

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 152

Division/Agency: Office of the General Counsel

Topic: FOI request

Proof Hansard page: 18-19 (25.05.15)

Senator CAMERON asked:

Mr Glyde: Chair, can I just perhaps provide a bit of supplementary information in relation to a question that I answered for Senator Cameron. I said that, as far as I was aware, all of the information that had been provided has been provided through questions on notice and freedom-of-information requests, but I have been reminded that we have a current freedom-of-information request on hand that we have not yet finalised, so I just did not want to give that impression. There may well be some other documents that are revealed by that in the process of document searching. I just want to clarify that point. I think I created the impression that we have done all the FOIing and the answering of questions on notice, but that is not the case. We do have an FOI request in this field on hand at present.

Senator CAMERON: An FOI request is one thing. Senate estimates is another.

Mr Glyde: Yes. We have answered all of our Senate estimates questions.

Senator CAMERON: I am asking you. If there is an FOI request in that, it sits and goes through a process, but I am asking, and I am not prepared to concede that, if there is an FOI question in, it answers questions—

Mr Glyde: Yes, and I am saying that as far as I am aware—

Senator CAMERON: that I am asking. Can you then have a look between now and when this issue comes back on with the appropriate department?

Mr Glyde: Sure.

Senator CAMERON: Just to avoid any uncertainty: I would be asking you on notice, formally, whether there is other correspondence, including correspondence that is the subject of an FOI. And, if it is subject to FOI, I would ask that it be tabled here, if you have it, during the course of this estimates period.

Mr Glyde: Sure.

Question: 152 (continued)

Answer:

There are five documents within the scope of current freedom of information requests to the department that contain material not previously tabled at the Additional Estimates hearings in 2015.

Copies of four documents are at Attachment A (documents 1, 2, 4 and 5). The Department of Agriculture is not proposing to provide one of these documents on the basis that it goes to deliberative processes of Government and the ability to freely deliberate within Government.

From: [Grimes, Paul](#)
To: [Hallam, Diana](#)
Cc: [Luscombe, Kerrie-Anne](#)
Subject: RE: Political Alert - Transcript of doorstep, Canberra (FED) [SEC=UNCLASSIFIED]
Date: Tuesday, 24 February 2015 1:40:00 PM
Attachments: [Scan_To_Email_M10-074MFD01_20150224_130046.pdf](#)

Diana

Thank you for your request. The only document identified within the possession of the department relates to an internal email exchange between advisers. This is the document we previously advised that we had in our possession and returned to you to assist in your consideration of the FOI request (with subsequent departmental information redacted).

The question as to whether the document falls within the scope of the FOI request is one for the relevant decision maker under the Act.

In my evidence to Senate Estimates yesterday, I indicated that the department's decision maker had not conducted a full search of documents within the department.

I am advised that this is because the decision maker assumed that because the request was made to the Minister for Agriculture, and referred to documents relating to the Minister or the Minister's office, no such documents would in fact be in the possession of the department. This was incorrect.

To ensure that the document could be considered as part of the FOI request which had subsequently been correctly referred directly to the Minister, the department provided a copy of this document to you on Wednesday 19 November 2014 for consideration by the Minister's decision maker under the FOI Act.

I would be happy to provide any further information that you require.

Paul Grimes

Secretary

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

From: Hallam, Diana
Sent: Tuesday, 24 February 2015 11:44 AM
To: Grimes, Paul

Cc: Luscombe, Kerrie-Anne
Subject: FW: Political Alert - Transcript of doorstep, Canberra
(FED) [SEC=UNCLASSIFIED]

Morning Paul

The Shadow Minister conducted a doorstep media interview this morning (transcript attached).

Could I please have a copy of the document referred to in the following paragraph:

"The Secretary of Barnaby Joyce's Department was forced to come back into Estimates last night and admit, having considered the matter over the dinner break, that there is a document that hasn't yet been released. I believe this is the "smoking gun" that will demonstrate that indeed it was Barnaby Joyce, not a staffer in his office, who doctored the Hansard to make the Minister look better, to cover for his embellishment of what he said in the House on drought. Now we don't have that document, Dr Grimes said it was a matter for the FOI officer in the Department to release it."

I do not have any such document in my possession.

Thanks very much

Diana

Diana Hallam

Chief of Staff

Office of the Hon B Joyce MP

Minister for Agriculture

Parliament House

CANBERRA ACT 2600

T 02 6277 7520 | F 02 6273 4120 | [REDACTED] Suite MG 64
Parliament House | CANBERRA ACT 2600

From: CCH Parliament

Sent: Tuesday, 24 February 2015 10:17:28 AM (UTC+10:00) Canberra, Melbourne, Sydney

To: politicalalert@cch.com.au

Subject: Political Alert - Transcript of doorstop, Canberra (FED)
[SEC=UNCLASSIFIED]

Please find attached:

TRANSCRIPT OF DOORSTOP, CANBERRA (FED)

Shadow Minister for Agriculture, Joel Fitzgibbon, discusses Berry contamination, Hansard, and Katter concerns.

055S1708

Total number of pages 3

SUPPORT: politicalalert@cch.com.au or 02 6273 2070. Mailbox:
www.accessap.com.au. Twitter: https://twitter.com/political_alert

Kennedy, Cassandra

From: Croker, Craig
Sent: Monday, 20 October 2014 6:39 PM
To: Kennedy, Cassandra
Subject: FW: Today's Questions [SEC=UNCLASSIFIED]

Categories: AS meeting

From: Croker, Craig
Sent: Monday, 20 October 2014 6:34 PM
To: Henderson, Andrew
Subject: RE: Today's Questions [SEC=UNCLASSIFIED]

From: Henderson, Andrew
Sent: Monday, 20 October 2014 6:20 PM
To: Croker, Craig
Subject: RE: Today's Questions [SEC=UNCLASSIFIED]

Hi mate we are on a strict timeframe to get corrections back and accepted, can you take a look over this for me?
Corrections I have made are in Red:

Thanks,

Andrew

QUESTIONS WITHOUT NOTICE

Drought

Mr FITZGIBBON (Hunter) (14:32): My question is also to the Minister for Agriculture. Minister, it is now eight months since you announced with some fanfare your drought assistance package for farmers. How much has the government actually paid in doubt assistance to farming families and how many farming families have benefited from that drought assistance?

Mr JOYCE (New England—Minister for Agriculture and Deputy Leader of The Nationals) (14:32): I thank the member for Hunter for his question. He would be happy to know that **Nearly** 4,000 applications have been approved for the farm household allowance. This is a substantial amount of money. This means that they are receiving between \$900 and \$1,000 a fortnight. We have actually changed conditions so that we can bring dignity back into these people's lives. We have actually made it happen. You would be happy to know, Madam Speaker, that we approved \$280 million in our drought package and concessional rates of four per cent. We have put money on the table—over \$22 million for other water infrastructure. These are the sorts of real outcomes that we are providing.

Opposition members interjecting—

Mr JOYCE: You would be happy to know that if we had gone with your conditions they would have got hardly anything. It was under your conditions—

The SPEAKER: The Minister for Agriculture will resume his seat. The member for Hunter on a point of order.

Mr Fitzgibbon: I rise on a point of order on relevance. It was a pretty specific question: how much has been paid and how many families have benefited? To put it into context, it would help if the minister told us how many farming families have applied.

The SPEAKER: The minister is being relevant to the question. You asked how many had been assisted and about the drought. The Minister for Agriculture has the call.

Mr JOYCE: Madam Speaker, I cannot be much more relevant than actually giving the numbers. If he does not accept the numbers, what does he want to accept? I know you are bit light on in that side—

Dr Chalmers interjecting—

The SPEAKER: The member for Rankin has been warned; once more and you will leave.

Mr JOYCE: on the numbers department, but I have told you: nearly 4,000 have received the farm household allowance. Once they apply for it, it is approved and they receive it until it is knocked out.

Mr Fitzgibbon: I rise on a point of order.

Mr JOYCE: Straight away, you clown.

The SPEAKER: The minister will resume his seat and withdraw that last comment.

Mr JOYCE: I withdraw.

The SPEAKER: The member for Hunter on a point of order other than relevance.

Mr Fitzgibbon: I did not ask about farm household allowance. We will pursue that in estimates, the minister can be assured about that. And I know he will not like the outcome of that.

The SPEAKER: The member will resume his seat.

Mr Fitzgibbon: He is still not answering the question, Madam Speaker.

The SPEAKER: You had your point of order on the question of relevance and you know perfectly well you can only have one. The Minister for Agriculture has the call.

Mr JOYCE: I am happy to announce that when we arrived in government they had not signed up all of the states and territories, so we actually got the conditions in place for the concessional farm finance package, which they might have started but could never actually finish. We actually got those conditions in place so that we could start getting that money out. We actually approved \$280 million to add to that, so we got \$700 million of available finance. We actually changed the

conditions of the farm household allowance so that we could have a higher net asset test so more people could actually get access to the money. We are happy with the fact that **nearly** 4,000 applications have been through and **if they were also a recipient of the Interim Farm household Allowance** you actually get the money until the department decides that you are not allowed to get the money. So you keep on getting the money until such time as, on the application being assessed, they decide **if** you are not eligible for it. But it is not a case that you apply for the money and then you have to wait for your application to be approved **unless it is a new application**. You actually get the money straight away. So this is part of a process that is helping us look after the farmers that you left behind.

From: [Grimes, Paul](#)
To: [Joyce, Barnaby](#)
Cc: [Hallam, Diana](#)
Subject: Correspondence to Senate Committee [SEC=UNCLASSIFIED]
Date: Monday, 2 March 2015 8:58:00 AM
Attachments: [Letter to Sen Heffernan - Additional Estimates.pdf](#)

Dear Minister

I submitted the attached letter to the Chair of the Senate Rural and Regional Affairs Committee this morning.

In preparing this letter I carefully considered the Australian Public Service values, in particular in relation to being ethical, impartial, and accountable.

As you would expect, I have a strong commitment to acting ethically within a system of effective accountability to Parliament.

Yours sincerely

Paul Grimes



Australian Government
Department of Agriculture

SECRETARY

Ref:

Senator the Hon. Bill Heffernan
Chair
Senate Rural and Regional Affairs Legislation Committee
Parliament House
Canberra ACT 2600

Dear Senator Heffernan

I am writing to provide further information to the Committee following my evidence in the Additional Estimates hearings of Monday 23 February 2015.

Specifically, I refer to evidence I provided in regard to the FOI processing of documents concerning alterations to House of Representatives Hansard in October 2014.

Among other things, I advised the committee that that the department held a document that may have been within the scope of an FOI request to the Minister for Agriculture.

I made two statements because, as a result of evidence given earlier in the day, I formed a suspicion that a key document had not been released through FOI by the Minister for Agriculture's FOI decision maker. I wanted to ensure that the Committee was not left in any doubt about the existence of a document held by the department that may have been within scope of the FOI request (hence, my second statement which was made by me to ensure that there could be no doubt on this point). In doing so, I took great care to recognise that I was not the FOI decision maker (in recognition that any decisions are taken in accordance with the Act, and it is not my role to determine whether a valid FOI decision has been made or not).

Subsequent actions (in particular, the tabling of the document by the Minister in the House of Representatives on Tuesday 24 February) and my further inquiries within the department, including new information my officers had not previously provided to me and a telephone call with the Minister's Chief of Staff, have confirmed my concerns to have been correct.

Without my intervention I considered there was great danger of the Committee being inadvertently misled as to the existence of such a document, which it now seems was never released under FOI.

I have further relevant information that would, I believe, be highly pertinent to the Committee's consideration of the broad context in which I considered that the further evidence I provided was necessary.

This includes specific information relating to the original alterations made to Hansard and the multiple actions I took personally at the time to seek rectification, including a personal meeting with the Minister before the alterations became public (that is, before questions relating to the alterations were first raised in the House of Representatives on the afternoon of Monday 27 October 2014.)

As these matters go to integrity and accountability, I would welcome an early opportunity to provide further evidence in person to the Committee if it so resolved to call such a supplementary hearing and request my attendance.

In relation to evidence provided more broadly regarding the process for referring FOI requests between the department and the Minister's Office, and the specific referral in question, I will ensure that the evidence is reviewed carefully. If the Committee decides to convene a supplementary hearing, I would also welcome an opportunity to inform the Committee of the steps I am taking and provide an update on any preliminary conclusions to this point. In any event, I will ensure that, should corrections be required, they will be provided openly and frankly. This is consistent with my strong commitment to ensuring the department remains accountable and preserves a reputation for acting impartially.

I have copied this letter to your Deputy Chair, Senator Sterle, and to Senator Cameron who led questions in relation to this matter at the hearing. I have also copied this letter to the Minister and Parliamentary Secretary.

Yours sincerely



Paul Grimes
2 March 2015

From: [REDACTED] on behalf of [Joyce, Barnaby](#)
To: [Grimes, Paul](#)
Subject: RE: Departmental arrangements [DLM=Sensitive]
Date: Wednesday, 11 March 2015 4:29:44 PM

Good afternoon Dr Grimes

Consistent with a request from Minister Joyce this afternoon, I intend to delete this email now from the system.

[REDACTED]
Executive Assistant

Office of the Hon. Barnaby Joyce MP
Minister for Agriculture
Parliament House Canberra ACT 2600 Australia
Phone 02 6277 7520 Mob: [REDACTED] **- Fax 02 6273 4120**

From: Grimes, Paul
Sent: Monday, 2 March 2015 9:03 AM
To: Joyce, Barnaby
Cc: Hallam, Diana
Subject: Departmental arrangements [DLM=Sensitive]

Dear Minister

I attach a further letter for your attention.

Paul Grimes
Secretary

From: [Grimes, Paul](#)
To: [All Agriculture](#)
Subject: All Staff Notice: Change of Secretary Arrangements [SEC=UNCLASSIFIED]
Date: Friday, 13 March 2015 2:33:06 PM

Dear Colleagues

I am writing to you to inform you that my appointment as Secretary of the Department of Agriculture has been terminated.

While naturally disappointed to be leaving the department, I fully accept this decision. In particular, I have agreed that the Minister would be better supported at this time by a new Secretary with a different background and set of policy skills.

I have enormously enjoyed my time working with you over the past 18 months.

It has been such a pleasure to work with so many hugely talented and committed public servants on a comprehensive (not to mention challenging!) agenda to overhaul and modernise our service delivery — and to strengthen the overall policy effectiveness of our department, working ever more closely with our APS colleagues in other departments and agencies, our state and territory government colleagues, and with industry.

There's still a lot more to be done, but I have the greatest confidence that the many departmental reforms already underway will be delivered successfully, even if there is the occasional implementation bump along the way.

By far the greatest highlight has been the personal connections I have been so fortunate to experience.

In fact, the 'people bit' of the job is the part that has had the deepest impact on me. I feel truly blessed to have been able to work with such wonderful colleagues, at all levels, across our diverse and widely dispersed department.

After failing to properly take care of my work and private life balance over recent years, I am planning to take time off on leave for the next few months. Phillip Glyde will be acting as Secretary until a new Secretary is appointed.

I have every confidence that you will be able to manage the transition to a new Secretary smoothly and that the Department will continue providing strong support to our Minister and the Government.

Again, it's been an honour and privilege to work with you.

Paul Grimes

Secretary