



Senator the Hon Katy Gallagher

Minister for Finance
Minister for Women
Minister for the Public Service
Senator for the Australian Capital Territory

REF: MS23-000366

Senator the Hon Sue Lines
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.

In accordance with the Senate Order, I enclose a copy of a letter dated 1 March 2023 from the Attorney-General ([Attachment A](#)), reporting five instances under paragraph 4.12 of the CGRGs during the 2022 calendar year.

The grants recipients' names 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.

A summary of the decisions reported under paragraph 4.12 of the CGRGs for the 2022 calendar year is provided at [Attachment B](#).

I have copied this letter to the Prime Minister.

Yours sincerely

Katy Gallagher



Attorney-General

Reference: MS23-000177

Senator the Hon Katy Gallagher
Minister for Finance
Parliament House
CANBERRA ACT 2600

By email: dlo-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 2022 reporting period specified by the Department of Finance, 22 May 2022 to 31 December 2022, I wish to notify you of five grants I approved which the relevant official in my 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 my 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 my department is Lace Wang, Assistant Secretary of the Legal Assistance Branch, who can be contacted on (02) 6141 6390.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Dreyfus', written in a cursive style.

THE HON MARK DREYFUS KC MP

6/3/2023

Encl. Appendix A – Details of case decisions to be reported.

Appendix A

Details of case decisions to be reported in accordance with paragraph 4.12(a) of the CGRGs.

Sub-program Name: Financial Assistance towards legal costs and expenses.

<u>CBMS program title</u>	<u>Sub-program</u>	<u>Grant Activity</u>	<u>Grantee</u>	<u>Total grant value (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	\$115,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5(7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> (the Guidelines) to approve a grant of legal financial assistance in this matter. This grant was made under the Special Circumstances Scheme.
Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$115,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5(7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> (the Guidelines) to approve a grant of legal financial assistance in this matter. This grant was made under the Special Circumstances Scheme.

<u>CBMS program title</u>	<u>Sub-program</u>	<u>Grant Activity</u>	<u>Grantee</u>	<u>Total grant value (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	\$115,000	N/A	N/A	<p>The Attorney-General exercised his discretion under section 1.5(7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> (the Guidelines) to approve a grant of legal financial assistance in this matter.</p> <p>This grant was made under the Special Circumstances Scheme.</p>
Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$93,599.97	N/A	N/A	<p>The Attorney-General exercised his discretion under section 1.5(7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> (the Guidelines) to approve a grant of legal financial assistance in this matter.</p> <p>This grant was made under the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>.</p>
Program 1.4 Justice Services	Financial assistance towards legal costs and expenses	Legal financial assistance	Grantee name is confidential	\$100,000	N/A	N/A	<p>The Attorney-General exercised his discretion under section 1.5(7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> (the Guidelines) to approve a grant of legal financial assistance in this matter.</p> <p>This grant was made under the Special Circumstances Scheme.</p>

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 (inc GST)	Grant funding location	Postcode	Brief statement of reason for decision
The Hon Mark Dreyfus KC MP Attorney-General	Program 1.4 Justice Services.	Financial assistance towards legal costs and expenses.	Legal financial assistance.	Grantee name is confidential.	\$115,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5 (7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> to approve a grant of legal financial assistance in this matter. The grant was made under the Special Circumstances Scheme.
The Hon Mark Dreyfus KC MP Attorney-General	Program 1.4 Justice Services.	Financial assistance towards legal costs and expenses.	Legal financial assistance.	Grantee name is confidential.	\$115,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5 (7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> to approve a grant of legal financial assistance in this matter. The grant was made under the Special Circumstances Scheme.
The Hon Mark Dreyfus KC MP Attorney-General	Program 1.4 Justice Services.	Financial assistance towards legal costs and expenses.	Legal financial assistance.	Grantee name is confidential.	\$115,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5 (7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> to approve a grant of legal financial assistance in this matter. The grant was made under the Special Circumstances Scheme.
The Hon Mark Dreyfus KC MP Attorney-General	Program 1.4 Justice Services.	Financial assistance towards legal costs and expenses.	Legal financial assistance.	Grantee name is confidential.	\$93,599.97	N/A	N/A	The Attorney-General exercised his discretion under section 1.5 (7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> to approve a grant of legal financial assistance in this matter. This grant was made under the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> .
The Hon Mark Dreyfus KC MP Attorney-General	Program 1.4 Justice Services.	Financial assistance towards legal costs and expenses.	Legal financial assistance.	Grantee name is confidential.	\$100,000	N/A	N/A	The Attorney-General exercised his discretion under section 1.5 (7) of the <i>Commonwealth Guidelines for Legal Financial Assistance 2012</i> to approve a grant of legal financial assistance in this matter. The grant was made under the Special Circumstances Scheme.