

Spiliopoulos, Maria

From: [REDACTED]
Sent: Monday, 30 August 2021 10:00 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Yes thanks [REDACTED] but if you could Cc our mailbox in that would be great and I will pass onto [REDACTED] and co – they are interested in the office approach on this one.

Cheers

[REDACTED]
Assistant Director | Parliamentary Business Team
Ministerial, Parliamentary and Cabinet Section | Strategic Coordination and Communications Division
Direct Line: [REDACTED]
Parliamentary Line: [REDACTED] | parliamentaryteam@treasury.gov.au

OFFICIAL

From: [REDACTED]
Sent: Monday, 30 August 2021 9:57 AM
To: [REDACTED]
Cc: [REDACTED]@TREASURY.GOV.AU>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Good morning [REDACTED] and [REDACTED],

I have just heard back from [REDACTED] and the TO is comfortable with the proposed response. Should I send it directly to the Committee?

[REDACTED]

[REDACTED]
Executive Officer to the Chair
Productivity Commission
Level 8, 2 Melbourne Quarter, 697 Collins St Docklands 3008 | Locked Bag 2 Collins Street East, Melbourne VIC 8003
[REDACTED] | www.pc.gov.au

From: [REDACTED]
Sent: Friday, 27 August 2021 3:02 PM
To: [REDACTED]
Cc: [REDACTED]@TREASURY.GOV.AU>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED] – you could try the head DLO [REDACTED] and she can check for you also...

Or you could join the club of being late 😊

[REDACTED]

[REDACTED]

Assistant Director | Parliamentary Business Team
Ministerial, Parliamentary and Cabinet Section | Strategic Coordination and Communications Division
Direct Line: [REDACTED] [\[REDACTED\]@treasury.gov.au](mailto:[REDACTED]@treasury.gov.au)
Parliamentary Line: (02) 6263 1112 | parliamentaryteam@treasury.gov.au

OFFICIAL

From: [REDACTED]
Sent: Friday, 27 August 2021 2:54 PM
To: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>
Cc: [REDACTED] [\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED],

I still haven't heard back from the TO regarding this QON. (I chased [REDACTED] yesterday afternoon, but haven't had a response.) Any suggestions?

[REDACTED]

[REDACTED]

Executive Officer to the Chair
Productivity Commission
Level 8, 2 Melbourne Quarter, 697 Collins St Docklands 3008 | Locked Bag 2 Collins Street East, Melbourne VIC 8003
[REDACTED] | www.pc.gov.au

From: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>
Sent: Thursday, 26 August 2021 8:14 AM
To: [REDACTED]
Cc: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>; [REDACTED] [\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Morning [REDACTED] – just thought I'd check in to see if you got a settled position with the TO on this QoN? Appreciate you might still be finalising.

Cheers

[REDACTED]

Assistant Director | Parliamentary Business Team
Ministerial, Parliamentary and Cabinet Section | Strategic Coordination and Communications Division

Direct Line: [REDACTED]@treasury.gov.au
Parliamentary Line: (02) 6263 1112 | parliamentaryteam@treasury.gov.au

OFFICIAL

From: [REDACTED]
Sent: Tuesday, 24 August 2021 9:15 AM
To: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>
Cc: [REDACTED]@TREASURY.GOV.AU>; Grimes, Kathryn <Kathryn.Grimes@TREASURY.GOV.AU>;
Writer, Simon <Simon.Writer@TREASURY.GOV.AU>; Barrett, Angela <Angela.Barrett@TREASURY.GOV.AU>; [REDACTED],
[REDACTED]@TREASURY.GOV.AU>; Tsr DLOs <TsrDLOs@treasury.gov.au>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Thanks [REDACTED] and Team,

I am speaking to [REDACTED] in the TO this afternoon and will raise this with him and let you know his response.

Thanks again,

[REDACTED]

[REDACTED]

Executive Officer to the Chair

Productivity Commission

Level 8, 2 Melbourne Quarter, 697 Collins St Docklands 3008 | Locked Bag 2 Collins Street East, Melbourne VIC 8003
[REDACTED] | www.pc.gov.au

From: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>
Sent: Monday, 23 August 2021 5:57 PM
To: [REDACTED]
Cc: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>; [REDACTED]
[REDACTED]@TREASURY.GOV.AU>; Grimes, Kathryn <Kathryn.Grimes@TREASURY.GOV.AU>; Writer, Simon
<Simon.Writer@TREASURY.GOV.AU>; Barrett, Angela <Angela.Barrett@TREASURY.GOV.AU>; [REDACTED]
[REDACTED]@TREASURY.GOV.AU>; Tsr DLOs <TsrDLOs@treasury.gov.au>
Subject: FW: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

[REDACTED] – based on the below, I'd suggest in conjunction with your Executive/relevant PC officials, you engage with the Treasurer's office and relevant adviser on the advice from PM&C to confirm next steps and flag the Friday deadline. Appreciate if you can keep Treasury in the loop on the settled answer so I can provide on to Paul and fellow law division colleagues.

[REDACTED] – appreciate you following up with [REDACTED] – thank you.

Kind regards

[REDACTED]

Assistant Director | Parliamentary Business Team
Ministerial, Parliamentary and Cabinet Section | Strategic Coordination and Communications Division
Direct Line: [REDACTED]@treasury.gov.au

OFFICIAL

From: [REDACTED] <[\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>
Sent: Monday, 23 August 2021 3:55 PM
To: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>
Cc: Grimes, Kathryn <Kathryn.Grimes@TREASURY.GOV.AU>; Writer, Simon <Simon.Writer@TREASURY.GOV.AU>;
[REDACTED] <[\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>; [REDACTED]
Subject: FW: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED] and colleagues

This is what I have from PM&C at this stage, which is suitable for answers to [REDACTED], confirming that we are not changing our position on the provision of documents under FOI or in answer to questions from the Senate until after the Government settles its position.

I understood from my conversation with [REDACTED] that PM&C are awaiting senior counsel's advice on the prospects of appeal and the approach that might be taken in future regarding National Cabinet.

Kind regards

[REDACTED]
Deputy General Counsel
General Counsel's Branch
Law Division
The Treasury, Langton Crescent, Parkes ACT 2600
[REDACTED]
www.treasury.gov.au

OFFICIAL

From: [REDACTED]
Sent: Monday, 23 August 2021 3:25 PM
To: [REDACTED] <[\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>
Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

Hi [REDACTED]

As briefly discussed this afternoon, PM&C doesn't yet have a settled view on action following the AAT decision below. We are working with AGS and Counsel to have a consistent defensible approach to the current and expected FOI caseload as well as PII claims before parliamentary committees.

One option which we are considering is for queries which require a response prior to the expiration of the appeal period from the AAT to the Federal Court, to the effect:

The Department notes the decision of the Administrative Appeals Tribunal in *Patrick v Secretary Department of Prime Minister and Cabinet* handed down 5 August 2021. It is not appropriate to comment further while the orders of the AAT are currently stayed, pending the expiry of the appeal period.

This will not be appropriate after 2 September 2021, but perhaps for your back pocket depending on the urgency of your request.

[REDACTED] | Director

Making Flexibility Work - If you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.

From: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>

Sent: Thursday, 19 August 2021 1:33 PM

To: [REDACTED] >

Cc: [REDACTED] FOI <FOI@pmc.gov.au>; [REDACTED]

[REDACTED] Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>; [REDACTED]

[REDACTED] <@TREASURY.GOV.AU>; Grimes, Kathryn <Kathryn.Grimes@TREASURY.GOV.AU>; [REDACTED]

[REDACTED]; [REDACTED] <@TREASURY.GOV.AU>

Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Good afternoon [REDACTED]

Just touching base again regarding this question on notice for the Productivity Commission (within the Treasury portfolio).

Noting the Administrative Appeals Tribunal determination of 5 August 2021 in *Rex V. Scott*: At a hearing on 10 September 2020 the Chair of the Productivity Commission, Mr Michael Brennan, was asked for a copy of a presentation he provided to National Cabinet. Please provide a copy of the presentation.

Confirming Treasury has received the advice attached more specifically related to FOI request. Grateful if you can provide advice on this specific question on notice from the COVID-19 Senate Select Committee.

The question is due next Friday. Should you wish to discuss, [REDACTED] is available on the below, otherwise grateful for advice on handling.

[REDACTED]
Deputy General Counsel
General Counsel's Branch, Law Division
Phone: [REDACTED]

Kind regards

[REDACTED]
Assistant Director | Parliamentary Business Team
Ministerial, Parliamentary and Cabinet Section | Strategic Coordination and Communications Division
Direct Line: [REDACTED] <@treasury.gov.au>
Parliamentary Line: (02) 6263 1112 | parliamentaryteam@treasury.gov.au

OFFICIAL

From: [REDACTED]

Sent: Monday, 9 August 2021 2:52 PM

To: [REDACTED]
<[REDACTED] Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>

Cc: [REDACTED] FOI <FOI@pmc.gov.au>

Subject: RE: Rex V. Scott and requests for information [SEC=OFFICIAL]

Hi [REDACTED]

Thank you for your email, and for consulting PMC on this question.

We're settling some advice to assist agencies in this position, and will be in touch shortly, as we are aware of similar requests and would like to coordinate a consistent approach.

Thanks

[REDACTED]

Director

p

Making Flexibility Work - If you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.

From: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>

Sent: Monday, 9 August 2021 12:55 PM

To: [REDACTED]

Cc: Parliamentary Team <ParliamentaryTeam@TREASURY.GOV.AU>; [REDACTED]
[REDACTED] <[\[REDACTED\]@TREASURY.GOV.AU](mailto:[REDACTED]@TREASURY.GOV.AU)>; [REDACTED]>

Subject: Rex V. Scott and requests for information [SEC=OFFICIAL]

OFFICIAL

Good afternoon

We have received advice from one of our portfolio agencies that they have had a request for further information :

Noting the Administrative Appeals Tribunal determination of 5 August 2021 in *Rex V. Scott*: At a hearing on 10 September 2020 the Chair of the Productivity Commission, Mr Michael Brennan, was asked for a copy of a presentation he provided to National Cabinet.

I wanted to check in to see if other agencies had been asked similar questions and if any WoG guidance was being provided.

Kind regards

[REDACTED]

Assistant Director | Parliamentary Business Team | The Treasury

Direct Line: [REDACTED] <[\[REDACTED\]@treasury.gov.au](mailto:[REDACTED]@treasury.gov.au)>

Parli Line: (02) 6263 1112 | parliamentaryteam@treasury.gov.au

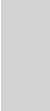
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 *The Productivity Commission acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to their Cultures, Country and Elders past and present.*

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