—

- (a) notes that:
  - (i) question on notice ASIC-017, lodged by Senator Bragg as part of the Economics References Committee inquiry into Australian Securities and Investments Commission (ASIC) investigation and enforcement, sought a copy of the letter that the ASIC accountable authority wrote to the Treasurer in early 2021 which sets out a significant event in relation to the Deputy Chair of ASIC,
  - (ii) only a heavily redacted version of the letter has been provided to the committee, and
  - (iii) ASIC, in its response to the committee, dated 28 June 2023, and published by the committee on its website, made a claim of public interest immunity, citing the reasons given by the Government in a related public interest immunity claim made on 9 March 2023;

- (b) rejects the public interest immunity claim made by ASIC on 28 June 2023, noting that:
  - (i) claims that information has been collected on the condition that it would be treated as confidential, and therefore cannot be disclosed, is not in itself a ground for a public interest immunity claim,
  - (ii) it must be established that some harm may occur because of the disclosure of the information sought by the question, and
  - (iii) any specific harm could be overcome by disclosing information in general terms without the identity of those to whom it relates; and
- (c) orders that there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Thursday, 10 August 2023**, the unredacted letter the ASIC accountable authority wrote to the Treasurer on 13 April 2021 which sets out a significant event in relation to the Deputy Chair of ASIC.

**Moved by:** Senator Bragg

**Date agreed to:** 9 August 2023 ([statement made](#))

**Letter of response and document provided:** [4 September 2023](#)

**Order partially complied with**

### No. 291—Australian Securities and Investments Commission—Deputy Chair

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5 pm on Thursday, 10 August 2023**, the summary produced by the Treasury that was used to brief the Treasurer’s office in relation to the Seyfarth Shaw LLP findings following the investigation into the conduct of an Australian Securities and Investments Commission Deputy Chair.

**Moved by:** Senator Bragg

**Date agreed to:** 9 August 2023 ([statement made](#))

**Letter of response provided:** [11 August 2023](#) (advising that additional time is necessary to finalise the process)

**Additional letter of response and document provided:** [5 September 2023](#) (advising that while the Treasury did not produce a ‘summary’, the Treasury did brief the Treasurer about the investigation in a submission; attaching a redacted version of the submission; and claiming public interest immunity over parts of the submission)

**Public interest immunity claim raised:** Privacy (protection of individuals from unreasonable disclosure of private information; the undue prejudice arising from publication outweighs the public interest in publication, particularly in circumstances where the investigation did not result in the substantiation of all allegations and no further formal steps occurred)

**Order partially complied with**

### No. 297—Qatar Airways

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 5.30 pm on Wednesday, 13 September 2023**, copies of all documents provided to the Minister for Infrastructure, Transport, Regional Development and Local Government which either:

- (a) are related to the application by Qatar Airways for additional international flight services to Australian airports; or
- (b) helped inform the Minister’s decision regarding the application by Qatar Airways for additional international flight services to Australian airports.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 5 September 2023



**Letter of response provided:** [14 September 2023](#) (advising of the Government's intention to respond before 5.30 pm on 14 September 2023)

**Additional letter of response provided:** [15 September 2023](#) (claiming public interest immunity over the documents subject to the order)

**Public interest immunity claim raised:** Prejudice to international relations (air services agreements are treaty-level agreements between countries, and the production of documents within the scope of the order would, or might reasonably be expected to, disclose the nature of bilateral relations with foreign partners that the Government has given undertakings to protect)

**Order not yet complied with**

## No. 299—Qatar Airways

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 5 pm on 14 September 2023:**

- (a) all briefing materials and/or advice provided by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to the Minister or her office associated with the decision on whether to grant Qatar Airways additional bilateral air rights in July 2023; and
- (b) all minutes, file notes, briefing notes or other documents relating to meetings between Qantas Airways Limited representatives and the Minister or the Prime Minister, or their respective offices, associated with the decision on whether to grant Qatar Airways additional bilateral air rights in July 2023.

**Moved by:** Senator Rice

**Date agreed to:** 5 September 2023

**Letter of response provided:** [14 September 2023](#) (advising of the Government's intention to respond before 5.30 pm on 14 September 2023)

**Additional letter of response provided:** [15 September 2023](#) (claiming public interest immunity over the documents subject to the order)

**Public interest immunity claim raised:** Prejudice to international relations (air services agreements are treaty-level agreements between countries, and the production of documents within the scope of the order would, or might reasonably be expected to, disclose the nature of bilateral relations with foreign partners that the Government has given undertakings to protect)

**Order not yet complied with**

## No. 300—Qatar Airways

That there be laid on the table by the Minister representing the Prime Minister, **by no later than 5.30 pm on Monday, 11 September 2023**, copies of all advice, briefings or submissions provided by the Department of the Prime Minister and Cabinet to the Prime Minister related to the application by Qatar Airways for additional international flight services to major Australian airports.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 5 September 2023

**Letter of response provided:** [14 September 2023](#) (advising that no documents have been found within the scope of the request)

**No documents exist**

### No. 301—Qatar Airways

That there be laid on the table by the Minister representing the Treasurer, **by no later than 5.30 pm on Monday, 11 September 2023**, copies of all advice, briefings or submissions provided by the Treasury to either the Treasurer (Dr Chalmers) or the Assistant Treasurer (Mr Jones) related to the application by Qatar Airways for additional international flight services to major Australian airports.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 5 September 2023

**Letter of response and ordered document provided:** [11 September 2023](#) (attaching a question time brief identified as falling within the terms of the order, with redaction of information not within scope of the order, and the names and contact details of non-SES officers or ministerial staff)

**Order complied with**

### No. 302—Qatar Airways

That there be laid on the table by the Minister for Trade and Tourism, **by no later than 5.30 pm on Monday, 11 September 2023**, copies of all advice, briefings or submissions provided by the Department of Foreign Affairs and Trade to the Minister for Trade and Tourism related to the application by Qatar Airways for additional international flight services to major Australian airports.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 5 September 2023

**Letter of response provided:** [12 September 2023](#) (no documents with the principal topic of the application have been provided to the minister; and if briefing materials for meetings with foreign governments touched on the matters, it would not be appropriate to comment or release those)

**No documents exist**

### No. 304—National Disability Insurance Scheme Financial Sustainability Framework

That there be laid on the table, by the Minister representing the Treasurer, **by no later than midday on Thursday, 7 March 2024**, all documents relating to, and including, the National Disability Insurance Scheme Financial Sustainability Framework.

**Moved by:** Senator Steele-John

**Date agreed to:** 5 September 2023 (see also orders nos. [229](#), [253](#) and [315](#))

**Order not yet complied with**

### No. 306—Australian Competition and Consumer Commission—Domestic airline industry

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Monday, 11 September 2023**, any ministerial briefing notes, emails or correspondence since 1 February 2023, in relation to monitoring and reporting of the domestic airline industry, between the Australian Competition and Consumer Commission and:

- (a) the Department of the Treasury,
- (b) the Treasurer and/or the Treasurer's office, or
- (c) the Assistant Minister for Competition, Charities and Treasury, and/or the Assistant Minister's office.

**Moved by:** Senator Dean Smith

**Date agreed to:** 5 September 2023

**Letter of response provided:** [11 September 2023](#) (seeking more time to comply with order)

**Motion concerning compliance with order (339):** [14 September 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order on Monday, 16 October 2023)

**Ordered documents provided:** [13 October 2023](#)

**Order complied with**

## No. 307—Goods and Services Tax—Revenue distribution

That there be laid on the table by the Minister representing the Treasurer, **by no later than 10 am on Monday, 11 September 2023**, any briefing notes, ministerial briefs and correspondence since 23 May 2022 between the Treasurer and the Treasurer of each state and territory (including former Treasurers of a state or territory that have held office since 23 May 2022) regarding the distribution of GST revenue, the GST formula or the statutory review of the operation of the *Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Act 2018*.

**Moved by:** Senator Dean Smith

**Date agreed to:** 5 September 2023 (see also orders nos. [133](#), [134](#) and [135](#))

**Letter of response provided:** [11 September 2023](#) (seeking more time to comply with order)

**Motion concerning compliance with order (339):** [14 September 2023](#) (requiring the minister to provide an explanation of failure to comply with the order on Monday, 16 October 2023)

**Additional letter of response and ordered document provided:** [11 October 2023](#) (attaching one document that has been identified as falling within the scope of the order, with redaction of information not directly related to the order; stating that, as the order is similar to an earlier order, documents included in response to the earlier order have not been provided again; and claiming public interest immunity over one further document within the scope of to the order)

**Public interest immunity claim raised:** Commonwealth and state relations (disclosure of the document would disclose the deliberations of the Council on Federal Financial Relations and adversely affect Commonwealth-State relations)

**Motion concerning compliance with order (355):** [18 October 2023](#) (requiring the minister to comply by midday on 7 November 2023)

**Additional letter of response and ordered documents provided:** [7 November 2023](#) (stating that the Treasury contacted the board secretariat of the Council on Federal Financial Relations, who relayed that state and territory Treasurers had supported the release of the GST section of a letter, with the rest redacted, but did not support releasing a GST-related paper, as it would prejudice Commonwealth-State relations; and attaching the redacted letter)

**Order partially complied with**

## No. 309—Special purpose flights

That—

- (a) the Senate notes that previously, under guidelines for the use of special purpose aircraft, schedules of flights (which included full details regarding each flight) were regularly tabled in the Senate to promote public transparency and accountability in relation to the use of RAAF VIP aircraft, and the last schedule was tabled in the Senate on 28 June 2021 and covered the period 1 July to 31 December 2020;
- (b) the Senate notes that security agencies are best placed to complete threat assessments in relation to the security of politicians and their families;

- (c) the Senate notes that the Leader of the Opposition has also stated that ‘security agencies are best placed to make the threat assessments in relation to politicians, our families’ and that ‘the AFP for a while have been concerned about pattern of life issues’; and
- (d) there be laid on the table by the Minister representing the Minister for Defence, **by no later than 3 pm on 13 September 2023**, the following information relating to special purpose flights to the extent such information can be provided consistent with advice from security agencies:
  - (i) for all flights since 1 January 2021:
    - (A) cost per flight, including the cost of any empty return flights (often referred to as ghost flights),
    - (B) the departure and arrival locations, and
    - (C) the date of the flights,
  - (ii) all current guidelines provided to officials around the use of special purpose flights, and
  - (iii) all previous versions of guidelines provided to officials around the use of special purpose flights.

**Moved by:** Senator Shoebridge ([statement made](#))

**Date agreed to:** 5 September 2023

**Ordered documents provided:** [13 September 2023](#)

**Motion concerning compliance with order (343):** [16 October 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order on Tuesday, 17 October 2023) ([statement made](#))

**Explanation provided:** [17 October 2023](#)

**Order complied with**

## No. 311—Special Purpose Aircraft guidelines

That—

- (a) the Senate notes that during question time on Monday, 4 September 2023, Senator Wong stated that in November 2022 the Government was provided with security advice recommending that new Special Purpose Aircraft (SPA) Guidelines were required and that new SPA reports be presented in a manner consistent with the revised security guidelines; and
- (b) the Senate orders the Minister representing the Minister for Defence (Senator Wong), to provide to the Parliamentary Joint Committee on Intelligence and Security, on a confidential basis, **by Thursday, 7 September 2023**, a copy of the revised SPA Guidelines and any related advice that informed the change to the SPA Guidelines.

**Moved by:** Leader of the Opposition in the Senate (Senator Birmingham) ([statement made](#))

**Date agreed to:** 5 September 2023

**Letter from the Chair of the PJCIS:** [14 September 2023](#)

**Order complied with**

## No. 315—National Disability Insurance Scheme Financial Sustainability Framework

That there be laid on the table by the Minister representing the Treasurer, **by no later than 4.30 pm on 7 September 2023:**

- (a) all written correspondence between the Treasurer's office and the office of the Minister for the National Disability Insurance Scheme between 17 April 2023 and 31 August 2023 in relation to the NDIS Financial Sustainability Framework and related impacts; and
- (b) all written correspondence between the Treasurer's office and the National Disability Insurance Agency between 17 April 2023 and 31 August 2023 in relation to the NDIS Financial Sustainability Framework and related impacts.

**Moved by:** Senator Steele-John

**Date agreed to:** 6 September 2023 (see also orders nos [229](#), [253](#) and [304](#))

**Letter of response provided:** [11 September 2023](#) (stating that additional time is required to finalise the process and to review the documents to ensure disclosure will not damage the public interest)

**Motion concerning compliance with order (342):** [14 September 2023](#) (requiring the minister to provide an explanation of failure to comply with the order on the first day of each sitting week until the order is satisfactorily complied with)

**Explanation provided:** [17 October 2023](#)

**Additional letter of response provided:** [16 October 2023](#) (raising public interest immunity claims in relation to paragraph (a); no documents exist in relation to paragraph (b))

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations (all relevant correspondence between the minister's office and the office of the Minister for the NDIS would result in the disclosure of Cabinet deliberations)

**Order not yet complied with**

## No. 318—Murray-Darling Basin Plan

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 10 am on Thursday, 14 September 2023**, any briefing notes, media briefing notes, file notes, emails, written communication and reports held and generated by the Department of Climate Change, Energy, the Environment and Water, the Murray Darling Basin Authority and the Commonwealth Environmental Water Office since May 2022 regarding:

- (a) the agreement of Murray-Darling Basin ministers to deliver the Basin Plan in full, released by the Minister for the Environment and Water on 22 August 2023;
- (b) options to deliver the remaining water, including water efficiency infrastructure projects and voluntary water purchases;
- (c) funding, including funding sources and rationale behind how much funding each state and territory will receive on signing up to the new agreement;
- (d) new supply projects;
- (e) options to deliver the 450 GL of water for enhanced environmental outcomes;
- (f) package of 'no regrets' constraints relaxation projects, including what constraints projects are considered to be 'no-regrets';
- (g) minimising the socioeconomic impact on communities of buybacks;
- (h) water recovery options;
- (i) consultants engaged to work on the agreement and all aspects related including market advice on options to recover water; and
- (j) the December 2018 Murray-Darling Basin Ministerial Council agreement on socioeconomic criteria and the associated assessment, which was adopted as the basis of the neutrality test for assessing efficiency measures projects.

**Moved by:** Senator Davey

**Date agreed to:** 6 September 2023

**Letter of response provided:** [14 September 2023](#) (stating that it will take longer than the agreed time to compile the documents, and proposing to table the documents on 1 December 2023)

**Motion concerning compliance with order (344):** [16 October 2023](#) (requiring the minister to comply with the order by no later than midday on Tuesday, 17 October 2023)

**Additional motion of concerning compliance with order (361):** [19 October 2023](#) (requiring the minister to provide an explanation of the failure to comply with the order) ([statement made](#))

**Additional letter of response provided:** [19 October 2023](#) (stating that the advice that informed the earlier response has not changed)

**Further letter of response and ordered documents provided:** [4 December 2023](#) (documents provided within the scope of the order, with redaction of personal information, contact details of staff below SES level and information out of scope of the order; links to publicly available content also provided; and public interest immunity claims raised)

**Public interest immunity claim raised:** Commercial confidentiality (commercially sensitive information)

### **Order partially complied with**

## **No. 319—Northern Basin Aboriginal Nations Funding Agreement**

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 10 am on Wednesday, 27 September 2023**, the following documents, including audited reports held by the Murray Darling Basin Authority and/or the Department of Climate Change, Energy, the Environment:

- (a) the Northern Basin Aboriginal Nations (NBAN) Funding Agreement for the funding of a Cultural Flows Project Officer (The Murray Darling Basin Authority (MDBA) reference MD004598), the Cultural Flows Agreement; and the 2021-22 Core Funding Agreement (MDBA reference MD005878);
- (b) as required under the Northern Basin Aboriginal Nations (NBAN) Cultural Flows Agreement, the final report for the project and the 2020-21 audited financial acquittal report;
- (c) as required under the 2021-22 Core Funding Agreement, the progress and financial reports;
- (d) copies of all Core Funding Agreements or related agreements with NBAN between 2017-19 and 2021-22;
- (e) copies of each of the required reports under the Core Funding Agreement for each of the years since 2017-19, including:
  - (i) the annual report for each year outlining how the activities detailed in that agreement were delivered,
  - (ii) the grant report detailing the income and related expenses associated with that agreement, and
  - (iii) the audited financial report; and
- (f) any briefing notes, media briefing notes, file notes, emails, written communication and reports, including audited reports held by the MDBA, and/or the department relating to:
  - (i) the requisite number of Nation Gatherings and community exhibitions,
  - (ii) support provided by the MDBA to NBAN's business improvement capability through funding the following business improvement activities:
    - (A) the Business Health Check, conducted between 17 November 2021 to 19 April 2022,
    - (B) the forensic audit conducted in 2022 and covering the period from July 2017 to March 2022,
    - (C) the Business Improvement Manager to assist NBAN in finalising its overdue contractual reporting, and

- (D) work with NBAN on administering its business 3 operations, noting that the Business Improvement Manager was engaged for the period 31 August 2022 to 30 November 2022,
- (iii) the decision made to defund NBAN and not renew its funding including discussions held on the 28 April 2022, with the decision communicated to NBAN on the 3 November 2022,
- (iv) allegations of bullying and corruption within NBAN, and
- (v) any of the matters referred to in paragraphs (a) to (e).

**Moved by:** Senator Davey

**Date agreed to:** 6 September 2023

**Letter of response provided:** [14 September 2023](#) (stating that work is underway to provide a response but that final, appropriate documents will not be available for tabling until 1 December 2023)

**Additional letter of response and ordered documents provided:** [4 December 2023](#) (documents provided within the scope of the order, with redaction of personal information and other information on public interest grounds; and providing links to publicly available content)

**Public interest immunity claims raised:**

- Commercial confidentiality (disclosure would significantly disadvantage the NBAN)
- Culturally sensitive information (redaction of artwork and photos)

**Order partially complied with**

## No. 324—Parole applications

That there be laid on the table by the Minister representing the Attorney-General, **by no later than 5 pm on 22 September 2023:**

- (a) a breakdown of approved grants of parole since 1 January 2021 with the following information:
  - (i) the state in which the person was imprisoned,
  - (ii) any previous grant of parole (if known),
  - (iii) offence(s) committed,
  - (iv) date of sentencing,
  - (v) duration of sentence given including,
    - (A) length of any non-parole period, and
    - (B) total duration of sentence,
  - (vi) date parole was granted,
  - (vii) whether the grant of parole related to sexual assault, child abuse or child pornography offences,
  - (viii) whether the decision to grant parole was made by a departmental official or the Attorney-General, and
  - (ix) if the decision was made by the Attorney-General, whether the decision followed the recommendation provided by the department; and
- (b) the total number of decisions to deny parole since 1 January 2021.

**Moved by:** Senator Cash

**Date agreed to:** 11 September 2023

**Letter of response and document provided:** [26 September 2023](#) (advising that there are no documents that contain all of the information specified in the order, but providing some information about parole decisions made between 1 January 2021 and 11 September 2023)

**Motion concerning compliance with order (345):** [17 October 2023](#) (requiring the Minister representing the Attorney-General to fully comply with the order by 3 November 2023)

**Order partially complied with**

**No. 326—Indigenous cultural heritage protection laws**

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Thursday, 16 October 2023:**

- (a) a list of the dates, since 31 May 2022, on which the Minister for the Environment and Water has formally met with the First Nations Heritage Protection Alliance to discuss Indigenous cultural heritage protection laws;
- (b) a copy of the second options paper on ‘First Nations cultural heritage protection reform’ that was scheduled, in mid-2022, to be completed by early 2023;
- (c) a list of the dates, since 1 July 2022, on which the Minister for the Environment and Water has formally met with interested members of the community to discuss Indigenous cultural heritage protection laws;
- (d) a list of the attendees and the dates, since 1 July 2022, of meetings between the Minister for the Environment and Water and business and industry representatives to discuss Indigenous cultural heritage protection laws;
- (e) a list of the dates, since 1 July 2022, on which the Minister for the Environment and Water has formally met with the National Farmers Federation to discuss Indigenous cultural heritage protection laws;
- (f) a list of the dates, since 1 July 2022, on which any member of the staff of the Minister for the Environment and Water has formally met with the National Farmers Federation to discuss Indigenous cultural heritage protection laws;
- (g) a list of the dates, since 1 July 2022, on which any senior executive staff member of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) has formally met with the National Farmers Federation to discuss Indigenous cultural heritage protection laws; and
- (h) any documents, including minutes, agendas and communiqués, related to formal meetings of DCCEEW staff and the First Nations Heritage Protection Alliance since 30 September 2022.

**Moved by:** Senator Duniam

**Date agreed to:** 11 September 2023

**Letter of response provided:** [16 October 2023](#) (stating that it will take longer than the agreed time to finalise the response, and proposing to table the documents on 11 December 2023)

**Additional letter of response provided:** [4 December 2023](#) (stating that ‘no such document exists’ in relation to paragraphs (a) to (g); and providing meeting documents within the scope of paragraph (h), but claiming public interest immunity in the withholding of attachments to meeting minutes and redactions in documents provided)

**Public interest immunity claims raised:**

- Protection of personal information
- Unspecified public interest grounds for the remainder of the withheld documents

**Order not yet complied with**

**No. 328—Fisheries industry—Ministerial meetings**

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Thursday, 14 September 2023,** a list of dates since 1 June 2022 of formal meetings with:



- (a) the Chair of Seafood Industry Australia personally attended by the Minister for the Environment and Water; and
- (b) representatives from the Pew Charitable Trusts personally attended by the Minister for the Environment and Water.

**Moved by:** Senator Duniam

**Date agreed to:** 12 September 2023

**Letter of response provided:** [14 September 2023](#) (there are no documents that exist that meet the description of the kind referred to in this order)

**No documents exist**

### No. 330—Qatar Airways

That there be laid on the table by the Minister for Foreign Affairs, **by no later than 5.30 pm on Monday, 18 September 2023**, copies of all advice, briefings or submissions provided by the Department of Foreign Affairs and Trade to the Minister relating to:

- (a) the application by Qatar Airways for additional international flight services to major Australian airports; and
- (b) any communications with officials of foreign nations regarding the Albanese Government's decision to refuse additional flights to Qatar Airways.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 12 September 2023

**Letter of response provided:** [14 September 2023](#) (stating that it will not be possible to respond by the deadline, and that further time is required to assess documents)

**Additional letter of response provided:** [28 September 2023](#) (claiming public interest immunity over the documents subject to the order)

**Public interest immunity claim raised:** Prejudice international relations

**Order not yet complied with**

### No. 332—Bushfire preparedness

That there be laid on the table by the Minister for Emergency Management and the Minister representing the Minister for the Environment and Water, **by no later than 10 am on Monday, 16 October 2023**, any briefing notes, media briefing notes, file notes, emails, written communication and reports, held by the National Emergency Management Agency and the Bureau of Meteorology since May 2023 regarding:

- (a) the assessment of bushfire risk across all states and territories;
- (b) the assessment of bushfire aerial capability for the upcoming Australian bushfire season;
- (c) discussions, tenders and contracts for the lease of all aerial firefighting equipment considered essential for the 2023-24 spring-autumn bushfire season across all states and territories;
- (d) alternative options in the event of insufficient leased aircraft including availability of Australian Defence Force equipment and personnel;
- (e) consultants engaged to work on the any contracts and all aspects related, including market advice on options to acquire appropriate aerial equipment; and
- (f) advice received from the Australasian Fire Authorities Council.

**Moved by:** Senator Davey

**Date agreed to:** 14 September 2023

**Ordered documents provided:** [16 October 2023](#)

**Order complied with**

### No. 333—Special purpose aircraft—Flight invoices

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 5 pm on Thursday, 14 September 2023**, all invoices issued to passengers on the Prime Minister's special purpose aircraft flight on 31 August 2022, to the extent such information can be provided consistent with advice from security agencies.

**Moved by:** Senator Roberts

**Date agreed to:** 13 September 2023

**Ordered documents provided:** [17 October 2023](#)

**Order complied with**

### No. 338—Snowy Hydro 2.0 project

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy, **by no later than midday on Monday, 16 October 2023**, the following documents:

- (a) any ministerial briefing notes, emails, executive minutes, memos or correspondence relating to the internal review into the Snowy Hydro 2.0 project from 1 March 2023 to 12 September 2023; and
- (b) any ministerial briefing notes, emails, executive minutes, memos or correspondence relating to the development and delivery of the 'major projects reset' and 'review and reset process' into the Snowy Hydro 2.0 project from 1 March 2023 to 12 September 2023.

**Moved by:** Senator Cadell

**Date agreed to:** 14 September 2023

**Letter of response and ordered documents provided:** [17 October 2023](#) (attaching documents with redaction of personal information and information that is out of scope; and redacting material from documents on public interest grounds)

**Public interest immunity claim raised:** Commercial confidentiality (the release of commercial-in-confidence material of Snowy Hydro and other third party entities it contracts with would disadvantage the companies, advantage competitors and diminish Snowy Hydro's ability to contribute to the security and reliability of the renewable energy market, and detrimentally impact energy consumers)

**Order partially complied with**

### No. 348—Higher education statistics for 2023

That there be laid on the table by the Minister representing the Minister for Education, by no later than 9.30 am on Thursday, 30 November 2023, the 'Selected higher education statistics – 2023 staff data'.

**Moved by:** Senator Faruqi

**Date agreed to:** 13 November 2023 ([statement made](#))

**Letter of response provided:** [30 November 2023](#) (advising that the document ordered is not yet available as the data is currently undergoing validation checks and the Department is working to finalise and publish as soon as practicable)

**Order not yet complied with**

## No. 350—CBUS Super Fund

That—

- (a) the Senate notes that:
  - (i) freedom of information request no. 3331 (the request) sought correspondence, emails and communications between CBUS Super Fund and the Treasurer and his office since 21 May 2022,
  - (ii) certain documents were not released, or were heavily redacted, under section 45 and subsection 47G(1)(b) of the *Freedom of Information Act 1982*, in response to the request on the basis that the documents contain material obtained in confidence or disclosure of the information could reasonably be expected to prejudice the future supply of information to the Commonwealth, and
  - (iii) documents obtained in confidence or where the disclosure could reasonably be expected to prejudice the future supply of information to the Commonwealth is not a sufficient public interest immunity ground to withhold the documents from the Senate;
- (b) there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Monday, 6 November 2023:**
  - (i) the email from CBUS Super Fund dated 2:12:59 PM on Monday, 6 February 2023 (document no. 1), without the redactions referred to in paragraph (a)(ii),
  - (ii) the email from CBUS Super Fund, dated 3:02 PM on Thursday, 24 November 2022, and the response, dated 3:55:00 PM on Thursday, 24 November 2022 (document no. 7), without the redactions referred to in paragraph (a)(ii), and
  - (iii) two further documents (nos 2 and 8), that were not released in response to the request, due to the operation of section 45 and subsection 47G(1)(b) of the *Freedom of Information Act 1982*.

**Moved by:** Senator Bragg

**Date agreed to:** 17 October 2023

**Letter of response provided:** [7 November 2023](#) (attaching the documents released in response to the FOI request, and claiming public interest immunity in relation to the order)

**Public interest immunity claim raised:** Damage to commercial interests (disclosure of the documents would provide an unfair insight into CBUS' private opinions and business affairs, and would have the potential to damage their commercial affairs)

**Order not yet complied with**

## No. 356—Recycling and Waste Reduction (Export—Waste Paper and Cardboard) Rules 2023

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Monday, 6 November 2023:**

- (a) a copy of each individual submission, and each survey response, in relation to the draft Recycling and Waste Reduction (Export—Waste Paper and Cardboard) Rules 2023;
- (b) any emails, file notes, briefing materials and other written correspondence between the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the Minister for the Environment and Water relating to the compilation of the 'Summary of stakeholder feedback', on the draft Recycling and Waste Reduction (Export—Waste Paper and Cardboard) Rules 2023, that is scheduled to be publicly released this month; and

- (c) any emails, file notes, briefing materials, and other written correspondence between DCCEEW and the staff of the Minister for the Environment and Water relating to the compilation of the ‘Summary of stakeholder feedback’, on the draft Recycling and Waste Reduction (Export—Waste Paper and Cardboard) Rules 2023, that is scheduled to be publicly released this month.

**Moved by:** Senator Duniam

**Date agreed to:** 18 October 2023

**Letter of response and ordered documents provided:** [6 November 2023](#) (paragraph (a) – withholding the documents on the basis of public interest immunity; paragraph (b) – stating that one document was captured, and attaching the parts relevant to the order, and deleting irrelevant material; paragraph (c) – stating that no documents are captured)

**Public interest immunity claims raised:**

- Damage to commercial interests (in the consultation, explicit guidance was provided that feedback would not be published, in the interests of receiving frank feedback on commercially sensitive matters, and production of the material would damage the commercial interests of the stakeholders who made submissions)
- Privacy (production of the material would be an unreasonable invasion of the privacy of the stakeholders who made submissions)

**Order partially complied with**

## No. 358—Parole applications

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 1 November 2023:**

- (a) the following details of all parole decisions in each month since January 2022 to present:
- (i) the total number of parole applications decided,
  - (ii) the total number of parole applications granted, and the total number refused, and
  - (iii) for each application that was decided:
    - (A) the state or territory the application relates to,
    - (B) the dates the decision was made,
    - (C) if the decision made was to grant parole, whether the decision was made by a departmental official or the Attorney-General, and
    - (D) if the decision was made by the Attorney-General, whether the decision followed the recommendation provided by the Department;
- (b) any briefings, reports, guidelines or other policy documents relating to the delegation of parole decisions by the Attorney-General from 1 January 2022 to date; and
- (c) once received by the Clerk or the President, documents returned and any correspondence responding to the order shall be deemed to have been presented to the Senate, and publication of the documents is authorised.

**Moved by:** Senator Shoebridge

**Date agreed to:** 18 October 2023

**Letter of response and ordered documents provided:** [7 November 2023](#) (paragraph (a) – stating that there are no documents that contain all the information specified in the order, providing a table with particular information provided on a quarterly basis, and stating that the department does not hold information in a way that enables reports to be provided on whether a decision made by the Attorney-General followed the recommendation of a department; paragraph (b) – providing one document falling with scope, and redacting material that is outside scope)

**Order complied with**

## No. 359—Budget estimates 2023-24—Unanswered questions

That—

- (a) the Senate notes that, as at 3 pm on Tuesday, 17 October 2023, 314 questions on notice from the May 2023-24 Budget estimates remain unanswered and are overdue:
- (i) Attorney-General's, 23 questions,
  - (ii) Defence, 27 questions,
  - (iii) Employment and Workplace Relations, 4 questions,
  - (iv) Foreign Affairs and Trade, 2 questions,
  - (v) Health and Aged Care, 191 questions,
  - (vi) Industry, Science and Resources, 3 questions,
  - (vii) Infrastructure, Transport, Regional Development, Communications and the Arts, 22 questions,
  - (viii) Prime Minister and Cabinet, 3 questions, and
  - (ix) Treasury, 39 questions; and
- (b) there be laid on the table by the Leader of the Government in the Senate, **by no later than 5 pm on Thursday, 19 October 2023**, the answers to all 314 unanswered questions on notice from the May 2023-24 Budget estimates.

**Moved by:** Senator Cash

**Date agreed to:** 18 October 2023 ([statement made](#))

**Letter of response provided:** [20 October 2023](#) (providing statistics on the number of questions remaining unanswered, per portfolio)

**Order not yet complied with**

## No. 367—National environmental laws and standards

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Monday, 13 November 2023**, a copy of the main briefing document pack (possibly titled 'Consultation on National Environmental Laws Canberra, 30-31 October 2023') that was seen by stakeholders at the consultation sessions on national environmental laws and standards on 30 and 31 October 2023 in Canberra.

**Moved by:** Senator Duniam

**Date agreed to:** 7 November 2023

**Letter of response provided:** [14 November 2023](#) (advising that the minister will need to consult with state and territory partners and receive advice before responding to the order and proposes to table the documents on 11 December 2023)

**Additional letter of response provided:** [14 December 2023](#) (Providing a link to the department's disclosure log)

**Order not yet complied with**

## No. 368—Treasury Laws Amendment (Making Multinationals Pay Their Fair Share—Integrity and Transparency) Bill 2023

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Monday, 27 November 2023**:

- (a) any correspondence between the Victorian Treasurer and the Federal Treasurer, since 1 June 2022, on the potential and/or actual impact on the forestry sector of the Treasury Laws Amendment (Making Multinationals Pay Their Fair Share—Integrity and Transparency) Bill 2023, and related matters;
- (b) any correspondence between the South Australian Treasurer and the Federal Treasurer, since 1 June 2022, on the potential and/or actual impact on the forestry sector of the Treasury Laws Amendment (Making Multinationals Pay Their Fair Share—Integrity and Transparency) Bill 2023, and related matters; and
- (c) a copy of any modelling undertaken by the Treasury on the potential and/or actual impact on the forestry sector of the Treasury Laws Amendment (Making Multinationals Pay Their Fair Share—Integrity and Transparency) Bill 2023.

**Moved by:** Senator Duniam

**Date agreed to:** 8 November 2023 ([statement made](#))

**Ordered documents provided:** [27 November 2023](#)

**Order complied with**

### No. 369—National Disability Insurance Scheme—Independent review

That there be laid on the table by the Minister representing the Minister for the National Disability Insurance Scheme, **by no later than midday on Friday, 10 November 2023**, the final report of the independent review of the National Disability Insurance Scheme.

**Moved by:** Senator Steele-John

**Date agreed to:** 7 November 2023 ([statement made](#))

**Letter of response provided:** [10 November 2023](#) (claiming public interest immunity over the document at this time, but stating that the report will be publicly released following the next meeting of National Cabinet, and undertaking to table the report in the Senate following National Cabinet, if necessary out of sitting before the first sitting day in 2024)

**Public interest immunity claims raised:** Commonwealth and state relations (disclosure at this time would be detrimental and cause prejudice to relations between the Commonwealth and the states and territories in this important area of shared responsibility for disability policy, and on other matters)

**Letter of response and document provided:** [8 February 2024](#) (claiming that the response is relevant to order no. 315)

**Order complied with**

### No. 371—Australian Research Council review reports

That there be laid on the table by the Minister representing the Minister for Education, **by no later than 5 pm on Monday, 13 November 2023**, a copy of the final report for the:

- (a) national competitive grants program process review;
- (b) assessment of the impact of Australian Research Council (ARC) funded research; and
- (c) financial sustainability review of the ARC.

**Moved by:** Senator Henderson

**Date agreed to:** 7 November 2023 ([statement made](#))

**Letter of response provided:** [14 November 2023](#) (attaching the documents required by paragraphs (a) and (b), and claiming public interest immunity with respect to the document required by paragraph (c))

**Public interest immunity claim raised:** Impact on Cabinet confidentiality (the ARC financial sustainability review will inform and support Cabinet decision-making, and releasing it would set a precedent and compromise the ability to confidentially brief Cabinet)

**Order partially complied with**

## No. 374—Higher Education Loan Program and Australian Taxation Office payments system—Review

- (1) That the Senate notes that:
  - (a) at the estimates hearing of the Education and Employment Legislation Committee on 2 June 2023:
    - (i) the Assistant Minister representing the Minister for Education was asked to provide any correspondence, directions, notes, or other details, including communications with the Department of Education concerning the minister's review of the Higher Education Loan Program (HELP) Australian Taxation Office (ATO) payments system (question no. SQ23-000817),
    - (ii) the Secretary of the department was asked to provide all communications, emails between the Minister for Education's office, the department and any other relevant stakeholder, including the ATO, concerning the work that is being undertaken to review the HELP ATO payments system (question no. SQ23-000383);  
(collectively, the documents); and
  - (b) neither the Minister for Education or the department have provided the documents in answers to questions on notice; and
- (2) That there be laid on the table by the Minister representing the Minister for Education, **by no later than 4 pm on Friday, 10 November 2023**, all correspondence, directions, notes, briefs and other communications received by or sent to the Minister for Education or the department concerning the Minister for Education's review of the HELP ATO payments system.

**Moved by:** Senator Henderson

**Date agreed to:** 7 November 2023 ([statement made](#))

**Letter of response provided:** [19 November 2023](#) (stating that compliance with order will take longer than specified time to identify and compile the documents, and proposing that the order be responded to by 6 December 2023)

**Additional letter of response provided:** [8 December 2023](#) (attaching documents in response, and withholding some on public interest grounds, and with redaction of personal information)

**Public interest immunity claim:** Disclosure of Cabinet deliberations (in relation to information and documents which were prepared with the dominant purpose of briefing a minister on a Cabinet submission; as release of these documents could set a precedent and compromise the ability to confidentially brief the Australian Government in its Cabinet deliberations and my materially impact the functioning of Government)

**Motion concerning compliance with order (465):** [27 February 2024](#) (requiring the minister to comply by no later than 5 pm on Wednesday, 28 February 2024) ([statement made](#))

**Further letter of response provided:** [1 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Further motion concerning compliance with order (490):** [18 March 2024](#) (requiring the minister to provide an explanation of the failure to comply with the order) ([statement made](#))

**Explanation provided:** 20 March 2024

**Order partially complied with**

## No. 377—Competition Taskforce expert advisory panel

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 16 November 2023**, any briefing notes, file notes, emails or other records of interaction, since 23 August 2023, between:

- (a) the Treasurer or his office and the Department of the Treasury;
- (b) the Assistant Minister for Competition, Charities and Treasury or his office and the Department of the Treasury; or
- (c) the Treasurer or his office and the Assistant Minister for Competition, Charities and Treasury or his office;

in relation to:

- (d) the selection and appointment of the Competition Taskforce expert advisory panel as referenced in the Treasurer's joint media release with the Assistant Minister for Competition, Charities and Treasury on 30 October 2023; or
- (e) the first meeting of the Competition Taskforce expert advisory panel on 30 October 2023.

**Moved by:** Senator Dean Smith

**Date agreed to:** 8 November 2023

**Letter of response provided:** [16 November 2023](#) (stating that the request is being actively progressed but additional time is required to finalise the process as well as to review identified documents to ensure the contents are suitable for public disclosure)

**Motion concerning compliance with order (418):** [30 November 2023](#) (requiring the minister to comply by no later than midday on Monday, 4 December 2023) ([statement made](#))

**Additional letter of response and ordered documents provided:** [7 December 2023](#) (attaching a package of information, and stating that some documents within scope have not been provided, or have been redacted on public interest grounds)

**Public interest immunity claims raised:**

- Protection of personal information (the provision of personal information, including contact details, CV and personal interest declarations would unreasonably affect their personal and professional interests and would be an unreasonable invasion of personal privacy; and adversely affect future Commonwealth selection processes)
- Impact on Panel's ability to consider policy matters free from third party lobbying and interference
- Disclosure of Cabinet deliberations (provision of information relating to Cabinet meetings could disclose the deliberations of Cabinet and compromise the ability of the Government to confidentially brief Cabinet Ministers)

**Order partially complied with**

## No. 381—Barossa gas project

That there be laid on the table by the Minister representing the Minister for Resources, **by no later than 4 pm on 17 November 2023**, any emails, file notes or briefing documents from, or received by, the Department of Industry, Science and Resources between 1 March 2023 and 30 September 2023 that mention Santos or their lobbyist, Ms Tracey Winters, and communications they made with JERA, Tokyo Gas or members of the Japanese Government in relation to the Barossa gas project and the Safeguard Mechanism.

**Moved by:** Senator Cox



**Date agreed to:** 9 November 2023

**Letter of response provided:** [28 November 2023](#) (attaching one document within scope, with redaction of personal identifying information; and claiming public interest immunity in relation to the remaining documents within scope)

**Public interest immunity claim raised:** Prejudice to international relations (release of the documents at this time may adversely affect Australia's international relations)

**Order partially complied with**

### No. 382—Barossa gas project

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy, **by no later than 4 pm on 17 November 2023**, any emails, file notes or briefing documents from, or received by, the Department of Climate Change, Energy, the Environment and Water, between 1 March 2023 and 30 September 2023 that mention Santos or their lobbyist, Ms Tracey Winters, and communications they made with JERA, Tokyo Gas or members of the Japanese Government in relation to the Barossa gas project and the Safeguard Mechanism.

**Moved by:** Senator Cox

**Date agreed to:** 9 November 2023

**Ordered documents provided:** [27 November 2023](#)

**Order complied with**

### No. 383—Higher education statistics for 2022

That there be laid on the table by the Minister representing the Minister for Education, **by no later than 9.30 am on Monday, 27 November 2023**, the 'Actual casual staff' data component of the 'Selected higher education statistics – 2022 staff data'.

**Moved by:** Senator Faruqi

**Date agreed to:** 13 November 2023

**Letter of response provided:** [27 November 2023](#) (providing a link to the 2022 staff data on the department's website and advising that the 'actual casual staff data' component relates to the previous year, in this case 2021; and that if the senator seeks 2022 'actual casual staff data', this will be included in the 2023 staff data release, the final version of the which is not yet available as the data is undergoing validation checks)

**Order not yet complied with**

### No. 384—Climate change—Human-induced regeneration report

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy, **by no later than 4 pm on Monday, 27 November 2023**, the following, confined to documents and correspondence dated from 16 March 2022 to 1 July 2023:

- (a) all correspondence between the Clean Energy Regulator and AnalytEcon, Stephen Beare and/or Ray Chambers concerning the report published by the Australian National University titled 'The ERF's human-induced regeneration (HIR): What the Beare and Chambers report really found and a critique of its method';
- (b) all correspondence between the Emissions Reduction Assurance Committee (ERAC) and AnalytEcon, Stephen Beare and/or Ray Chambers concerning the report published by the Australian National University titled 'The ERF's human-induced regeneration (HIR): What the Beare and Chambers report really found and a critique of its method'; and

- (c) all documents prepared by AnalytEcon, Stephen Beare and/or Ray Chambers and received by the Clean Energy Regulator or ERAC concerning the report published by the Australian National University titled ‘The ERF’s human-induced regeneration (HIR): What the Beare and Chambers report really found and a critique of its method’.

**Moved by:** Senator David Pocock

**Date agreed to:** 14 November 2023

**Letter of response provided:** [29 November 2023](#) (attaching documents within scope, with redaction of personal identifying information)

**Order complied with**

### No. 386—Smoky Creek solar project

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 4 December 2023**, any briefing notes, media briefing notes, file notes, emails, written communication and reports held or generated by the Department of Climate Change, Energy, the Environment and Water in relation to the Minister’s decision to grant approval to the Smoky Creek solar project in Central Queensland.

**Moved by:** Senator Roberts

**Date agreed to:** 14 November 2023

**Letter of response provided:** [7 December 2023](#) (stating that it will take longer than the agreed time to compile the documents due to the volume of documents, and that legal advice was required ahead of finalisation)

**Additional letter of response and documents provided:** [20 December 2023](#)

**Order partially complied with**

### No. 388—Immigration detention—Impact of High Court decision

That there be laid on the table by the Minister representing the Minister for Immigration, Citizenship and Multicultural Affairs, **by no later than midday on Wednesday, 15 November 2023**, the ‘NZYQ dashboard document’ prepared by the Department of Home Affairs, as tendered in the High Court in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*.

**Moved by:** Senator Paterson

**Date agreed to:** 14 November 2023

**Letter of response provided:** [15 November 2023](#) (stating that external consultations required prior to producing the document mean it will not be possible to meet the deadline and documents will be provided for tabling prior to the adjournment of the Senate on Wednesday, 15 November 2023)

**Ordered document provided:** [16 November 2023](#)

**Order complied with**

### No. 389—Immigration detention—Impact of High Court decision

That there be laid on the table by the Minister representing the Minister for Immigration, Citizenship and Multicultural Affairs, **by no later than midday on Friday, 17 November 2023**, any emails, file notes, briefing materials and other written correspondence detailing the risk levels of the 92 individuals affected by the High Court decision, *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*, as assessed under the Community Protection Assessment Tool

**Moved by:** Senator Paterson

**Date agreed to:** 15 November 2023

**Letter of response provided:** [27 November 2023](#) (claiming public interest immunity in relation to the documents sought under the order)

**Public interest immunity claim raised:** Privacy (the disclosure of the information requested may unreasonably infringe the privacy of individuals who have provided the information)

**Order not yet complied with**

## No. 392—Immigration detention—Impact of High Court decisions

That there be laid on the table by the Minister representing the Minister for Immigration, Citizenship and Multicultural Affairs, **by no later than midday on Friday, 24 November 2023**, any emails, file notes, briefing materials and other written correspondence provided to the Minister for Home Affairs, the Attorney General or the Minister for Immigration, Citizenship and Multicultural Affairs prepared in anticipation of the possibility of the High Court making a decision with respect to *Plaintiff M47/2018 v Minister for Home Affairs and NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*, that the ongoing detention of the plaintiffs in those matters was beyond the legislative power of the Commonwealth.

**Moved by:** Senator Paterson

**Date agreed to:** 16 November 2023

**Letter of response provided:** [27 November 2023](#) (claiming public interest immunity in relation to the documents sought under the order)

**Public interest immunity claims raised:**

- Prejudice to international relations (the disclosure of information that relates to third-country resettlement options for those impacted by the decision may harm Australia's relations with other countries as well as the viability of future resettlement options)
- Disclosure of privileged legal advice (disclosure of confidential legal advice may cause prejudice to the Commonwealth, including in the context of a current matter in the High Court)
- Privacy (production of the documents would, or might reasonably be expected to, disclose information that may unreasonably infringe the privacy of individuals)

**Order not yet complied with**

## No. 393—Future Fit program

That there be laid on the table by the Department of Health and Aged Care, **by no later than midday on Friday, 7 December 2023**:

- (a) all correspondence between the Department of Health and Aged Care and Miles Morgan Australia regarding the Future Fit program;
- (b) any correspondence between the department and Victorian councils exiting the Meals on Wheels program; and
- (c) all minutes, file notes, briefing notes or other documents relating to meetings between the department and Miles Morgan Australia associated with the Future Fit program.

**Moved by:** Senator Rice

**Date agreed to:** 16 November 2023

**Letter of response provided:** [7 December 2023](#) (stating that, due to the large volume of documentation covered by the order, the department requires two additional weeks, until 21 December 2023, to comply with the order)

**Additional letter of response and documents provided:** [20 December 2023](#)

**Order partially complied with**

## No. 398—Infrastructure review

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than 5 pm on 28 November 2023**, the final report of the government infrastructure review, conducted by former Infrastructure Department Secretary, Mr Mike Mrdak AO.

**Moved by:** Senator Roberts

**Date agreed to:** 27 November 2023

**Letter of response provided:** [28 November 2023](#) (claiming public interest immunity in relation to the documents sought under the order; but attaching an Executive Summary of the review)

**Public interest immunity claim raised:** Commonwealth and state relations (state and territory infrastructure ministers were assured that any information provided for the Review would be only accessible to the members of the departmental secretariat directly supporting the Review, and would be protected by Cabinet confidentiality, and to release the report would adversely affect Commonwealth-State relations)

**Motion concerning compliance with order (417):** [29 November 2023](#) (requiring the minister to comply by 5 pm on 29 November 2022)

**Letter of response provided:** [30 November 2023](#) (reiterating the public interest immunity claims raised previously)

**Order partially complied with**

## No. 401—Hunter Class Frigate procurement

- (1) That, subject to appropriate redactions to protect national security, there be laid on the table by the Minister representing the Minister for Defence, **by no later than midday on Thursday, 30 November 2023**:
  - (a) the terms of reference of the review undertaken by the Department of Defence into Defence's conduct of the Hunter Class Frigate procurement (the review);
  - (b) all correspondence or other documents appointing the review team for the review; and
  - (c) the report of the review.
- (2) That once received by the Clerk or the President, documents returned and any correspondence responding to the order shall be deemed to have been presented to the Senate and publication of the documents is authorised.

**Moved by:** Senator Shoebridge

**Date agreed to:** 27 November 2023

**Letter of response and ordered documents provided:** [30 November 2023](#) (letter, enclosing 6 documents within the scope of the order (with redaction of information on public interest grounds))

**Public interest immunity claims raised:**

- Potential damage to Australia's national security (appropriate redactions have been made to protect national security, including the deliberations of the National Security Committee of Cabinet)
- Privacy (necessary redactions have been made to protect the privacy of individuals)

**Order partially complied with**

## No. 405—Islamic Revolutionary Guard Corps

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 30 November 2023**:

- (a) the Statement of Reasons document held by the Attorney-General's Department relating to a terrorist organisation listing of the Islamic Revolutionary Guard Corps prepared in January 2023; and
- (b) the 'Nomination Form – Criminal Code' held by the Attorney-General's Department relating to a terrorist organisation listing of the Islamic Revolutionary Guard Corps prepared in January 2023.

**Moved by:** Senator Chandler

**Date agreed to:** 28 November 2023 (see also order no. 472)

**Letter of response provided:** [30 November 2023](#) (claiming public interest immunity in relation to the documents sought under the order)

**Public interest immunity claim raised:** Potential damage to Australia's national security (production of documents falling within scope would, or might reasonably be expected to, disclose information that would be damaging to Australia's national security)

**Order not yet complied with**

### **No. 407—Infrastructure Investment Program—Independent strategic review**

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, **by no later than at the conclusion of question time on Wednesday, 29 November 2023**, the final report of the *Independent strategic review of the Infrastructure Investment Program, August 2023* (independent strategic review), as well as copies of:

- (a) the list of infrastructure projects which are not yet under construction that are recommended to proceed under recommendation 1A of the independent strategic review;
- (b) the list of 56 infrastructure projects which are not yet under construction that are recommended to proceed, noting the review had identified risks to be satisfactorily addressed prior to delivery, under recommendation 1B of the independent strategic review;
- (c) the list of 36 infrastructure projects which are not yet under construction that are recommended to complete planning, detailed costings, rescoping and for which the allocated delivery funding is recommended to be used to create headroom in the Infrastructure Investment Program under recommendation 1C of the independent strategic review; and
- (d) the list of 82 infrastructure projects which are not yet under construction and are recommended to be ceased under recommendation 1D of the independent strategic review.

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 28 November 2023

**Letter of response provided:** [29 November 2023](#) (claiming public interest immunity in relation to the documents sought under the order; but attaching an Executive Summary of the review)

**Public interest immunity claim raised:** Commonwealth and state relations (state and territory infrastructure ministers were assured that any information provided for the Review would be only accessible to the members of the departmental secretariat directly supporting the Review, and would be protected by Cabinet confidentiality, and to release the report would adversely affect Commonwealth-State relations)

**Motion concerning compliance with order (424):** [4 December 2023](#) (requiring the minister to comply by midday on 5 December 2023, and requiring an explanation otherwise)

**Additional letter of response provided:** [7 December 2023](#) (maintaining the public interest immunity claim previously raised, and further advising that the reviewers, in their letter to the minister submitting the report, stated that the review contained sensitive information that should not be publicly released)

**Order partially complied with**

## No. 409—Compensation Scheme of Last Resort

That—

- (a) the Senate notes that:
- (i) Freedom of Information request no. 3379 (the request) sought briefing documents within the Financial System Division of the Department of the Treasury regarding the proposed Compensation Scheme of Last Resort (CSLR) and Dixon Advisory and Superannuation Services Pty Ltd, in addition to correspondence from outside the Treasury about the eligibility of Dixon Advisory claimants under the proposed CSLR, since 21 May 2022,
  - (ii) certain documents were not released, or were heavily redacted, under subsection 47G(1)(a) of the *Freedom of Information Act 1982*, in response to the request on the basis that the documents contain information about AFCA’s business and financial affairs and that the release of such information could reasonably be expected to adversely and unreasonably affect AFCA’s business, commercial or financial affairs,
  - (iii) the fact that documents contain information about an organisation’s business and financial affairs, and whether disclosure of such documents would affect that organisation’s business and financial interests, is not a sufficient public interest immunity ground to withhold the documents from the Senate, and
  - (iv) AFCA’s status as the external dispute resolution (EDR) scheme that deals with financial services complaints, authorised by the responsible minister to operate the EDR scheme in accordance with the *Corporations Act 2001*, warrants a heightened degree of transparency, which outweighs concerns about commercial confidentiality; and
- (b) there be laid on the table by the Minister representing the Treasurer, **by no later than midday on Thursday, 30 November 2023**:
- (i) ‘CSLR Questions and Answers’ (document no. 1) referred in the Treasury’s response to Freedom of Information request no. 3379, without the redactions referred to in paragraph (a)(ii), and
  - (ii) ‘CSLR – data’ (document no. 4) and ‘CSLR – data and design’ (document no. 5) referred in the Treasury’s response to Freedom of Information request no. 3379, that was not released in response to the request, due to the operation of subsection 47G(1)(a) of the Freedom of Information Act.

**Moved by:** Senator Bragg

**Date agreed to:** 28 November 2023

**Letter of response provided:** [4 December 2023](#) (stating that officials are progressing the request; and the order will be responded to as soon as practicable once consultation and deliberation has occurred)

**Ordered documents provided:** [22 January 2024](#)

**Order complied with**

## No. 411—Swift Parrot Recovery Plan

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 5 pm on 8 December 2023**:

- (a) any correspondence between the Minister for the Environment and Water (the Minister) and the Threatened Species Scientific Committee regarding the Swift Parrot Recovery Plan (the recovery plan) in the past five years;

- (b) all minutes, file notes, briefing notes and documents between the Department of Climate Change, Energy, the Environment and Water and the Threatened Species Scientific Committee regarding the recovery plan in the past five years;
- (c) any correspondence between the Minister and the New South Wales Government regarding the recovery plan in the past five years;
- (d) any correspondence between the Minister and the Victorian Government regarding the recovery plan in the past five years; and
- (e) any correspondence between the Minister and the Tasmanian Government regarding the recovery plan in the past five years.

**Moved by:** Senator Rice

**Date agreed to:** 28 November 2023

**Letter of response provided:** [8 December 2023](#) (stating that the Department will take longer than the agreed time to finalise the response and the Minister proposes to table the documents on 6 February 2024)

**Ordered documents provided:** [6 February 2024](#)

**Order complied with**

### No. 413—Immigration detention—High Court decision

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 30 November 2023:**

- (a) all signed and unsigned ministerial submissions received by the Attorney-General's office relating to the Australian Human Rights Commission's appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*;
- (b) briefing documents, file notes and correspondence between the Attorney-General and/or his office and the President of the Australian Human Rights Commission in relation to their appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*; and
- (c) briefing documents, file notes and correspondence between the Attorney-General and/or his office and the Prime Minister and/or his office in relation to Australian Human Rights Commission's appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*.

**Moved by:** Senator Cash

**Date agreed to:** 29 November 2023

**Letter of response provided:** [4 December 2023](#) (paragraphs (a) and (b) – enclosing 6 documents, with redaction of information that is not in the public interest to reveal; paragraph (c) – stating that the Attorney-General or the Attorney General's Department do not hold the documents sought)

**Public interest immunity claims raised:**

- Prejudice to the department's ability to provide frank and fearless advice
- Prejudice to the Commonwealth's interests in managing ongoing and future legal matters

**Order partially complied with**

### No. 414—Immigration detention—High Court decision

That there be laid on the table by the President of the Human Rights Commission, **by no later than midday on 30 November 2023:**

- (a) all correspondence between the President of the Australian Human Rights Commission and the Attorney-General and/or his office in relation to their appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*;
- (b) all correspondence between the President of the Australian Human Rights Commission and the Attorney-General's Department in relation to their appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*;
- (c) briefing documents, file notes and correspondence between the President of the Australian Human Rights Commission and Commissioners in relation to their appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*; and
- (d) briefing documents, file notes and correspondence relating to the decision of whom to appoint as legal representation, in relation to the Australian Human Rights Commission's appearance in the High Court in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*.

**Moved by:** Senator Cash

**Date agreed to:** 29 November 2023

**Letter of response provided:** [4 December 2023](#) (documents provided within the scope of the order with personal information redacted; and claiming public interest immunity regarding additional documents that may fall within the scope of the order)

**Public interest immunity claim raised:** Disclosure of privileged legal advice (the documents include communications between the Commission and its legal advisers, and absent exceptional circumstances it is essential that privileged legal advice provided to statutory authorities remain confidential)

**Order partially complied with**

## No. 415—Tax cuts—Impact on inflation

That there be laid on the table by the Minister representing the Treasurer, **by no later than 1 pm on 6 December 2023:**

- (a) any research and modelling undertaken by the Department of the Treasury since 21 May 2022 on the likely impact of the Stage 3 tax cuts on inflation;
- (b) any research and modelling undertaken by the Department of Finance since 21 May 2022 on the likely impact of the Stage 3 tax cuts on inflation;
- (c) any correspondence between the Department of the Treasury and the Department of Finance since 21 May 2022 regarding the likely impact of the Stage 3 tax cuts on inflation;
- (d) any correspondence between the Department of the Treasury and the Treasurer since 21 May 2022 regarding the likely impact of the Stage 3 tax cuts on inflation; and
- (e) any correspondence between the Department of Finance and the Minister for Finance since 21 May 2022 regarding the likely impact of the Stage 3 tax cuts on inflation.
- (f) any research and modelling undertaken by the Reserve Bank of Australia since 21 May 2022 on the likely impact of the Stage 3 tax cuts on inflation; and
- (g) any correspondence since 21 May 2022 regarding the likely impact of the Stage 3 tax cuts on inflation between the Reserve Bank of Australia and:
  - (i) the Department of Finance,
  - (ii) Treasury,
  - (iii) the Minister for Finance, and
  - (iv) the Treasurer.

**Moved by:** Senator David Pocock

**Date agreed to:** 29 November 2023



**Letter of response provided:** [7 December 2023](#) (advising that no documents in scope of the order were identified)

**No documents exist**

### No. 421—Veterans’ Affairs portfolio—Claims

That there be laid on the table by the Minister representing the Minister for Veterans’ Affairs, **by no later than midday on 5 December 2023:**

- (a) the current number of allocated and unallocated claims across all legislation under the Veterans’ Affairs portfolio;
- (b) the current number of claims allocated to staff that are not able to address the claims as they are on long term leave, on higher duties, working in another area or are otherwise unable to address the claims;
- (c) the current number of claims that have been allocated but remain unaddressed or pending; and
- (d) the number of claims since 1 February 2023 that have been rolled into, consolidated or merged with other claims.

**Moved by:** Senator Lambie

**Date agreed to:** 4 December 2023 ([statement made](#))

**Letter of response provided:** [7 December 2023](#) (providing information, and stating that the department’s systems do not collect or extract information in some areas)

**Order complied with**

### No. 425—Family, domestic and sexual violence services funding

That there be laid on the table by the Minister representing the Minister for Social Services, **by no later than 10 am on Tuesday, 5 December 2023**, details of the funding that has been provided to, and workers that have been employed in, frontline services and community work to support people experiencing family, domestic and sexual violence following the Government’s announcement on 25 October 2022, including:

- (a) how much of the \$169.4 million that was promised over 4 years from 2022-23, has been distributed to each state and territory, up to 30 November 2023;
- (b) details of the decision process to distribute funding and identifying who receives funding in each jurisdiction;
- (c) the number of frontline workers who have been employed in each state and territory, up to 30 November 2023, including the postcode in which each worker is employed;
- (d) the start date for the employment of each frontline worker who has been employed; and
- (e) the pay rate and grade for:
  - (i) each of the 500 frontline workers who will be employed, and
  - (ii) each of the frontline workers employed up to 30 November 2023.

**Moved by:** Senator Liddle

**Date agreed to:** 4 December 2023

**Letter of response provided:** [7 December 2023](#) (paragraph (a) – providing information in tabulated form; paragraph (b) – detailing the decision process, and stating that how much funding each jurisdiction receives, and who receives the funding is available online; paragraphs (c) and (d) – stating that all states have executed an agreement to accept funding to engage new workers and have received payments, and are now undertaking internal processes to fund organisation to recruit workers; paragraph (e) – stating that each jurisdiction is responsible for recruitment of workers)

**Order partially complied with**

### Unanswered questions on notice—Defence portfolio

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than midday on 7 December 2023**, the answers to questions on notice nos 2333 and 2336.

**Moved by:** Senator Lambie

**Date agreed to:** 6 December 2023

**Answer to no. 2336 provided:** [8 December 2023](#)

**Order partially complied with**

### No. 428—Australian Law Reform Commission—Corporations and financial services legislation inquiry

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 7 December 2023**, a copy of the final report of the Australian Law Reform Commission’s corporations and financial services legislation inquiry, titled *Confronting complexity: Reforming corporations and financial services legislation* (ALRC report no. 141, dated November 2023), confirmed by the Australian Law Reform Commission’s social media profiles to have been submitted to the Attorney-General on 30 November 2023.

**Moved by:** Senator Cash

**Date agreed to:** 6 December 2023

**Letter of response provided:** [7 December 2023](#) (stating that the report will be tabled in accordance with the established statutory process)

**Order not yet complied with**

### No. 430—Barossa gas project

That there be laid on the table by the Minister representing the Minister for Resources, **by no later than 5 pm on 6 February 2024**, the following documents:

- (a) all correspondence between the Minister’s office and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) relating to the Barossa gas project following the 2022 Federal election; and
- (b) all correspondence between the Department of Industry, Science and Resources and NOPSEMA relating to the Barossa gas project following the 2022 Federal election.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 6 December 2023

**Letter of response and documents provided:** [21 March 2024](#) (42 documents have been provided within the scope of the order with redactions; and claiming public interest immunity in respect of seven documents)

**Public interest immunity claim raised:**

- Disclosure of privileged legal advice

- Impact on future stakeholder engagement

**Order partially complied with**

### No. 431—Plugged and abandoned wells

That there be laid on the table by the Minister representing the Minister for Resources, **by no later than 5 pm on 6 February 2024**, the following documents:

- all records of plugged and abandoned wells in Commonwealth waters; and
- all records of plugged and abandoned wells that are leaking in Commonwealth waters.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 6 December 2023

**Letter of response and document provided:** [20 March 2024](#) (providing a link in relation to paragraph (a); in relation to paragraph (b) a document within the scope of the order has been provided)

**Order partially complied with**

### No. 433—OneDefence Data Program

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 1 pm on 7 December 2023**, the following:

- a detailed summary of how much money has been paid and committed to KPMG Australia Technology Solutions through the ICT 2284 OneDefence Data Program (the program) since its inception;
- a detailed summary of what outcomes have been delivered by KPMG Australia Technology Solutions relating to the program since its inception; and
- a full copy of the report prepared by Anchoram Consulting relating to the program.

**Moved by:** Senator David Pocock

**Date agreed to:** 6 December 2023

**Letter of response and documents provided:** [20 December 2023](#)

**Order partially complied with**

### No. 434—Snowy 2.0 project

That there be laid on the table by the Minister for Finance, **by no later than 1 pm on 7 December 2023**, the following:

- a copy of the full, unredacted letter from the Chair of Snowy Hydro Limited, David Knox, to the Minister for Finance (Senator Gallagher) and the Minister for Climate Change and Energy (Mr Bowen) on 29 August 2023 proposing that an additional \$6 billion of Snowy 2.0 project costs be approved;
- a list of all the stakeholders consulted by the Finance Minister and/or the Climate Change and Energy Minister in the time between receiving the abovementioned letter and approving the additional costs on 30 August 2023; and
- any correspondence within and between the office of the Finance Minister, the office of the Climate Change and Energy Minister, the Department of Finance and the Department of Climate Change, Energy, the Environment and Water relating to the Snowy 2.0 project on 29 and 30 August 2023.

**Moved by:** Senator David Pocock

**Date agreed to:** 6 December 2023

**Letter of response and documents provided:** [14 December 2023](#)

**Order partially complied with**

### No. 435—Management Advisory Services Panel

That there be laid on the table by the Minister for Finance, **by no later than 1 pm on 7 December 2023**, the following:

- (a) the names of the 22 service providers on the Management Advisory Services (MAS) Panel that were sent a commercial-in-confidence document, being the MAS Supplier Matrix with Pricing, on or around 9 November 2023, wherein the rates of all 413 service providers on the MAS Panel were revealed;
- (b) any correspondence within and between the Department of Finance and the Department of Health and Aged Care regarding the above breach, including but not limited to, correspondence considering the commercial consequences of said breach and any discussion of compensation for the 413 organisations whose rates were revealed through the release;
- (c) any correspondence between the Department of Finance and the Minister for Finance regarding the above matter;
- (d) written confirmation of which organisations among Deloitte, EY, KPMG and Scyne Advisory, or any of their subsidiaries, received the MAS Supplier Matrix; and
- (e) any evidence demonstrating that the breached information was not circulated beyond the initial group of recipients by any of the 22 organisations who received the MAS Supplier Matrix in the 8 day period between when the Department of Finance became aware of the breach, on 9 November 2023, and when, on 17 November 2023, it requested that the 22 organisations sign deeds of confidentiality and statutory declarations.

**Moved by:** Senator David Pocock

**Date agreed to:** 6 December 2023

**Letter of response and documents provided:** [20 December 2023](#)

**Order partially complied with**

### No. 436—Entitlement Calculation Engine

That there be laid on the table by the Minister representing the Minister for Government Services, **by no later than 1 pm on 7 December 2023**, the following:

- (a) the full closure report relating to the Proof of Concept for Entitlement Calculation Engine (RFQDM21-615s), titled *Proof of concept 10: Machine-enabled legislative transposition closure report*; and
- (b) a detailed summary of all expenditure relating to the Entitlement Calculation Engine, including but not limited to, funding received by Pegasystems, made after the delivery of the abovementioned report.

**Moved by:** Senator David Pocock

**Date agreed to:** 6 December 2023

**Ordered documents provided:** [7 December 2023](#)

**Order complied with**

### No. 438—Pareto Phone data breach

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on 20 December 2023**, in relation to the Pareto Phone data breach and the Australian Information Commissioner initiated investigation into Pareto Phone, any briefing notes, file notes, emails or other records of interaction since 31 July 2023 between the Assistant Minister for Competition, Charities and Treasury, and the:

- (a) Australian Charities and Not-for-profits Commission;
- (b) Attorney-General and/or the Attorney-General's Department;
- (c) Office of the Australian Information Commissioner; or
- (d) Prime Minister and/or the Department of the Prime Minister and Cabinet.

**Moved by:** Senator Dean Smith

**Date agreed to:** 6 December 2023

**Letter of response and ordered documents provided:** [25 January 2024](#)

**Order complied with**

### No. 439—Department of Defence—Conflicts of interest

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 1 pm on 7 December 2023**, a list of any conflicts of interest declared from 2014 to 2021 by any individuals working as the Department of Defence's Chief Information Officer, Chief Technology Officer or Chief Information Security Officer, and by any individuals acting in any of the above positions, including but not limited to, any conflicts related to SAP and/or DXC Technology.

**Moved by:** Senator David Pocock

**Date agreed to:** 6 December 2023

**Letter of response and document provided:** [20 December 2023](#)

**Order complied with**

### No. 443—Launceston City Deal projects

That there be laid on the table by the Minister representing the Minister for Defence Industry, **by 6 February 2024**, all documents and correspondence sent or received by the Department of Defence or the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to or from the University of Tasmania and the Tasmanian Government, between 1 March 2017 and 6 December 2023, pertaining to the following Launceston City Deal projects:

- (a) the Defence and maritime innovation and design precinct project;
- (b) the new Department of Defence cadet facility in Launceston's northern suburbs;
- (c) the upgrade of facilities for the Australian Defence Force Reserves, including projected and actual expenses for the acquisition of land, reasons for project delays, and current project progress; and
- (d) divestment of the Paterson Barracks, including plans for public access to the site.

**Moved by:** Senator Tyrrell

**Date agreed to:** 7 December 2023

**Ordered documents provided:** [6 February 2024](#)

**Order complied with**

## No. 444—Federal Circuit and Family Court of Australia—Burnie court facilities

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on 6 February 2024**:

- (a) all documents and correspondence relating to the location of the Federal Circuit and Family Court of Australia (FCFCOA) in Burnie, Tasmania generated from 1 January 2021 to 6 December 2023 between the following:
  - (i) the Commonwealth Attorney-General and Tasmanian Attorney-General,
  - (ii) the Commonwealth Attorney-General's Department and the Tasmanian Attorney-General's Department, and
  - (iii) the Commonwealth Attorney-General's Department and the FCFCOA, and any related documents held within the office of the Commonwealth Attorney-General, the Commonwealth Attorney-General's Department and the FCFCOA;
- (b) all documents and correspondence relating to the proposed Burnie Court Complex generated from 1 August 2020 to 6 December 2023 between the following:
  - (i) the Commonwealth Attorney-General and Tasmanian Attorney General,
  - (ii) the Commonwealth Attorney-General's Department and the Tasmanian Attorney-General's Department, and
  - (iii) the Commonwealth Attorney-General's Department and the FCFCOA, and any related documents held within the office of the Commonwealth Attorney-General, the Commonwealth Attorney-General's Department and the FCFCOA; and
- (c) all documents or correspondence relating to payments to the Burnie Arts and Function Centre while hosting the FCFCOA in Burnie, Tasmania generated from 1 September 2021 to 30 June 2023 held within the Commonwealth Attorney-General's Department; and
- (d) all documents or correspondence relating to the Launceston Family Court building generated from 1 January 2019 to the official opening of the new court facilities on 3 April 2023 held within the Commonwealth Attorney-General's Department.

**Moved by:** Senator Tyrrell

**Date agreed to:** 7 December 2023

**Letter of response provided:** [8 February 2024](#) (stating that the production of these documents would have the potential to impair and prejudice ongoing discussions with the Tasmanian Government; and raising public interest immunity claims)

**Public interest immunity claims raised:**

- Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)
- Commercial confidentiality
- Compromise Cabinet confidentiality

**Order not yet complied with**

## No. 446—Burnie Arts and Function Centre

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on 6 February 2024**, all documents or correspondence relating to payments to the Burnie Arts and Function Centre while hosting the Federal Circuit and Family Court of Australia in Burnie, Tasmania generated from 1 September 2021 to 30 June 2023 held within the Department of the Treasury.

**Moved by:** Senator Tyrrell

**Date agreed to:** 7 December 2023

**Letter of response provided:** [2 February 2024](#) (there are no documents to produce in response to this order)

**No documents exist**

## 2024

### No. 455—Basin Officials Committee meetings

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on 26 February 2024**, all minutes, file notes, briefing notes and other communications relating to each Basin Officials Committee meeting during the period 31 May 2022 to 14 December 2023.

**Moved by:** Senator Davey

**Date agreed to:** 7 February 2024

**Letter of response provided:** [26 February 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (482):** [29 February 2024](#) (requiring the minister to fully comply by 26 March 2024, and if otherwise, requiring an explanation on 27 March 2024)

**Explanation provided:** [27 March 2024](#)

**Letter of response and documents provided:** [28 March 2024](#) (providing final versions of agendas for the committee meetings, including redactions to protect the privacy of individuals; and withholding other documents ordered on public interest grounds)

**Public interest immunity claims raised:**

- Impact on decision-making process of government
- Protection of personal information

**Order partially complied with**

### No. 456—Murray-Darling Basin—Visits by minister

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Monday, 26 February 2024**, all briefing notes, media briefing notes, file notes, emails and written communications relating to visits by the Minister for the Environment and Water to Murray-Darling Basin communities.

**Moved by:** Senator Davey

**Date agreed to:** 7 February 2024

**Letter of response provided:** [26 February 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (482):** [29 February 2024](#) (requiring the minister to fully comply by 26 March 2024, and if otherwise, requiring an explanation on 27 March 2024)

**Explanation provided:** [27 March 2024](#)

**Letter of response provided:** [28 March 2024](#) (seeking more time to comply with order)

**Further letter of response and documents provided:** [29 May 2024](#) (providing 45 documents in response to parts of the order, and raising public interest immunity claims in relation to redacted information)

**Public interest immunity claims raised:**

- Commercial sensitivities
- Prejudice to Commonwealth and state relations

- Protection of personal information
- Information compromising life or physical safety

**Order partially complied with**

## No. 457—Murray-Darling Basin Plan and Northern Basin Aboriginal Nations Funding Agreement

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 5 pm on Monday, 26 February 2024**, all briefing notes, media briefing notes, file notes, emails and written communications during the period 6 September 2023 to 4 December 2023, relating to compliance with orders for the production of documents no. 318 (Murray-Darling Basin Plan) and no. 319 (Northern Basin Aboriginal Nations Funding Agreement) between or generated by:

- the office of the Minister representing the Minister for the Environment and Water;
- the office of the Minister for the Environment and Water;
- the Department of Climate Change, Energy, the Environment and Water;
- the Murray Darling Basin Authority; and
- the Commonwealth Environmental Water Office.

**Moved by:** Senator Davey

**Date agreed to:** 7 February 2024

**Letter of response provided:** [26 February 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (482):** [29 February 2024](#) (requiring the minister to fully comply by 26 March 2024, and if otherwise, requiring an explanation on 27 March 2024)

**Explanation provided:** [27 March 2024](#)

**Letter of response and documents provided:** [28 March 2024](#) (providing 44 documents relating to the order, with redactions to some documents on public interest grounds)

**Public interest immunity claims raised:**

- Disclosure of privileged legal advice
- Protection of personal information

**Order partially complied with**

## No. 458—New fuel or vehicle emission standards

That there be laid on the table by the Minister representing the Minister for Infrastructure, Transport and Regional Development and Local Government, **by no later than midday on 8 February 2024**, the following:

- any modelling conducted by the Department of Infrastructure, Transport, Regional Development Communications and the Arts; Treasury; the Department of Industry, Science and Resources; or the Department of Climate Change, Energy, the Environment and Water, regarding the impact of the new fuel or vehicle emissions standards;
- the document titled *Fuel quality standards implementation: cost benefit analysis*, by GHD and ACIL Allen (2022);
- any other report or modelling regarding new fuel or vehicle emission standards implementation authored by ACIL Allen Consulting held by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts; Treasury; the Department of Industry, Science and Resources; or the Department of Climate Change, Energy, the Environment and Water; and



- (d) the document titled *Modelling and analysis of a regulated fuel efficiency standard, Stage 1 Report*, by ACIL Allen (2023).

**Moved by:** Leader of The Nationals in the Senate (Senator McKenzie)

**Date agreed to:** 7 February 2024

**Letter of response provided:** [8 February 2024](#) (noting that the Government released its impact analysis titled *Cleaner, Cheaper-to-Run Cars: An Australian New Vehicle Efficiency Standard Consultation Impact Analysis* on 4 February 2024, and providing a link to the website where the document is available to view)

**Additional letter of response provided:** [12 February 2024](#) (claiming public interest immunity over the documents sought)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (Cabinet documents are not provided in response to orders for documents)
- Commercial confidentiality (disclosure of the modelling could impact future market sensitivities relating to the credit trading mechanism ventral to the operation of the New Vehicle Efficiency Standard)

**Order not yet complied with**

## No. 459—Students with disability loadings settings review

That there be laid on the table by the Minister representing the Minister for Education, **by no later than midday on 26 February 2024**, the students with disability loadings settings review completed by April 2023, with any associated briefings.

**Moved by:** Senator Allman-Payne ([statement made](#))

**Date agreed to:** 8 February 2024

**Letter of response provided:** [26 February 2024](#) (claiming public interest immunity over the documents sought)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)

**Motion concerning compliance with order (473):** [27 February 2024](#) (requiring the minister to comply by no later than midday on 29 February 2024)

**Additional letter of response provided:** [1 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

## No. 460—School funding

That there be laid on the table by the Minister representing the Minister for Education, **by no later than midday on 26 February 2024:**

- (a) all documents, advice and correspondence relating to the signed statement of intent between the Commonwealth and Western Australian Government on school funding announced on 31 January 2024, with any associated briefings, agreements or undertakings; and
- (b) any documents showing the modelling and costs related to the state by state and total cost of the offer to lift the Commonwealth's share of school funding from 20% to 22.5% of the School Recommendation Scheme by 2029, with any associated briefings.

**Moved by:** Senator Allman-Payne ([statement made](#))

**Date agreed to:** 8 February 2024

**Letter of response provided:** [26 February 2024](#) (claiming public interest immunity over the documents sought, noting that the agreements will be published on the Department of Education's website once they have been finalised)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Commonwealth and state relations (disclosure of such documents would cause prejudice to the relations between the Commonwealth and the states)

**Motion concerning compliance with order (473):** [27 February 2024](#) (requiring the minister to comply by no later than midday on 29 February 2024)

**Additional letter of response provided:** [1 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

### No. 461—CSIRO—Carbon capture, utilisation and storage

- (1) That there be laid on the table by the Ministers representing the Minister for the Environment and Water, the Minister for Climate Change and Energy and the Minister for Industry and Science, **by no later than 10 am on Tuesday, 27 February 2024**, all correspondence sent to any Minister from the Commonwealth Scientific and Industrial Research Organisation (CSIRO), and between any Minister and the CSIRO, in relation to Carbon Capture, Utilisation and Storage (CCUS).
- (2) That there be laid on the table by the Ministers representing the Minister for the Environment and Water, the Minister for Climate Change and Energy and the Minister for Industry and Science, **by no later than midday on Wednesday, 28 February 2024**, all briefing notes, executive summaries of scientific advice and reports relating to CCUS technology provided to any Minister by the CSIRO.

**Moved by:** Senator Wish-Wilson

**Date agreed to:** 8 February 2024

**Letters of response provided:** [27 February 2024](#) [2] (there are no documents to produce in response to this order)

**No documents exist**

### No. 468—Aged Care Taskforce

That there be laid on the table by the Minister representing the Minister for Aged Care, **by no later than 9:30 am on Wednesday, 28 February 2024**, the following documents relating to the Aged Care Taskforce:

- (a) the final report from the Aged Care Taskforce that was provided to the Government prior to Christmas 2023; and
- (b) the research conducted by Kantar Public on public understanding and perception of co-contributions in aged care, as referenced in the communique from the 22 November 2023 meeting.

**Moved by:** Senator Ruston

**Date agreed to:** 27 February 2024

**Letter of response provided:** [28 February 2024](#) (stating that the report will be released in due course)

**Motion concerning compliance with order (485):** [29 February 2024](#) (requiring the minister to comply by 3.30 pm on Thursday, 29 February 2024) ([statement made](#))

**Additional letter of response provided:** [29 February 2024](#) (restating that the report will be released in due course)

**Order not yet complied with**

**No. 469—Future Fit program**

That there be laid on the table by the Department of Health and Aged Care, **by no later than midday on Thursday, 14 March 2024:**

- (a) all relevant agreements or other documentation evidencing the chain of title and licensing rights associated with all intellectual property (including all pre-existing intellectual property) created and used for the Future Fit program, including the chain of title from Miles Morgan Australia’s subcontractors involved in the delivery of the program;
- (b) all correspondence related to the ownership of and licenses to all intellectual property created and used for the Future Fit program;
- (c) all correspondence and other documentation describing the intellectual property created for the Future Fit program, and including pre-existing intellectual property used in the Future Fit program, and including but not limited to operating models, architectures and design documents;
- (d) all relevant documentation and invoices evidencing acquittal of payment to Miles Morgan Australia by the Department of Health and Aged Care against each milestone, and against each intellectual property asset created as a result of the 2021 contract between Miles Morgan Australia and the Department of Health and Aged Care (provided in OPD 393), and the extension contract that ends on 9 March 2024; and
- (e) all relevant documents and invoices evidencing acquittal of payments for the \$2.2 million Future Fit pilot program in Whitehorse and Ballarat.

**Moved by:** Senator Rice

**Date agreed to:** 27 February 2024 (also see order no. 393)

**Letter of response provided:** [18 March 2024](#) (seeking more time to comply with order)

**Further letter of response and documents provided:** [14 May 2024](#) (providing documents in relation to paragraphs (a), (c) and (d); raising public interest immunity claims in relation to documents sought by paragraph (b) and some documents sought in paragraph (c); and withholding documents in relation to paragraph (e) on the basis that ‘the department is not able to produce’ the documents )

**Public interest immunity claims:**

- Disclosure of privileged legal advice
- Commercial confidentiality

**Order partially complied with**

**No. 471—Department of Defence and KPMG**

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 1 pm on 28 February 2024**, the full chain of correspondence in 2022 between the Department of Defence and KPMG that included the statement that a payment to KPMG would be made “in the interests of maintaining a collaborative relationship”, as referred to in Anchoram Consulting’s report on the 1DD Program delivered in April 2023 and released to the Senate in December 2023.

**Moved by:** Senator David Pocock

**Date agreed to:** 27 February 2024

**Letter of response and documents provided:** [29 February 2024](#) (with redactions of personal information)

**Order complied with**

## No. 472—Islamic Revolutionary Guard Corps

That the Senate—

- (a) notes that on 28 November 2023, the Senate agreed to order for production of documents no. 405, which required the tabling of:
  - (i) the Statement of Reasons document held by the Attorney-General’s Department relating to a terrorist organisation listing of the Islamic Revolutionary Guard Corps prepared in January 2023, and
  - (ii) the ‘Nomination Form – Criminal Code’ held by the Attorney-General’s Department relating to a terrorist organisation listing of the Islamic Revolutionary Guard Corps prepared in January 2023;
- (b) notes that, on 30 November 2023, the Attorney-General made a public interest immunity claim in relation to the documents sought, stating that the production of the documents “would, or might reasonably be expected to, disclose information that would be damaging to Australia’s national security”; and
- (c) orders the Minister representing the Attorney-General to provide to the Parliamentary Joint Committee on Intelligence and Security, on a confidential basis, **by midday, Thursday, 29 February 2024**, a copy of the documents that were the subject of the order agreed to on 28 November 2023.

**Moved by:** Senators Birmingham, Paterson and Chandler (see also order no. 405)

**Date agreed to:** 27 February 2024

**Letter of response provided:** [29 February 2024](#) (maintaining the claim of public interest immunity raised in response to order no. 405)

**Public interest immunity claim raised:** Potential damage to Australia’s national security

**Motion concerning compliance with order (501):** 21 March 2024 (rejecting the public interest immunity claim raised; and requiring the minister to comply by midday on Monday, 25 March 2024)

**Additional letter of response provided:** [25 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Motion concerning compliance with order (507):** [26 March 2024](#) (requiring the minister to provide an explanation of the failure to comply with the order)

**Explanation provided:** [27 March 2024](#)

**Order not yet complied with**

## No. 474—Afghanistan Inquiry Implementation Oversight Panel

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 10 am on 29 February 2024**, the final report of the Afghanistan Inquiry Implementation Oversight Panel.

**Moved by:** Senator Roberts

**Date agreed to:** 28 February 2024

**Letter of response provided:** [1 March 2024](#) (the final report is currently under thorough consideration and premature release may potentially prejudice criminal proceeding; the Government will therefore respond to the order once this consideration is complete)

**Additional letter of response provided:** [21 March 2024](#) (claiming public interest immunity over the document sought)

**Public interest immunity claim raised:** Prejudice to legal proceedings (specifically current and future war crimes prosecutions)

**Motion concerning compliance with order (506):** [26 March 2024](#) (rejecting the public interest immunity claim raised; and requiring the minister to comply by midday on Wednesday, 27 March 2024)

**Letter of response provided:** [28 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Ordered document provided:** [17 May 2024](#)

**Order complied with** (see also order no. [491](#))

### No. 475—Digital Transformation Agency—Enhanced notification process

That there be laid on the table by the Minister for Finance, **by no later than 3 pm on Thursday, 29 February 2024**, any documents, emails, or other correspondence sent by the Secretary of the Department of Finance under the Digital Transformation Agency’s Enhanced Notification Process to applicable agencies over the past 6 months.

**Moved by:** Senator Hume

**Date agreed to:** 27 February 2024

**Letter of response provided:** [29 February 2024](#) (there are no documents to produce in response to this order)

**No documents exist**

### No. 478—Services Australia—Enterprise Risk Watchlist

That there be laid on the table by the Minister representing the Minister for Government Services, **by no later than 3 pm on Thursday, 29 February 2024**, the latest iteration of Services Australia’s Enterprise Risk Watchlist.

**Moved by:** Senator Henderson

**Date agreed to:** 28 February 2024

**Ordered document provided:** [29 February 2024](#) (with redaction of personal information and data related to cyber security)

**Order complied with**

### No. 479—Services Australia—Application processing data

That there be laid on the table by the Minister representing the Minister for Government Services, **by no later than 3 pm on Thursday, 29 February 2024**, data from Services Australia for:

- (a) the average number of days taken to process social security and welfare applications finalised in the period 1 January 2024 to 25 February 2024; and
- (b) the average number of days taken to process health work applications finalised in the period 1 January 2024 to 25 February 2024.

**Moved by:** Senator Henderson

**Date agreed to:** 28 February 2024

**Letter of response provided:** [29 February 2024](#) (advising that Services Australia regularly provide related information to the Community Affairs Legislation Committee as part of the committee's consideration of estimates, and suggesting that it would be more appropriate to request this information via a question on notice)

**Motion concerning compliance with order (492):** 20 March 2023 (rejecting the grounds on which the minister withheld the information; and requiring the minister to comply by midday on Monday, 25 March 2024)

**Additional letter of response and document provided:** [25 March 2024](#) (maintaining that it would be more appropriate to request this information via a question on notice; providing tables with statistics on the average of days to process social security and welfare applications from 1 July to 31 December 2023)

**Order not yet complied with**

## No. 481—National Environmental Standard for First Nations engagement and participation

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 14 March 2024**, the following:

- (a) all documents, advice and correspondence between the Indigenous Advisory Committee (IAC) operating under the *Environment Protection and Biodiversity Conservation Act 1999*, the Department of Climate Change, Energy, the Environment and Water and the Minister's office relating to the proposed new National Environmental Standard for First Nations engagement and participation;
- (b) any draft national environmental standard for First Nations Engagement and Participation whether prepared or put forward by the IAC, the Department or any related entities; and
- (c) all meeting notes, briefing notes, emails and other written communications relating to any meetings conducted by the Department in relation to the proposed new National Environmental Standard for First Nations engagement and participation.

**Moved by:** Senator Thorpe

**Date agreed to:** 28 February 2024

**Letter of response provided:** [18 March 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (521):** [15 May 2024](#) (requiring the minister to comply by midday on Thursday, 16 May 2024, and if otherwise, provide an explanation after question time)

**Explanation provided:** 16 May 2024

**Additional letter of response provided:** [16 May 2024](#) (raising a public interest immunity claim over the documents sought)

**Public interest immunity claim:** Disclosure of Cabinet deliberations

**Order not yet complied with**

## No. 483—National Housing and Homelessness Plan

That there be laid on the table by the Minister representing the Minister for Housing, **by no later than 1 pm on 18 March 2024**, every version, including any working drafts, of the National Housing and Homelessness Plan Summary Paper developed by the Department of Social Services and shared with the Minister for Housing and/or her office.

**Moved by:** Senator David Pocock

**Date agreed to:** 29 February 2024

**Letter of response and document provided:** [21 March 2024](#) (providing the final version of the document, and withholding draft material citing longstanding practice)

**Order partially complied with**

**No. 486—OneDefence Data**

That there be laid on the table by the Minister representing the Minister for Defence, **by no later than 1 pm on 29 March 2024**, the following:

- (a) all correspondence since June 2022 between the Department of Defence and Anchoram Consulting, and any other party involved in preparing the Anchoram report delivered in April 2023, in relation to the OneDefence Data Program;
- (b) all correspondence since June 2022 between Dr Maria Milosavljevic GAICD FACS, Matt Yannopolous PSM and/or Peter Alexander about the commissioning, progress, delivery, findings and recommendations of the Anchoram report received by Defence in April 2023, and any related correspondence concerning the OneDefence Data Program;
- (c) all correspondence related to a Defence-wide cloud-based data management system between KPMG and Mr Peter Corcoran during his time at the Department of Defence as Assistant Secretary of ICT Architecture; and
- (d) all correspondence related to a Defence-wide cloud-based data management system between the Department of Defence and Mr Peter Corcoran during his time at KPMG as Director of Cyber.

**Moved by:** Senator David Pocock

**Date agreed to:** 29 February 2024

**Letter of response and documents provided:** [17 May 2024](#) (11 documents provided with redactions and raising public interest immunity claims; and stating that in relation to paragraphs (c) and (d) approximately 35,000 documents have been identified, and suggests the Senate vary the scope of the order)

**Public interest immunity claims:**

- Disclosure of Cabinet deliberations
- Privacy (to protect the privacy of individuals who are not Senior Executive Service officials)

**Order partially complied with**

**No. 487—Brookline Advisory, PsiQuantum and Mandala**

That there be laid on the table by the Minister representing the Minister for Defence, the Minister representing the Minister for Industry and Science and the Minister representing the Minister for Defence Industry, **by no later than 1 pm on 28 March 2024**, the following:

- (a) a list of all meetings between Brookline Advisory, including but not limited to those involving Lidija Ivanovski and/or Gerard Richardson, and the Minister of Defence and/or his office since 1 April 2023;
- (b) a list of all meetings between Brookline Advisory representatives, including but not limited to those involving Lidija Ivanovski and/or Gerard Richardson, and the Minister for Industry and Science and/or his office since 1 April 2023;
- (c) a list of all meetings between PsiQuantum and the Minister for Defence and/or his office since 21 May 2022;
- (d) a list of all meetings between PsiQuantum and the Minister for Industry and Science and/or his office since 21 May 2022;

- (e) a list of any visits from the Minister of Defence, the Minister of Industry and Science and/or the Minister for Defence Industry, and/or any of their representatives, to PsiQuantum since 21 May 2022;
- (f) any correspondence between PsiQuantum and the Minister for Defences' office, the Minister for Industry and Science office and/or the Minister for Defence Industry office since 21 May 2022;
- (g) any correspondence between Brookline Advisory and the Minister for Defence office, the Minister for Industry and Science office and/or the Minister for Defence Industry office since 1 April 2023;
- (h) any correspondence between Mandala and the Minister for Defence office, the Minister for Industry and Science office and/or the Minister for Defence Industry office since 1 April 2023;
- (i) any correspondence between the Minister for Defence office and the Minister for Industry and Science office regarding a quantum expression of interest (EoI) since 1 January 2023; and
- (j) any correspondence between the Minister for Industry and Science office and the Department of Industry, Science and Resources regarding a quantum EoI since 1 January 2023.

**Moved by:** Senator David Pocock

**Date agreed to:** 29 February 2024

**Letter of response and documents provided:** [16 April 2024](#) (in relation to paragraphs (a) to (e), confirming that some meetings have taken place, but stating that “the Government does not accept that a minister can be compelled by an order for production of documents to create new documents”; and in relation to paragraphs (f) to (j) providing items of correspondence and raising public interest immunity claims over redacted information)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations
- Damage to commercial interests

**Order partially complied with**

## No. 491—Afghanistan Inquiry Implementation Oversight Panel

That—

- (a) the Senate notes that:
  - (i) on 28 February 2024, order for production of documents no. 474 was agreed by the Senate, requiring the Minister representing the Minister for Defence to table documents by no later than 10 am on 29 February 2024,
  - (ii) the order has not been complied with by the deadline, and
  - (iii) in a letter of response dated 29 February 2024, the Minister claimed the document may contain prejudicial information but did not raise a public interest immunity claim;
- (b) there be laid on the table by the Minister representing the Minister for Defence, **by 2 pm on 19 March 2024:**
  - (i) the advice referred to in the letter dated 29 February 2024, that the final report of the Afghanistan Inquiry Implementation Oversight Panel may prejudice criminal proceedings, with identifying details of the proceedings redacted, and
  - (ii) the date the Government expects to complete consultation with the Office of the Special Investigator.

**Moved by:** Senator Roberts

**Date agreed to:** 18 March 2024 (see also order no. [474](#))



**Letter of response provided:** [21 March 2024](#) (claiming public interest immunity over the documents sought)

**Public interest immunity claim raised:** Prejudice to legal proceedings (specifically current and future war crimes prosecutions)

**Motion concerning compliance with order (506):** [26 March 2024](#) (rejecting the public interest immunity claim raised; and requiring the minister to comply by midday on Wednesday, 27 March 2024)

**Letter of response provided:** [28 March 2024](#) (maintaining the public interest immunity claim previously raised)

**Ordered document provided:** [17 May 2024](#)

**Order complied with**

## No. 493—First Nations cultural heritage reforms

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 8 April 2024**, the following:

- (a) all documents, advice and correspondence between the First Nations Heritage Protection Alliance Leadership Working Group; the Joint Working Group; the Implementation Working Group; the Department of Climate Change, Energy, the Environment and Water; and the Minister's office relating to the First Nations cultural heritage reforms being undertaken by the First Nations Heritage Protection Alliance and the Australian Government since 1 August 2022; and
- (b) all meeting notes, briefing notes, meeting invite lists and minutes from consultation sessions that occurred for the purposes of stage 2 consultations for the First Nations cultural heritage reforms since 1 August 2022.

**Moved by:** Senator Thorpe

**Date agreed to:** 20 March 2024

**Letter of response provided:** [9 April 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (523):** [16 May 2024](#) (requiring the minister to comply by midday on Friday, 24 May 2024)

**Additional letter of response provided:** [17 May 2024](#) (raising a public interest immunity claim)

**Public interest immunity claim raised:** Disclosure of Cabinet deliberations

**Further letter of response provided:** 24 May 2024 (maintaining the public interest immunity claim previously raised)

**Further letter of response and document provided:** [29 May 2024](#) (in relation to paragraph (a) no documents exist, and in relation to paragraph (b) providing one document with redactions and raising public interest immunity claims over the withheld information)

**Public interest immunity claims raised on 29 May 2024:**

- Disclosure of Cabinet deliberations
- Privacy

**Order partially complied with**

## No. 494—Research Supply Icebreaker Project

That there be laid on the table by the Minister for Finance, **by no later than midday on Monday, 25 March 2024**, a copy of the February 2024 assurance review into the Research Supply Icebreaker Project, the existence of which was confirmed in a response to a question on notice following the Environment and Communications References Committee’s hearing for its inquiry into Australian Antarctic Division funding with Department of Finance officials on 28 February 2024.

**Moved by:** Senator Duniam

**Date agreed to:** 20 March 2024

**Letters of response and document provided:** [25 March 2024](#) [2] (providing the ordered document but redacting certain information on public interest grounds)

**Public interest immunity claims raised:**

- Disclosure of Cabinet deliberations (budgetary process adjacent to Cabinet process)
- Commercial confidentiality (commercially sensitive information)

**Order partially complied with**

## No. 495—National competition reform

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on 5 April 2024**, all written or digital correspondence, briefing notes, file notes, meeting agendas or minutes, or other records of interaction, in relation to the national competition reform or the 7 March 2024 meeting in Sydney at which federal, state and territory representatives discussed national competition reform, since 1 January 2023, between:

- (a) the Treasurer or his office and state and territory Treasurers or their offices; or
- (b) the Assistant Minister for Competition, Charities and Treasury or his office and state and territory Treasurers or their offices.

**Moved by:** Senator Dean Smith

**Date agreed to:** 20 March 2024

**Letter of response provided:** [9 April 2024](#) (seeking more time to comply with order)

**Motion concerning compliance with order (517):** [15 May 2024](#) (requiring the minister to comply by midday on Thursday, 16 May 2024) ([statement made](#))

**Additional letter of response provided:** [17 May 2024](#) (advising that the Commonwealth is engaging with the governments of the states and territories on the release of documents relating to the order)

**Order not yet complied with**

## No. 496—Deductible gift recipient status of school building funds

That there be laid on the table by the Minister representing the Treasurer, **by no later than midday on 27 March 2024**, all written or digital correspondence, briefing notes, file notes, or other records of interaction since 1 January 2023, in relation to changes to the deductible gift recipient status of school building funds, or any other changes to the arrangements generally, between:

- (a) the Treasurer or his office and the Department of the Treasury;
- (b) the Treasurer or his office and the Productivity Commission;
- (c) the Assistant Minister for Competition, Charities and Treasury or his office and the Department of the Treasury;
- (d) the Assistant Minister for Competition, Charities and Treasury or his office and the Productivity Commission; or

- (e) the Treasurer or his office and the Assistant Minister for Competition, Charities and Treasury or his office.

**Moved by:** Senator Dean Smith

**Date agreed to:** 20 March 2024 (statement made)

**Letter of response provided:** [28 March 2024](#) (seeking more time to comply with order)

**Ordered documents provided:** [2 May 2024](#) (with redactions of information that would identify correspondents and other information that is outside the scope of the order)

**Order complied with**

## No. 497—Maugean skate

That there be laid on the table, by the Minister representing the Minister for the Environment and Water, **by no later than 10 am on Thursday, 28 March 2024:**

- (a) any ministerial submissions and briefings provided by the Department of Climate Change, Energy, Environment and Water to the Minister, relating to advice on the potential extinction of the Maugean skate;
- (b) the ministerial brief MS23-002605 and its attachments; and
- (c) any ministerial submissions and briefings provided by the Department of Climate Change, Energy, Environment and Water to the Minister relating to requests for reconsideration of decision EPBC 2012/6406 from 16 November 2023.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 20 March 2024

**Letter of response and documents provided:** [28 March 2024](#) (text from the documents has been redacted or withheld where it contains material which is out of the scope of the order, and raising public interest immunity claims)

**Public interest immunity claims raised:**

- Privacy (material has been excluded on personal privacy grounds)
- Disclosure of privileged legal advice

**Order partially complied with**

## No. 504—Housing Australia—Availability payments

That there be laid on the table by the Minister representing the Minister for Housing, **by no later than midday on Tuesday, 2 April 2024**, any documents identifying the criteria or terms of agreement of availability payments to institutional investors or otherwise provided by Housing Australia.

**Moved by:** Senator Bragg

**Date agreed to:** 26 March 2024

**Letter of response and documents provided:** [16 April 2024](#)

**Order complied with**

## No. 509—Bureau of Meteorology—ROBUST program

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on Thursday, 16 May 2024**, all reports prepared by the Bureau of Meteorology between 1 July 2017 and 31 December 2023 for, as confirmed in Auditor-General report no. 39 of 2018-19, *The Bureau of Meteorology's Delivery of Extreme Weather Services*, the purposes of updating the Bureau's executive team and the following committees on the progress of the ROBUST program:

- (a) the Bureau's Investment Committee;
- (b) the Bureau's Major Transactions Committee;
- (c) the Bureau's Security, Risk, and Business Continuity Committee; and
- (d) the Bureau's Audit Committee.

**Moved by:** Senator Barbara Pocock

**Date agreed to:** 26 March 2024

**Letter of response provided:** [17 May 2024](#) (stating that more time is required to comply with order)

**Order not yet complied with**

## No. 510—Independent review of the National Legal Assistance Partnership

That there be laid on the table by the Minister representing the Attorney-General, **by midday on Wednesday, 27 March 2024**, Dr Warren Mundy's recently-finalised independent review of the National Legal Assistance Partnership.

**Moved by:** Senator Thorpe

**Date agreed to:** 26 March 2024

**Motion concerning compliance with order (by leave):** [27 March 2024](#) (requiring the minister to comply with order by midday on Thursday, 28 March 2024)

**Letter of response provided:** [28 March 2024](#) (raising a public interest immunity claim over the document sought)

**Public interest immunity claim raised:** Commonwealth and state relations

**Additional letter of response provided:** [4 April 2024](#) (maintaining the public interest immunity claim previously raised)

**Order not yet complied with**

## No. 514—Research Supply Icebreaker Project

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than midday on 22 May 2024**, a copy of the following documents as noted in 'Appendix E: List of Documents Reviewed' of the February 2024 Assurance Review into the Research Supply Icebreaker Project, denoted as document number 2024-000928 and tabled in the Senate on 25 March 2024:

- (a) 1.10 – Risk Register – Operation and Maintenance – RSV Nuyina – December 2023;
- (b) 3.9 – Information Brief – Chief Finance Officer (August 2023);
- (c) 3.10 – Brief – Nuyina Tasman Bridge 16 October 2023;
- (d) 5.27 – 29/07/22 – SER-2020-045-L – Nuyina Vulnerability Assessment;
- (e) 5.114 – 11/08/23 – AAD-L-2023-024 – Earth Fault – D&B Defect Claim;
- (f) 5.136 – 17/10/23 – AAD-2023-36 – COVID policy compliance;

- (g) 5.146 – 06/12/23 – ADD-L-2023-041 – Unavailability of Mission Systems Voyage One 2023-24.pdf;
- (h) 5.147 – 01/12/23 – NA – 2023 RSV Nuyina Crewing Model Review – AAD Discussion Paper.pdf;
- (i) 5.151 – 25/01/24 – AAD-L-2024-002 – Notification of Relief Event and Force Majeure Event – Without Prejudice.pdf;
- (j) 7.18 – Detailed Gap Analysis Report: Hobart Port Interface;
- (k) 7.22 – Detailed Gap Analysis Report: RSV Nuyina;
- (l) 7.23 – Detailed Gap Analysis Report: Science Systems Interface;
- (m) 7.25 – Detailed Gap Analysis Report: Station Interface; and
- (n) 8.1 – DBOM Contract.

**Moved by:** Senator Duniam

**Date agreed to:** 15 May 2024

**Letter of response and documents provided:** [29 May 2024](#) (providing 10 documents in response to the order with redactions, and raising public interest immunity claims over the redacted information and withheld documents)

**Public interest immunity claims raised:**

- Damage to commercial interests
- Privacy (information has been redacted where it contains the personal information of individuals)

**Additional document provided:** [31 May 2024](#) (document was not provided in the earlier response due to an administrative error)

**Order partially complied with**

## No. 515—Bass Strait—Pipeline rupture

That there be laid on the table by the Minister representing the Minister for Resources and the Minister representing the Minister for the Environment and Water, **by no later than 10 am on Tuesday, 28 May 2024:**

- (a) any email communication and documentation, including images, spill modelling graphs and written briefings, provided to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) by the Australian Marine Oil Spill Centre related to the Esso/ExxonMobil West Kingfish pipeline rupture in Bass Strait first reported on 6 April 2024; and
- (b) any email communication, written documentation, briefing notes and images provided to the Office of the Minister for Resources and/or the Minister for the Environment and Water by NOPSEMA related to the West Kingfish Esso/ExxonMobil pipeline rupture in Bass Strait first reported on 6 April 2024.

**Moved by:** Senator Whish-Wilson

**Date agreed to:** 15 May 2024

**Order not yet complied with**

### No. 519—Estimates hearings—Briefing materials

That there be laid on the table by the Minister representing the Attorney-General, **by no later than midday on Friday, 17 May 2024**, all documents and briefing materials prepared by the Attorney-General's Department for additional estimates in February 2024.

**Moved by:** Senator Thorpe

**Date agreed to:** 16 May 2024

**Order not yet complied with**

### No. 520—Estimates hearings—Briefing materials

That there be laid on the table by the Minister representing the Minister for Indigenous Australians, **by no later than midday on Friday, 17 May 2024**, all documents and briefing materials prepared by the National Indigenous Australians Agency for additional estimates in February 2024.

**Moved by:** Senator Thorpe

**Date agreed to:** 16 May 2024

**Letter of response provided:** [28 May 2024](#) (stating that the Government considers that its ability to support estimates processes in the future could be irreparably damaged by the provision of the ordered documents (see [order 251](#)))

**Order not yet complied with**

### No. 522—Defence Housing Australia—Lee Point development

There be laid on the table by the Minister representing the Minister for Defence, **by no later than midday on 29 May 2024**, all documents, advice, briefing materials and correspondence between Defence Housing Australia (DHA) and the Minister for Defence's office, the Assistant Minister for Defence's office, and the Minister for the Environment and Water's office in relation to DHA's development at Lee Point, Darwin since 1 March 2023, including any materials relating to:

- (a) DHA's erosion and sediment control plan and construction environment management plan and their respective statuses;
- (b) compliance with, and any potential breaches of, the *Planning Act 1999* (Northern Territory); and
- (c) the change in contractor conducting site works, including rationale for, and timeline of, this decision to change contractor.

**Moved by:** Senator Thorpe

**Date agreed to:** 15 May 2024

**Order not yet complied with**

### No. 524—Regulation of waste exports

That there be laid on the table by the Minister representing the Minister for the Environment and Water, **by no later than 5 pm on Thursday, 23 May 2024**, the following documents:

- (a) all documents since 1 February 2024, including any ministerial briefing notes, ministerial submissions/minutes, emails or correspondence relating to decisions made, and the decision-making process, on the potential cost recovery for the regulation of waste exports, in the possession of the Department of Climate Change, Energy, the Environment and Water and the Minister for the Environment and Water; and

- (b) all documents since 1 February 2024, including any ministerial briefing notes, ministerial submissions/minutes, emails or correspondence relating to the direction from the Minister for Environment and Water not to introduce a cost recovery levy for the regulation of waste exports under the *Recycling and Waste Reduction Act 2020*, in the possession of Department of Climate Change, Energy, the Environment and Water and the Minister for the Environment and Water.

**Moved by:** Senator Cadell

**Date agreed to:** 15 May 2024

**Letter of response provided:** [24 May 2024](#) (stating that more time is required to comply with the order)

**Order not yet complied with**

### No. 526—Middle Arm Development—Emissions figures

That there be laid on the table by the Minister representing the Minister for Industry and Science, **by no later than Friday, 24 May 2024**, the emissions figures modelled by the Commonwealth Scientific and Industrial Research Organisation on the future potential abated and unabated emissions in the Middle Arm Development Precinct industrial development scenarios, as presented at the Australian Petroleum Production and Exploration Association conference in May 2023.

**Moved by:** Senator Hanson-Young

**Date agreed to:** 15 May 2024

**Letter of response and ordered document provided:** [24 May 2024](#)

**Order complied with**