

Keneally 2.8.20



The Hon Mark Butler MP
Shadow Minister for Climate Change and Energy

FOI Officer
Department of the Prime Minister and Cabinet

By email: foi@pmc.gov.au

Dear FOI Officer

I request the following documents held by the Office of the Prime Minister pursuant to the *Freedom of Information Act 1982* (FOI Act):

Any documents that reference (a) travel costs incurred by the City of Sydney in 2017-18 or (b) the City of Sydney Annual Report 2017-18 or (c) claims made by the Minister for Energy and Emissions Reduction relating to travel by the City of Sydney in 2017-18 or the City of Sydney Annual Report 2017-18, including, but not limited to:

** talking points prepared by the Prime Minister's office and/or the Office of the Minister for Energy and Emissions Reduction in the period 24-25 October 2019*

** responses to media inquiries, including, but not limited to, email and text messages, in the period 20-25 October 2019*

** records of communications with the Minister for Energy and Emissions Reduction and/or his office including, but not limited to, email, text messages and messages sent using encrypted messaging apps*

This request excludes duplicate documents.

The names of staff employed under the Members of Parliament (Staff) Act 1984 that appear on documents captured by the request are not excluded from the request.

The Prime Minister's office is reminded that documents captured by this request may not be destroyed or, particularly relevant for this request, altered.

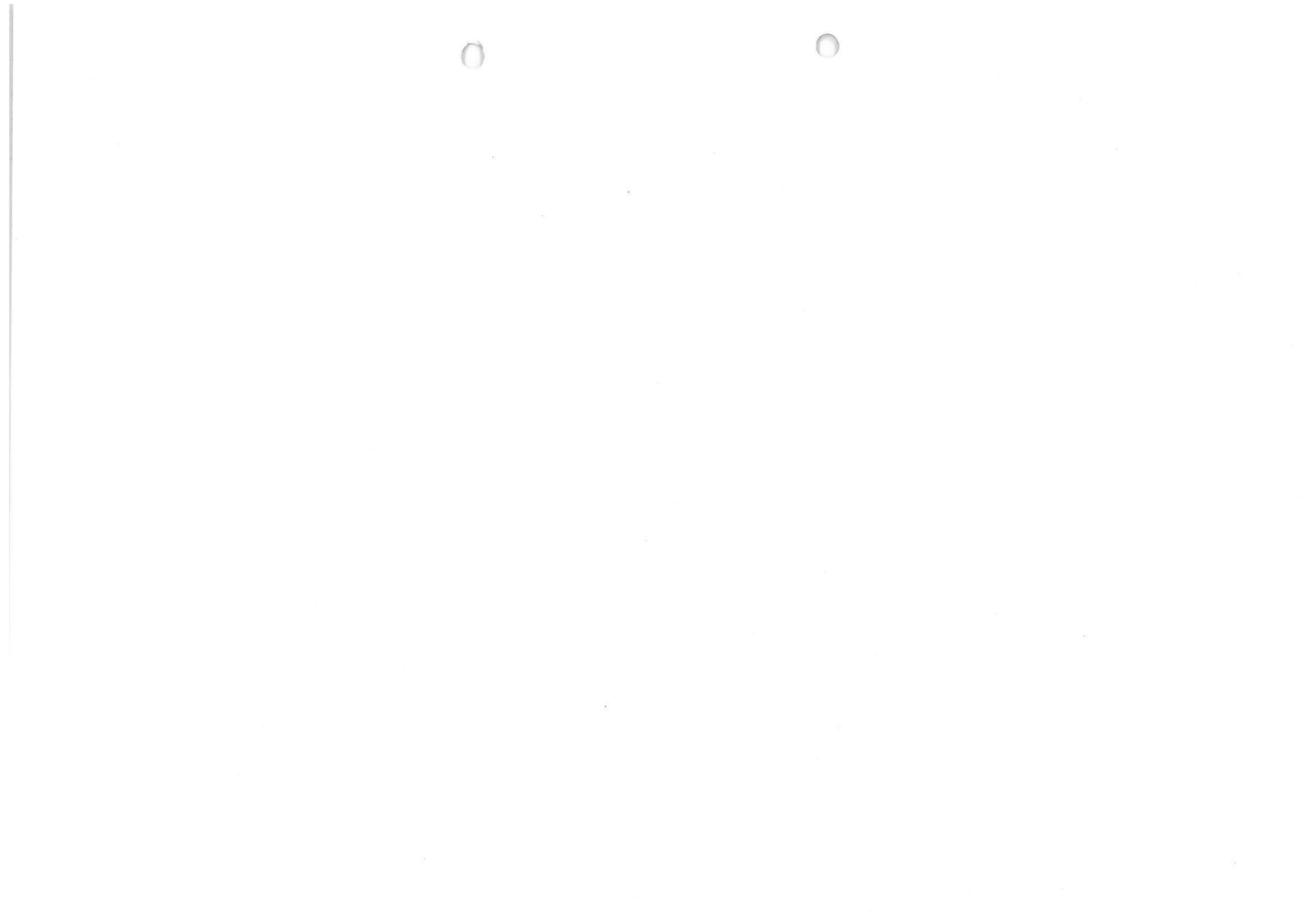
I note that the objects of the FOI Act include giving the Australian community access to information held by government and promoting Australia's representative democracy by increasing scrutiny, discussion, comment and review of government activities.

I expect that as soon as practicable, and no later than 30 days after receiving this request, I will be notified of a decision.

Documents should be provided to Tom Skladzien of my office via email: Tomasz.skladzien@aph.gov.au. Tom may be contacted on telephone on 0409 959 552.

Yours sincerely

Mark Butler MP.



Government blocks access to emails about Angus Taylor's attack on Clover Moore

 [theguardian.com/australia-news/2019/nov/26/government-blocks-access-to-emails-about-angus-taylor-](https://www.theguardian.com/australia-news/2019/nov/26/government-blocks-access-to-emails-about-angus-taylor)

Paul Karp

26 November
2019

The environment department has blocked access to two emails about Angus Taylor's use of incorrect figures to attack the City of Sydney's travel spending, claiming they are exempt from freedom of information because they relate to an unspecified "ongoing process".

In response to Labor's FOI request, the department has refused access to two emails sent at 8.52am on 25 October – the day after Guardian Australia revealed the controversy – and a second email chain at 3.23pm on the same day.

Labor's climate spokesman, Mark Butler, says the public has the right to know "what the process is and what is its purpose", accusing Taylor of being both "loose with the truth" and avoiding scrutiny.

Taylor's office also blocked a second request seeking documents about the incident in which he accused Sydney's lord mayor of driving up carbon emissions by spending \$15m on travel.

The energy and emissions reduction minister's office refused on "practical" grounds, citing the fact that "more than 200 documents have been identified that fall within the scope of the request".

Labor's FOI requests sought any document that references the council's 2017-18 travel costs, its annual report, or the claims the minister made about them including:

- any document that shows how the purported extract of the City of Sydney annual report 2017-18 provided by the minister's office to the Daily Telegraph in September 2019 came into the possession of the minister or his office; and
- talking points prepared by the prime minister's office and/or the minister's office and/or the minister's department for use by the minister in the period 24-25 October 2019.

The department blocked access to the two emails on the basis they are "deliberative matter" – exempt from release under the FOI Act – because they contain "opinion, advice or recommendation obtained for the deliberative processes involved in the functions of an agency".

The emails “comprise departmental input to a process that was not complete at the time the documents were created, and which remains incomplete at this time”, the first assistant secretary Helen Bennett’s decision said.

In weighing the public interest, the decision claimed granting access to the documents would “impact negatively on the deliberative process to which the documents relate, as it would involve the premature release of the documents in isolation prior to the conclusion of the process” and harm the conduct of future “similar processes”.

Labor has still heard nothing from New South Wales police after it referred the matter, seeking an investigation into whether someone had “made a false document with the intention” of influencing the Sydney lord mayor, Clover Moore, in the conduct of her duties.

Although Taylor has apologised to Moore for the incident, he has failed to explain discrepancies about the source of the information.

Taylor has insisted that the figures came from an annual report document downloaded from the council’s website. Metadata, however, shows the 2017-18 annual report was loaded on the site in November 2018 and not altered.

Earlier this month, a Senate estimates spillover hearing heard the department provided information to Taylor’s office about ways to lower carbon emissions in a draft letter to be sent to Moore’s office, but did not include the incorrect figures. Departmental officials said they had not been contacted by police.

On Monday Taylor refused to answer questions about whether he misled the House when he told parliament he had sourced incorrect figures about City of Sydney travel directly from the council’s website.

Butler said that Taylor won’t answer questions from journalists, in parliament, or respond adequately to FOI requests.

“This government is increasingly attempting to keep information from the people of Australia,” he told Guardian Australia. “Australians should be concerned about this growing tendency toward secrecy.

“This tailor-made scandal just keeps getting deeper.

“Angus Taylor has had the opportunity to correct his version of events in parliament and has steadfastly refused.

“This is now a test for the prime minister and the entire government.”

A spokesman for Taylor said he had answered questions in parliament and from journalists.