



AUSTRALIAN  
SENATE

**Senate Standing Committee for the  
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600  
02 6277 3066 | [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
[www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc)

13 February 2020

Senator the Hon Mathias Cormann  
Minister for Finance  
Parliament House  
CANBERRA ACT 2600

Via email: [Senator.Cormann@aph.gov.au](mailto:Senator.Cormann@aph.gov.au)

CC: [DLO-Finance@finance.gov.au](mailto:DLO-Finance@finance.gov.au); [plc@finance.gov.au](mailto:plc@finance.gov.au); [FFSPRegs@finance.gov.au](mailto:FFSPRegs@finance.gov.au)

  
Dear Minister,

**Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]**

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) assesses all legislative instruments subject to disallowance, disapproval or affirmative resolution by the Senate against the scrutiny principles outlined in Senate standing order 23. The committee has identified scrutiny concerns in relation to the above instrument, and the committee seeks your advice about this matter.

***Adequacy of explanatory materials and parliamentary oversight***

The instrument inserts new table item 38 into Part 3 of Schedule 1AB to the Financial Framework (Supplementary Powers) Regulations 1997 to establish legislative authority for government spending on a grant to the DP Jones Nursing Home.

The explanatory statement to the instrument explains that funding will be provided to enable the administrator of the nursing home 'to continue operating the facility while they seek to finalise the sale of the facility to a new provider and to assist with the cost of the sale'. The explanatory statement further states that the 'funding terms, including the drawdown schedule, will be determined through negotiations between the department and the administrator, and as a result, the funding amount will be commercial-in-confidence, and not suitable for publication'.

The committee notes that the scrutiny of instruments made under the *Financial Framework (Supplementary Powers) Act 1997* is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure. In this regard, the committee is concerned that the non-disclosure of the funding amount may inhibit Parliament's capacity to effectively scrutinise such instruments.

The committee therefore requests your advice as to:

- whether it is intended at any point in the future to inform the Parliament as to the amount of funding that is expected to be expended on this grant; and
- if not, a more detailed justification as to why the amount of funding should be considered 'commercial-in-confidence' and not disclosed to the Parliament, noting the importance of effective parliamentary oversight of executive expenditure.

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. If the committee has not concluded its consideration of an instrument before the expiry of the 15th sitting day after the instrument has been tabled in the Senate, the committee may give notice of a motion to disallow the instrument as a precautionary measure to allow additional time for the committee to consider information received.

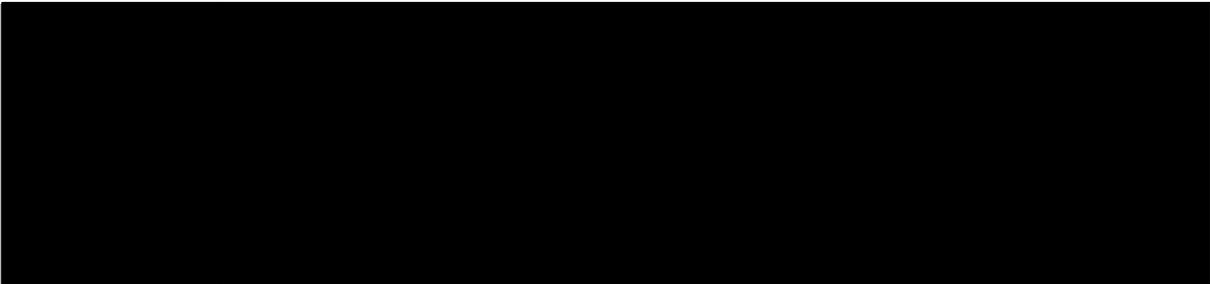
Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **27 February 2020**.

Finally, please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,



Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation



AUSTRALIAN  
SENATE

**Senate Standing Committee for the  
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600  
02 6277 3066 | [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
[www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc)

13 February 2020

Senator Wendy Askew  
Chair  
Senate Community Affairs Legislation Committee  
Parliament House  
CANBERRA ACT 2600

via email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

  
Dear Chair,

**Legislative instruments specifying Commonwealth expenditure**

I write on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation which assesses all legislative instruments subject to disallowance, disapproval or affirmative resolution by the Senate against the scrutiny principles outlined in Senate standing order 23.

Since 4 December 2019, standing order 23(4) has required the committee to scrutinise each instrument to determine whether the attention of the Senate should be drawn to the instrument on the ground that it raises significant issues or otherwise gives rise to issues that are likely to be of interest to the Senate.

The instruments listed in the attached table, in combination with their enabling Act, authorise Commonwealth expenditure on the identified grants or programs. The committee considers that the scrutiny of such instruments is an essential aspect of parliamentary scrutiny and control of Commonwealth expenditure. Noting this, the committee has determined that the instruments engage standing order 23(4), and accordingly has resolved to draw them to the attention of your committee.

I note that under standing order 25(2)(a) your committee is empowered to conduct own-motion inquiries into legislative instruments which relate to the portfolios allocated to your committee, although there is no requirement to do so. Should your committee decide to further examine any of the listed instruments, I note the time for lodging a disallowance notice expires on 12 May 2020.

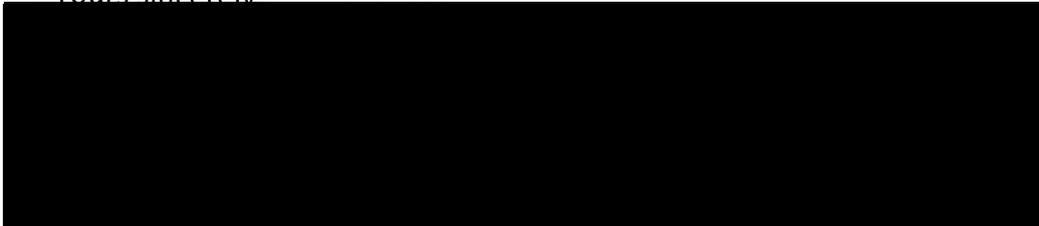
Further details about the instruments are published on the Federal Register of Legislation at the links provided in the attached table.

I also attach for the information of your committee a copy of a letter sent to the Minister for Finance regarding a technical scrutiny issue arising in relation to one of this listed instruments—the Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019. As noted in the letter, the committee has requested the minister's advice in relation to the amount of funding that is expected to be expended on a grant to the administrator of the DP Jones Nursing Home, noting that the explanatory statement does not disclose this information.

Please note that in the interests of transparency this correspondence will be published on the Scrutiny of Delegated Legislation Committee's website.

Should you have any questions, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Yours sincerely



**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**

cc: The Hon Greg Hunt MP, Minister for Health  
[Greg.Hunt.MP@aph.gov.au](mailto:Greg.Hunt.MP@aph.gov.au)

Senator the Hon Anne Ruston, Minister for Families and Social Services  
[Senator.Ruston@aph.gov.au](mailto:Senator.Ruston@aph.gov.au)

Senator the Hon Mathias Cormann, Minister for Finance  
[Senator.Cormann@aph.gov.au](mailto:Senator.Cormann@aph.gov.au)

Department of Finance,  
[FFSPRegs@finance.gov.au](mailto:FFSPRegs@finance.gov.au)

**Legislative instruments specifying Commonwealth expenditure**  
**(instruments registered between 4 December 2019 and 16 January 2020 in the**  
**Community Affairs portfolios)**

Instrument	Grant/Program	Amount	Description
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulations 2019</b> <a href="#">[F2019L01640]</a>	Grants for support relating to stillbirth, miscarriage and newborn death	\$1.3 million over two years from 2019-20.	Funding will be provided to SANDS to pilot in-hospital and at-home support services for women and their families after a stillbirth, miscarriage or newborn death at five hospital sites in New South Wales, Victoria, Queensland, Western Australia, and South Australia.
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019</b> <a href="#">[F2019L01642]</a>	Grant to DP Jones Nursing Home	The explanatory statement to the instrument states that 'the funding amount will be commercial-in-confidence, and not suitable for publication'.	Funding will be provided to the administrator of the DP Jones Nursing Home in Murchison, Victoria, to enable the administrator to continue operating the facility while they seek to finalise the sale of the facility to a new provider and to assist with the cost of the sale.
<b>Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 6) Regulations 2019</b> <a href="#">[F2019L01628]</a>	Seniors Connected—Phone Support	Approximately \$1 million per year over four years from 2019-20.	Funding will be provided to Friends for Good to expand their phone support service 'Friend Line' from three days a week to seven days a week in Sydney, Melbourne, Brisbane, Perth and Adelaide.



AUSTRALIAN  
SENATE

**Senate Standing Committee for the  
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600  
02 6277 3066 | [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
[www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc)

13 February 2020

Senator the Hon Mathias Cormann  
Minister for Finance  
Parliament House  
CANBERRA ACT 2600

Via email: [Senator.Cormann@aph.gov.au](mailto:Senator.Cormann@aph.gov.au)

CC: [DLO-Finance@finance.gov.au](mailto:DLO-Finance@finance.gov.au); [plc@finance.gov.au](mailto:plc@finance.gov.au); [FFSPRegs@finance.gov.au](mailto:FFSPRegs@finance.gov.au)

  
Dear Minister,

**Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]**

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) assesses all legislative instruments subject to disallowance, disapproval or affirmative resolution by the Senate against the scrutiny principles outlined in Senate standing order 23. The committee has identified scrutiny concerns in relation to the above instrument, and the committee seeks your advice about this matter.

***Adequacy of explanatory materials and parliamentary oversight***

The instrument inserts new table item 38 into Part 3 of Schedule 1AB to the Financial Framework (Supplementary Powers) Regulations 1997 to establish legislative authority for government spending on a grant to the DP Jones Nursing Home.

The explanatory statement to the instrument explains that funding will be provided to enable the administrator of the nursing home 'to continue operating the facility while they seek to finalise the sale of the facility to a new provider and to assist with the cost of the sale'. The explanatory statement further states that the 'funding terms, including the drawdown schedule, will be determined through negotiations between the department and the administrator, and as a result, the funding amount will be commercial-in-confidence, and not suitable for publication'.

The committee notes that the scrutiny of instruments made under the *Financial Framework (Supplementary Powers) Act 1997* is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure. In this regard, the committee is concerned that the non-disclosure of the funding amount may inhibit Parliament's capacity to effectively scrutinise such instruments.

The committee therefore requests your advice as to:

- whether it is intended at any point in the future to inform the Parliament as to the amount of funding that is expected to be expended on this grant; and
- if not, a more detailed justification as to why the amount of funding should be considered 'commercial-in-confidence' and not disclosed to the Parliament, noting the importance of effective parliamentary oversight of executive expenditure.

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. If the committee has not concluded its consideration of an instrument before the expiry of the 15th sitting day after the instrument has been tabled in the Senate, the committee may give notice of a motion to disallow the instrument as a precautionary measure to allow additional time for the committee to consider information received.

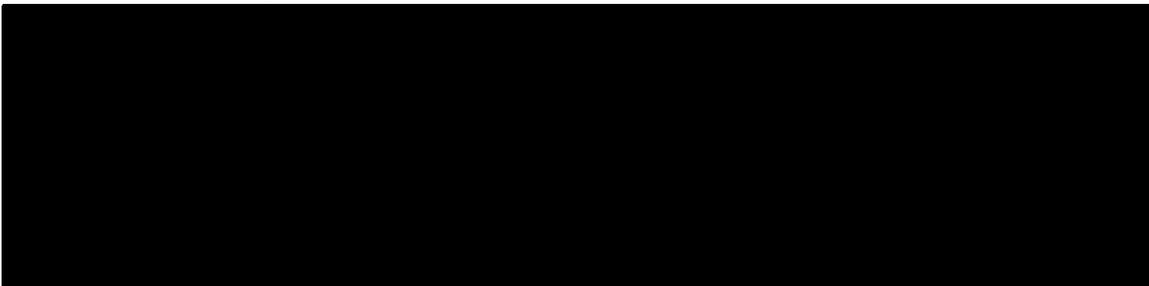
Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **27 February 2020**.

Finally, please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,



Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation



**SENATOR THE HON MATHIAS CORMANN**  
**Minister for Finance**  
**Leader of the Government in the Senate**

REF: MC20-000405

Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the  
Scrutiny of Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

Dear Senator Fierravanti-Wells

I refer to the Committee's request of 13 February 2020 for further information on the item that provides legislative authority for a grant to the DP Jones Nursing Home, which is in the following instrument:

- the *Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019*.

I can confirm the amount of funding that has been expended on this grant is \$480,000 and I have agreed to update the explanatory statement.

I trust that this advice will assist the Committee with its consideration of the item, and my department will advise the Committee secretariat when the revised explanatory statement is published on the Federal Register of Legislation. I have copied this letter to the Minister for Health, and the Minister for Aged Care and Senior Australians.

Thank you for bringing the Committee's comments to the Government's attention.

Kind regards

Mathias Cormann  
**Minister for Finance**

21 February 2020



AUSTRALIAN  
SENATE

**Senate Standing Committee for the  
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600  
02 6277 3066 | [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
[www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc)

3 April 2020

Senator the Hon Mathias Cormann  
Minister for Finance  
Parliament House  
CANBERRA ACT 2600

Via email: [Senator.Cormann@aph.gov.au](mailto:Senator.Cormann@aph.gov.au)

CC: [financeminister@finance.gov.au](mailto:financeminister@finance.gov.au); [FFSPRegs@finance.gov.au](mailto:FFSPRegs@finance.gov.au);  
[DLO-Finance@finance.gov.au](mailto:DLO-Finance@finance.gov.au); [plc@finance.gov.au](mailto:plc@finance.gov.au)

Dear Minister,

**Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]**

Thank you for your response of 27 February 2020 to the Senate Standing Committee for the Scrutiny of Delegated Legislation, in relation to the above instrument.

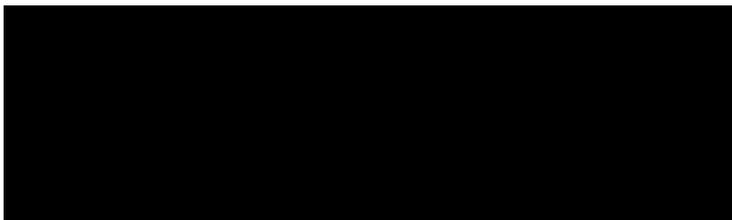
The committee considered your response at its private meeting on 1 April 2020. On the basis of your advice, the committee has concluded its examination of the instrument.

The committee welcomes the implementation of your undertaking to amend the explanatory statement to the instrument to provide further information as to the amount of funding that has been expended on the grant to the DP Jones Nursing Home authorised by the instrument.

In the interests of transparency, I note that your undertaking will be recorded in the *Delegated Legislation Monitor*, and that this correspondence will be published on the committee's website.

Thank you for your assistance with this matter.

Yours sincerely,



**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**