



Senator the Hon Simon Birmingham

Minister for Finance
Leader of the Government in the Senate
Senator for South Australia

REF: MS22-000328

Senator the Hon Slade Brockman
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear President

I write with regard to Senate Order 23E Commonwealth Grants Rules and Guidelines, agreed by the Senate on 12 May 2020.

The Senate Order requires that I lay on the table by 30 April of each calendar year:

- (a) *all reports and correspondence received by the Minister for Finance under paragraph 4.12 of the Commonwealth Grants Rules and Guidelines 2017 during the preceding calendar year (noting that the Guidelines do not apply to all grant administrators, including not applying to the allocation of funding by Sports Australia under the Community Sport Infrastructure Grants program ('Sports Rorts')); and*
- (b) *a summary of the decisions reported under paragraph 4.12 of the Commonwealth Grant Rules and Guidelines 2017, including the Central Budget Management System program title, sub-program, grant activity, grantee, total grant value, grant funding location, postcode, and a brief statement of reason for the decision.*

Paragraph 4.12 of the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs) requires ministers to report to the Minister for Finance annually on all instances where they have decided to approve a particular grant which the relevant official has recommended be rejected. Ministers must report by 31 March each year for the preceding calendar year.

Consistent with the intention of the Senate order and with the reports that I provided last year, I have interpreted "*correspondence received ... during the preceding calendar year*" to mean correspondence related to the preceding year. If the order were read literally, then the current report to the Senate would cover grants awarded in 2020 rather than 2021. I suggest that the Senate might consider revising the language in the order accordingly, to better reflect what was intended.

In accordance with the Order, I enclose a copy of a letter dated 16 February 2022 from Senator the Hon Michaelia Cash, Attorney-General and Minister for Industrial Relations, reporting two instances of decisions during the 2021 calendar year and a subsequent supplementary letter dated 7 April 2022 correcting a typographical error (Attachments A and A.1). The grant recipients have been omitted due to obligations under the *Privacy Act 1988* (including Privacy Principle 6 relating to the use and disclosure of personal information) and the content of the relevant Commonwealth Guidelines.


I also enclose a copy of three letters, each reporting one instance, dated:

- 8 March 2022 from the Hon David Littleproud MP, Minister for Agriculture and Northern Australia (Attachment B);
- 10 March 2022 from the Hon Keith Pitt MP, Minister for Resources and Water (Attachment C); and
- 29 March 2022 from Senator the Hon Richard Colbeck, Minister for Senior Australians and Aged Care Services and Minister for Sport (Attachment D).

A summary of the decisions reported under paragraph 4.12 of the CGRGs for the 2021 calendar year is provided at Attachment E.

I have copied this letter to the Prime Minister.

Yours sincerely



Simon Birmingham

 April 2022



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Reference: MS22-000044

Senator the Hon Simon Birmingham
Minister for Finance
Parliament House
CANBERRA ACT 2600

By email: dlc-finance@finance.gov.au

Dear Minister

I am writing to you consistent with paragraph 4.12(a) of the *Commonwealth Grants Rules and Guidelines*.

In respect to the 2021 calendar year, I wish to notify you of two grants I approved which the relevant official in the Attorney-General's Department recommended be rejected. The grants arose from applications under the Legal Financial Assistance Scheme for legal representation and disbursements under the relevant Commonwealth Guidelines (the Guidelines).

Details of the grants are contained in the attached table. Due to obligations on the department under the *Privacy Act 1988* (including Privacy Principle 6 relating to the use and disclosure of personal information) and the content of the Guidelines, the names of the grantees have been omitted.

I confirm that there have been no instances where I have approved a grant that the relevant official of a Corporate Commonwealth Entity recommended be rejected.

The contact officer for this matter in the department is Adam Nott, Assistant Secretary of the Legal Assistance Branch, who can be contacted on (02) 6141 4800.

Yours sincerely

Senator the Hon Michaelia Cash

6 / 07/2022

Encl. Appendix A – Details of grants approved.

Appendix A

Case decisions to be reported under S4.12(a) of the CGRGs for the period 1 January 2021 to 31 December 2021.

<u>CBMS program title</u>	<u>Sub-program</u>	<u>Grant Activity</u>	<u>Grantee</u>	<u>Total grant value (AUD – inc GST)</u>	<u>Grant funding location</u>	<u>Postcode</u>	<u>Brief statement of reason for decision</u>
Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$22,522.00 of which the total amount was not recommended	USA	N/A	<p>This application relates to the payment of legal costs and expenses related to the return of a child that has been abducted and taken overseas.</p> <p>Under the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i>, the Attorney-General has a broad discretion to determine the weight to be given to each of the relevant considerations, and whilst noting the department's advice about the low prospects of success of the case, on balance, the Attorney-General chose to place greater weight on the significant benefit to the applicant as a result of the legal action and the relatively low likely cost of the legal action. Therefore, the Attorney-General ultimately considered the grant to be reasonable in all the circumstances.</p>
Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$14,788.51 of which the total amount was not recommended	New Zealand	N/A	<p>This application relates to the payment of legal costs and expenses related to the return of a child that has been abducted and taken overseas.</p> <p>Under the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i>, the Attorney-General has a broad discretion to determine the weight to be given to each of the relevant considerations. The Attorney-General weighed the relevant considerations, and noted the department's advice about the financial position of the applicant and the low prospects of success of the case. On balance, the Attorney-General took a different view of the financial hardship the applicant would face in pursuing the legal action, considering the hardship to be sufficiently serious relative to the applicant's financial position. The Attorney-General also chose to place greater weight on the significant benefit to the applicant as a result of the legal action and the relatively low likely cost of the legal action. Therefore, the Attorney-General ultimately considered the grant to be reasonable in all the circumstances.</p>



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Senator the Hon Simon Birmingham
Minister for Finance
Parliament House
CANBERRA ACT 2600

By email: dlo-finance@finance.gov.au

Dear Minister

I refer to my letter of 16 February 2022 regarding notification of two grants I approved which the relevant official in the Attorney-General's Department recommended be rejected as per the requirements of paragraph 4.12(a) of the *Commonwealth Grant Rules and Guidelines*.

I advise there was a typographical error in the attachment to my letter of 16 February 2022. The error relates to the total value reported of one grant. The amount should have been \$23,522.10, not \$22,522 as written in the attachment.

Please find attached an updated table with the corrected information.

Yours sincerely


Senator the Hon Michaelia Cash

07 / 09 / 2022

Minister	CBMS program	Sub program	Grant activity	Grant recipient	Total grant value	Grant funding location	Postcode	Brief statement of reason for decision
Senator the Hon Michaelia Cash Attorney-General	Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$23,522.10 (GST incl.) of which the total amount was not recommended	USA	N/A	<p>This application relates to the payment of legal costs and expenses related to the return of a child that has been abducted and taken overseas.</p> <p>Under the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i>, the Attorney-General has a broad discretion to determine the weight to be given to each of the relevant considerations, and whilst noting the department's advice about the low prospects of success of the case, on balance, the Attorney-General chose to place greater weight on the significant benefit to the applicant as a result of the legal action and the relatively low likely cost of the legal action. Therefore, the Attorney-General ultimately considered the grant to be reasonable in all the circumstances.</p>



The Hon David Littleproud MP
Minister for Agriculture and Northern Australia
Deputy Leader of the Nationals
Federal Member for Maranoa

Ref: MS22-000253

Senator the Hon Simon Birmingham
Minister for Finance
Parliament House
CANBERRA ACT 2600

08 MAR 2022

Via email: Senator.Birmingham@aph.gov.au

Dear Minister

I refer to the reporting requirements under paragraph 4.12 of the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs).

I advise that records of the Agriculture, Water and the Environment Portfolio show that there was an instance during the period 1 January 2021 to 31 December 2021 where I, as Minister for Agriculture and Northern Australia, approved a grant for Agriculture function that the Department of Agriculture, Water and the Environment recommended be rejected, details of which are enclosed.

This grant was not located within my electorate of Maranoa, Queensland.

Yours sincerely

DAVID LITTLEPROUD MP

Enc.

CGRGs 4.12 - Report of grants approved by a Minister that a relevant official has recommended be rejected

1 January 2021 to 31 December 2021

Program Title	Program Component	Grant Activity	Recipient	Total Grant Value (GST Exclusive)	Grant Funding Location	Postcode	Brief Statement of reason for decision
Stronger Farmers, Stronger Economy – strengthening research, skills, and management of natural resources – immediate assistance fund	Stronger Farmers, Stronger Economy – strengthening research, skills, and management of natural resources – immediate assistance fund.	Remote Sensing Project for Hitchhiker Pests	University of New England	\$112,667.00	Armidale, NSW	2351	This project will meet an objective of the Immediate Assistance Fund to improve Australia's capacity to respond to pest and disease incursions through the funding of emergency preparedness activities. The grant to the University of New England will trial remote sensing technology to identify and map the location and movements of shipping containers that may contain hitchhiker pests. The project will compliment offshore and border activities, including measures announced in the 2021-22 Budget, by identifying where containers that have left biosecurity control are located for the purposes of conducting general surveillance within Australia. If successful, the project will provide another emergency preparedness tool to enable rapid location of containers which can be surveyed for exotic pests. The University of New England is the most appropriate recipient to deliver project outcomes given its experience in remote sensing and Geographical Information System (GIS) technology and previous projects the university has undertaken in the field of biosecurity and plant health.



The Hon Keith Pitt MP
Minister for Resources and Water

MS22-000213

Senator the Hon Simon Birmingham
minister for finance
Parliament House
CANBERRA ACT 2600

Senator.Birmingham@aph.gov.au

Dear Minister

I refer to the reporting requirements under paragraph 4.12 of the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs).

I advise that records of the Agriculture, Water and the Environment Portfolio show that there was an instance during the period 1 January 2021 to 31 December 2021 where I, as Minister for Resources and Water, approved a grant for Water function that the Department of Agriculture, Water and the Environment recommended not be approved, details of which are enclosed.

For the related grant round, I sought additional information regarding seven applications including the actual applications. For the application in question, it was clear that the proposal would achieve improved water quality and invasive pest remediation consistent with the selection criteria. The Assessment Panel considered the level of detail provided was insufficient to make a sound assessment, which one may expect from individual farmers who are not accustomed to seeking such grants.

This grant was not located within my electorate of Hinkler, Queensland.

Yours sincerely

Keith Pitt

10/3/2022

Enc

CGRGs 4.12 - Report of grants approved by a Minister that a relevant official has recommended be rejected

1 January 2021 to 31 December 2021

Program Title	Program Component	Grant Activity	Recipient	Total Grant Value (GST Inclusive)	Grant Funding Location	Post code	Brief Statement of reason for decision
Murray-Darling Basin Healthy Rivers Program	Murray-Darling Basin Healthy Rivers Program	Restore and Improve Water Flow and Habitat	Ian Macknight on behalf of Henry Street River Improvements	\$55,000.00	Deniliquin, NSW	2710	Approved the project on the basis of its benefits for an anabranch of the Edward River in Deniliquin, improving water quality whilst reducing carp breeding. Further noted the grass-roots nature of the project with the applicants being a group of neighbouring landholders. Disagreed with the panel's finding that the application did not provide sufficient detail to adequately address the selection criteria – the program should be assessed in a way that supports community involvement and noted that the applicants in this instance are not experienced grant writers. Further found that the application clearly demonstrates the need for the project due to the effect the current access is having on water quality and invasive species management. Any project risks can be effectively managed during project delivery by the Community Grants Hub.



SENATOR THE HON RICHARD COLBECK

Minister for Senior Australians and Aged Care Services

Minister for Sport

Ref No: MC22-005780

Senator the Hon Simon Birmingham
Minister for Finance
Senator for South Australia
Parliament House
Canberra ACT 2600
Senator.Birmingham@aph.gov.au

29 MAR 2022

Dear ~~Senator~~ *Simon*,

I refer to your correspondence of 8 March 2022 concerning reporting rules for the Commonwealth Grants Rules and Guidelines 2017 in paragraph 4.12 to notify you of any grants approved against agency advice, during the calendar year 2021.

I wish to advise of one instance in which I approved a grant against the Department of Health's advice. This grant was approved as part of the Female Facilities and Water Safety Stream Program. Details of the grant are enclosed.

If you require further information, the contact officer in my Department is the Assistant Secretary, Streamlining Grants Branch, Mr Craig Chalmers, who can be contacted by telephone on (02) 6289 9918.

Yours sincerely


Richard Colbeck

Encl.(1)

Annual CGRGs Ministerial Report: Calendar year 2021
Minister approval of grant Against Agency Advice

Attachment A

Commonwealth Budget Management System (CBMS) Program Title	CBMS Number	PBS Program Name	PBS Priority	PBS Individual Program	Date Program Commenced	Grant Activity	Project Title	Grantee (Grant Recipient)	Total Grant Value	Grant Funding Location	Postcode	Brief Statement of reason for decision	Grant approval documentation reference no. (e.g., MinSub, Commitment Approval)
Sport and Recreation	8667	Female Facilities & Water Safety Stream (FFWSS) Program	4 (previously 3)	4.1 (previously 3.1)	18/02/2020	Renovation of existing community pool	Conondale Pool Upgrade Project	Conondale Sports & Recreation Club Inc	\$177,452.05 (GST Excl) \$170,000 was the base grant, which was supported by the department. A subsequent request was received from the organisation for an additional \$7,533.97. This subsequent additional grant funding was not supported by the department.	1714 Maleny-Kenilworth Rd, Conondale QLD	4552	Approved FFWSS funding of \$12,980 (GST incl.) for accessibility stairs for older adults was no longer required as funding for the stairs was sourced from the Queensland Government. The project proponent subsequently requested a lesser amount of \$7,533.87 (GST excl.) for the purchase and installation of a sun shade over the main pool. The sun shade installation was within the scope of the original project and would ensure greater use of the community pool particularly by children undertaking swimming lessons.	MS20-000803; MS21-000138; MS21-000567.

Summary of decisions where ministers have approved grants that the relevant officials recommended be rejected

Minister	CBMS program	Sub program	Grant activity	Grant recipient	Total grant value	Grant funding location	Postcode	Brief statement of reason for decision
<i>Senator the Hon Michaelia Cash Attorney-General Minister for Industrial Relations</i>	Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$23,522 (<i>GST incl.</i>) of which the total amount was not recommended	USA	N/A	<p>This application relates to the payment of legal costs and expenses related to the return of a child that has been abducted and taken overseas.</p> <p>Under the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i>, the Attorney-General has a broad discretion to determine the weight to be given to each of the relevant considerations, and whilst noting the department's advice about the low prospects of success of the case, on balance, the Attorney-General chose to place greater weight on the significant benefit to the applicant as a result of the legal action and the relatively low likely cost of the legal action. Therefore, the Attorney-General ultimately considered the grant to be reasonable in all the circumstances.</p>
<i>Senator the Hon Michaelia Cash Attorney-General Minister for Industrial Relations</i>	Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$14,788 (<i>GST incl.</i>) of which the total amount was not recommended	New Zealand	N/A	<p>This application relates to the payment of legal costs and expenses related to the return of a child that has been abducted and taken overseas.</p> <p>Under the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i>, the Attorney-General has a broad discretion to determine the weight to be given to each of the relevant considerations. The Attorney-General weighed the relevant considerations, and noted the department's advice about the financial position of the applicant and the low prospects of success of the case. On balance, the Attorney-General took a different view of the financial hardship the applicant would face in pursuing the legal action, considering the hardship to be sufficiently serious relative to the applicant's financial position. The Attorney-General also chose to place greater weight on the significant benefit to the applicant as a result of the legal action and the relatively low likely cost of the legal action. Therefore, the Attorney-General ultimately considered the grant to be reasonable in all the circumstances.</p>

Minister	CBMS program	Sub program	Grant activity	Grant recipient	Total grant value	Grant funding location	Postcode	Brief statement of reason for decision
<i>The Hon David Littleproud MP Minister for Agriculture and Northern Australia</i>	Program 8593 Biosecurity and Expert Services	Stronger Farmers, Stronger Economy – strengthening research, skills and management of natural resources – immediate assistance fund	Remote Sensing Project for Hitchhiker Pests	University of New England	\$112,667 (GST excl.)	Armidale, NSW	2351	This project will meet an objective of the Immediate Assistance Fund to improve Australia's capacity to respond to pest and disease incursions through the funding of emergency preparedness activities. The grant to the University of New England will trial remote sensing technology to identify and map the location and movements of shipping containers that may contain hitchhiker pests. The project will compliment offshore and border activities, including measures announced in the 2021-22 Budget, by identifying where containers that have left biosecurity control are located for the purposes of conducting general surveillance within Australia. If successful, the project will provide another emergency preparedness tool to enable rapid location of containers which can be surveyed for exotic pests. The University of New England is the most appropriate recipient to deliver project outcomes given its experience in remote sensing and Geographical Information System (GIS) technology and previous projects the university has undertaken in the field of biosecurity and plant health.
<i>The Hon Keith Pitt MP Minister for Resources and Water</i>	Program 8595 Water Reforms	Murray-Darling Basin Healthy Rivers Program	Restore and Improve Water Flow and Habitat	Ian Macknight on behalf of Henry Street River Improvements	\$55,000 (GST incl.)	Deniliquin, NSW	2710	Approved the project on the basis of its benefits for an anabranch of the Edward River in Deniliquin, improving water quality whilst reducing carp breeding. Further noted the grass-roots nature of the project with the applicants being a group of neighbouring landholders. Disagreed with the panel's finding that the application did not provide sufficient detail to adequately address the selection criteria – the program should be assessed in a way that supports community involvement and noted that the applicants in this instance are not experienced grant writers. Further found that the application clearly demonstrates the need for the project due to the effect the current access is having on water quality and invasive species management. Any project risks can be effectively managed during project delivery by the Community Grants Hub.

Minister	CBMS program	Sub program	Grant activity	Grant recipient	Total grant value	Grant funding location	Postcode	Brief statement of reason for decision
<i>Senator the Hon Richard Colbeck Minister for Senior Australians and Aged Care Services Minister for Sport</i>	Sport and Recreation 4.1 - 8667	Female Facilities & Water Safety Stream (FFWSS) Program	Renovation of existing community pool	Conondale Sports & Recreation Club Inc	\$7,533 <i>(GST excl.)</i> A base grant of \$170,000 was supported by the department. A subsequent request was received from the organisation for an additional \$7,533. This subsequent additional grant funding was not supported by the department.	1714 Maleny-Kenilworth Rd, Conondale, QLD	4552	Approved FFWSS funding of \$12,980 (GST incl.) for accessibility stairs for older adults was no longer required as funding for the stairs was sourced from the Queensland Government. The project proponent subsequently requested a lesser amount of \$7,533 (GST excl.) for the purchase and installation of a sun shade over the main pool. The sun shade installation was within the scope of the original project and would ensure greater use of the community pool particularly by children undertaking swimming lessons.