

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: EC22-000270 : PDMS CC Notification - Record Assigned [SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Tuesday, 13 September 2022 10:13:11 PM

SEC=PROTECTED,DLM=Sensitive:Personal

You are receiving this notification as you have been CC'd by the assigning user.

John Reid has assigned **EC22-000270** to s 22(1)(a)(ii)

You can access the item at the following link: [EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	s 22(1)(a)(ii) As discussed please print for SF.
Category	
Correspondent	
Milestones	Due for Clearance: 5/10/2022 10:00:37 AM Due to Parliamentary:
Status	Cleared

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for a PDMS training session please email s 47E(d) pmc.gov.au (individual or group sessions are available).

Note: Please do not reply to this message.

CC Recipients:

s 22(1)(a)(ii) s 22(1)(a)(ii)

SEC=PROTECTED,DLM=Sensitive:Personal

From: s 22(1)(a)(ii)
To: [Reid, John](#)
Subject: letter [SEC=OFFICIAL:Sensitive]
Date: Tuesday, 13 September 2022 8:01:16 PM

OFFICIAL: Sensitive

Thank you for your letter, received on 31 August 2022, seeking my advice under the *Code of Conduct for Ministers* in relation to a request from the Hon Mark Dreyfus KC MP, Attorney-General and Cabinet Secretary.

From: noreply@pws.gov.au
To: John.Reid@pmc.gov.au
Subject: PDMS Notification - Record Assigned : EC22-000270 : ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
 [SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Tuesday, 13 September 2022 8:44:12 PM

SEC=PROTECTED,DLM=Sensitive:Personal

s 22(1)(a)(ii) has assigned **EC22-000270** to **John Reid**. This record can be actioned via the following link:

[EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	
Category	
Correspondent	
Milestones	Due for Clearance : 5/10/2022 10:00:37 AM Due to Parliamentary :
Status	Awaiting Clearance

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for a PDMS training session please email s 47E(d) pmc.gov.au (individual or group sessions are available).

Note: Please do not reply to this message.

SEC=PROTECTED,DLM=Sensitive:Personal

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: PDMS Notification - Record Assigned : EC22-000270 : ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
 [SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Wednesday, 14 September 2022 2:27:16 PM

SEC=PROTECTED,DLM=Sensitive:Personal

s 22(1)(a)(ii) has assigned **EC22-000270** to s 22(1)(a)(ii) This record can be actioned via the following link:
[EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	
Category	
Correspondent	
Milestones	Due for Clearance: 5/10/2022 10:00:37 AM Due to Parliamentary:
Status	Revision

For help, contact the PDMS Helpdesk at s 47E(d) pms.gov.au or on (02) s 47E(d)

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Note: Please do not reply to this message.

SEC=PROTECTED,DLM=Sensitive:Personal

From: noreply@pws.gov.au
To: John.Reid@pmc.gov.au
Subject: PDMS Notification - Record Assigned : EC22-000270 : ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
[SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Wednesday, 14 September 2022 4:02:16 PM

~~SEC=PROTECTED,DLM=Sensitive:Personal~~

s 22(1)(a)(ii) has assigned **EC22-000270** to **John Reid**. This record can be actioned via the following link:

[EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	
Category	
Correspondent	
Milestones	Due for Clearance : 5/10/2022 10:00:37 AM Due to Parliamentary :
Status	Awaiting Clearance

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

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Note: Please do not reply to this message.

~~SEC=PROTECTED,DLM=Sensitive:Personal~~

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: PDMS Notification - Record Assigned : EC22-000270 : ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
 [SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Wednesday, 14 September 2022 4:56:15 PM

~~SEC=PROTECTED,DLM=Sensitive:Personal~~

John Reid has assigned EC22-000270 to s 22(1)(a)(ii) This record can be actioned via the following link:

[EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	
Category	
Correspondent	
Milestones	Due for Clearance: 5/10/2022 10:00:37 AM Due to Parliamentary:
Status	Awaiting Clearance

For help, contact the PDMS Helpdesk at s 47E(d) pms.gov.au or on (02) s 47E(d)

To register for a PDMS training session please email s 47E(d) pms.gov.au (individual or group sessions are available).

Note: Please do not reply to this message.

~~SEC=PROTECTED,DLM=Sensitive:Personal~~

From: noreply@pws.gov.au
To: John.Reid@pmc.gov.au
Subject: PDMS Notification - Record Assigned : EC22-000270 : ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
 [SEC=PROTECTED,DLM=Sensitive:Personal]
Date: Wednesday, 14 September 2022 5:08:15 PM

SEC=PROTECTED,DLM=Sensitive:Personal

s 22(1)(a)(ii) has assigned **EC22-000270** to **John Reid**. This record can be actioned via the following link:

[EC22-000270](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	ADVICE UNDER THE CODE OF CONDUCT FOR MINISTERS - DREYFUS
Processing Instructions	
Category	
Correspondent	
Milestones	Due for Clearance : 5/10/2022 10:00:37 AM Due to Parliamentary :
Status	Awaiting Clearance

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for a PDMS training session please email s 47E(d) pmc.gov.au (individual or group sessions are available).

Note: Please do not reply to this message.

SEC=PROTECTED,DLM=Sensitive:Personal

From: s 22(1)(a)(ii)
To: [Foster, Stephanie](#)
Subject: Ministerial interest letters [SEC=PROTECTED, ACCESS=Personal-Privacy]
Date: Wednesday, 14 September 2022 11:44:27 AM
Attachments: s 22(1)(a)(ii)
[EC22-000270 - combined.pdf](#)
s 22(1)(a)(ii)

~~PROTECTED~~
~~Personal privacy~~

Hi Stephanie

s 22(1)(a)(ii) briefs attached.

thank you

s 22(1)
(a)(iii)

s 22(1)(a)(ii) | Executive Officer to Stephanie Foster PSM
p. (02) s 22(1)(a)(ii) | m. +61 s 22(1)(a)(ii)



PRIME MINISTER

Professor Glyn Davis AC
Secretary
Department of the Prime Minister and Cabinet

Dear Secretary

Glyn

Clause 3.5 of the Code of Conduct for Ministers provides that Ministers may not retain directorships of public or private companies without my approval. Clause 3.6 provides that approval may only be granted if I am satisfied, on your advice, that no conflict of interest arises. I also note clause 3.11, which deals with shareholdings.

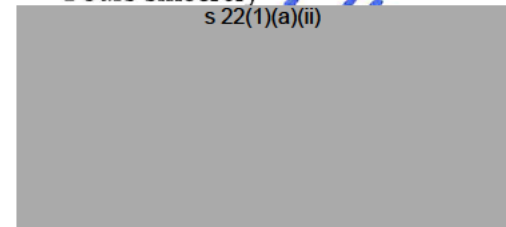
The Hon Mark Dreyfus QC MP, Attorney-General, has advised that he is a director of, and shareholder in, his Self Managed Super Fund. He is also a director and shareholder of a private company Fairbank Tower Pty Ltd, which he advises is a dormant trustee company.

A letter from Mr Dreyfus providing more information about Fairbank Tower Pty Ltd, and a list of the assets of his Super Fund, are enclosed.

I seek your advice whether it is appropriate under the Code of Conduct for me to approve the Attorney-General retaining these interests.

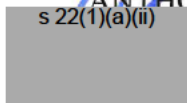
Yours sincerely

s 22(1)(a)(ii)



ANTHONY ALBANESE

s 22(1)(a)(ii)



CONFIDENTIAL

4 August 2022

s 22(1)(a)(ii)

Senior Adviser
Office of the Prime Minister
Parliament House
CANBERRA ACT 2600

Dear s 22(1)(a)(ii)

Thank you for seeking further advice about the Attorney-General's private interests declaration to the Prime Minister dated 26 July 2022.

On behalf of the Attorney-General I advise as follows.

Kenley Dale Pty Ltd (trustee of the Dreyfus Superannuation Fund)

I advise there are s 47F shares in Kenley Dale Pty Ltd which is the trustee of the Dreyfus Superannuation Fund. s 47F shares are held by Mr Dreyfus. s 47F are held by Mr Dreyfus' spouse, s 47F s 47F.

Fairbank Tower Pty Ltd

Mr Dreyfus seeks to retain his directorship and shareholding in Fairbank Tower Pty Ltd for possible use when his parliamentary service ends. The company is the former trustee of a now-dissolved family trust. Mr Dreyfus undertakes to engage in no business activity related to Fairbank Tower while a minister except paying annual registration fees.

Fairbank Tower Pty Ltd is a dormant company. It has no income and assets. For completeness, I advise there are s 47F shares in Fairbank Tower. s 47F shares are held by Mr Dreyfus. s 47F shares are held by Mr Dreyfus' spouse s 47F.

I trust this information is of assistance.

Yours sincerely

s 22(1)(a)(ii)

Chief of Staff
The Hon. Mark Dreyfus QC MP
Attorney-General
Cabinet Secretary
s 22(1)(a)(ii)

ATTACHMENT A

1. SUPERANNUATION

Mark Dreyfus s 47F

Investments are diversified broadly and we have no influence over investment decisions. We understand Kenley Dale Pty Ltd (trustee of Dreyfus Superannuation Fund) has investments in the following:

- Hyperion Australian Growth Companies Fund
- CC JCB Dynamic Alpha Fund
- Capital Group Global Corporate Bond Fund Hedged (AU)
- Cooper I Global Equities Fund – Hedged
- Cromwell Phoenix Property Securities Fund
- Allan Gray Australia Equity Fund Class A
- SGH ICE Fund
- T.Rowe Price Global Equity Fund
- PIMCO Income Fund – Wholesale
- Fidelity Australian Equities Fund
- Greenscape Wholesale Broadcap Fund
- Walter Scott Global Equity Fund
- Munro Global Growth Fund – Ordinary Class
- Ironbark Paladin Property Securities Fund
- Perpetual Wholesale Concentrated Equity Fund
- Pengana Emerging Companies Fund
- ATLAS Infrastructure Australian Feeder Fund – Unhedged
- WCM Quality Global Growth Fund – Class A Unhedged
- Clearbridge RARE Infrastructure Value – Unhedged A

From: [Rush, Peter](#)
To: [s.22\(1\)\(a\)\(i\)](#)
Cc: ["Bad John"; F.eld, Autumn](#); [s.22\(1\)\(a\)\(i\)](#)
Subject: RE: SEOs for drafting and clearance COB 28 November 2022 [SEC - OFFICIAL]
Date: Friday, 18 November 2022 5:50:18 PM
Attachments: [image006.png](#)
[image010.png](#)
[image003.png](#)

OFFICIAL

Assignments confirmed, thanks

From: s 22(1)(a)(ii) <s 22(1)(a)(ii)>
Sent: Friday, 18 November 2022 5:00 PM
To: Rush, Peter <Peter.Rush@pmc.gov.au>
Cc: Reid, John <John.Reid@pmc.gov.au>; Field, Autumn <Autumn.Field@pmc.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>
Subject: FW: SEQoNs for drafting and clearance COB 28 November 2022 [SEC=OFFICIAL]

OFFICIAL

Hi Rush,

We've just been assigned the SE QoNs

Grateful if you can look below and confirm to assign to those teams before I send them out

Thanks!

s 22(1)(a)(ii) | Executive Assistant to
Autumn Field | Assistant Secretary | Legal Policy Branch
Peter Rush | Assistant Secretary | Parliamentary and Government Branch
Department of the Prime Minister and Cabinet
02 s 22(1)(a)(ii) (Extension s 22(1)-
Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e s 22(1)(a)(ii) | www.pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Parliamentary <[s.47E\(d\)@pmc.gov.au](mailto:s.47E(d)@pmc.gov.au)>
Sent: Friday, 18 November 2022 4:53 PM
To: s.22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s.22(1)(a)(ii)@pmc.gov.au)>, s.22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s.22(1)(a)(ii)@pmc.gov.au)>, s.22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s.22(1)(a)(ii)@pmc.gov.au)>
Subject: SEQONs for drafting and clearance COB 28 November 2022 [SEC=OFFICIAL]

OFFICIAL

Good afternoon

The below SEQONs have been assigned to Government Division in PDMS for drafting

[illegible]

Please clear back to Parl Coord by **COB 28 November 2022**.

Kind regards

s 22(1)(a)(iii) | Adviser Parliamentary Support Unit
Department of the Prime Minister and Cabinet
p. (02) s 22(1)(a)(ii)
Ngunnawal Country One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s 22(1)(a)(iii) | w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: PDMS Notification - Record Assigned : SQ22-000080 : 0031 - Code of Conduct for Ministers - funds and trusts [SEC=OFFICIAL]
Date: Monday, 21 November 2022 9:35:43 AM

SEC=OFFICIAL

s 22(1)(a)(ii) has assigned **SQ22-000080** to s 22(1)(a)(ii) This record can be actioned via the following link:
[SQ22-000080](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	0031 - Code of Conduct for Ministers - funds and trusts
Processing Instructions	For processing. Due back to Parl Coord by COB 28 November 2022.
Category	
Correspondent	
Milestones	Due for Clearance : 28/11/2022 5:00:00 PM Due to Parliamentary : 1/12/2022 5:00:00 PM
Status	Draft

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for PDMS training please visit https://pmc.acornlms.com.au/view_facetoface/812

Note: Please do not reply to this message.

SEC=OFFICIAL

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: PDMS Notification - Record Assigned : SQ22-000081 : 0032 - Code of Conduct for Ministers - definition of "significant extent"
 [SEC=OFFICIAL]
Date: Monday, 21 November 2022 9:35:43 AM

SEC=OFFICIAL

s 22(1)(a)(ii) has assigned **SQ22-000081** to s 22(1)(a)(ii) This record can be actioned via the following link:
[SQ22-000081](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	0032 - Code of Conduct for Ministers - definition of 'significant extent'
Processing Instructions	For processing. Due back to Parl Coord by COB 28 November 2022.
Category	
Correspondent	
Milestones	Due for Clearance : 28/11/2022 5:00:00 PM Due to Parliamentary : 1/12/2022 5:00:00 PM
Status	Draft

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for PDMS training please visit https://pmc.acornlms.com.au/view_facetoface/812

Note: Please do not reply to this message.

SEC=OFFICIAL

From: noreply@pws.gov.au
To: John.Reid@pmc.gov.au
Subject: PDMS Notification - Record Assigned : SQ22-000081 : 0032 - Code of Conduct for Ministers - definition of "significant extent"
 [SEC=OFFICIAL]
Date: Thursday, 24 November 2022 3:48:45 PM

SEC=OFFICIAL

s 22(1)(a)(ii) has assigned **SQ22-000081** to **John Reid**. This record can be actioned via the following link:

[SQ22-000081](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	0032 - Code of Conduct for Ministers - definition of 'significant extent'
Processing Instructions	Hi JR, s 22(1)(a)(ii) said to assign this one to you for processing. It is due back to Parl Coord by COB 28 November 2022. E
Category	
Correspondent	
Milestones	Due for Clearance : 28/11/2022 5:00:00 PM Due to Parliamentary : 1/12/2022 5:00:00 PM
Status	Draft

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for PDMS training please visit https://pmc.acornlms.com.au/view_facetoface/812

Note: Please do not reply to this message.

SEC=OFFICIAL

From: noreply@pws.gov.au
To: s 22(1)(a)(ii)
Subject: PDMS Notification - Record Assigned : SQ22-000080 : 0031 - Code of Conduct for Ministers - funds and trusts [SEC=OFFICIAL]
Date: Friday, 25 November 2022 3:55:13 PM

SEC=OFFICIAL

s 22(1)(a)(ii) has assigned **SQ22-000080** to s 22(1)(a)(ii) This record can be actioned via the following link:
[SQ22-000080](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	0031 - Code of Conduct for Ministers - funds and trusts
Processing Instructions	I don't have the info for this one but you might! Happy to liaise with Secretary's office if needed
Category	
Correspondent	
Milestones	Due for Clearance : 28/11/2022 5:00:00 PM Due to Parliamentary : 1/12/2022 5:00:00 PM
Status	Draft

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for PDMS training please visit https://pmc.acornlms.com.au/view_facetoface/812

Note: Please do not reply to this message.

SEC=OFFICIAL

From: noreply@pws.gov.au
To: John.Reid@pmc.gov.au
Subject: PDMS Notification - Record Assigned : SQ22-000080 : 0031 - Code of Conduct for Ministers - funds and trusts [SEC=OFFICIAL]
Date: Monday, 28 November 2022 12:25:25 PM

SEC=OFFICIAL

s 22(1)(a)(ii) has assigned **SQ22-000080** to **John Reid**. This record can be actioned via the following link:

[SQ22-000080](#)

Record details	
<i>*please note if any of the below fields are empty, the associated field is not populated on the record.</i>	
PDR Subject	0031 - Code of Conduct for Ministers - funds and trusts
Processing Instructions	Can we pls discuss this one?
Category	
Correspondent	
Milestones	Due for Clearance : 28/11/2022 5:00:00 PM Due to Parliamentary : 1/12/2022 5:00:00 PM
Status	Draft

For help, contact the PDMS Helpdesk at s 47E(d) pmc.gov.au or on (02) s 47E(d)

To register for PDMS training please visit https://pmc.acornlms.com.au/view_facetoface/812

Note: Please do not reply to this message.

SEC=OFFICIAL

From: s 22(1)(a)(ii)
To: [Reid, John](#)
Subject: FW: SEQOns for drafting and clearance COB 28 November 2022 [SEC=OFFICIAL]
Date: Wednesday, 30 November 2022 3:40:26 PM
Attachments: [image004.png](#)

OFFICIAL

Hey,

Update on QoNs green are with Parl Coord and yellow are going back to DW this arvo. s 22(1)(a)(ii)

With you

s 22(1)(a)(ii)

SQ22-000080

SQ22-000081

s 22(1)(a)(ii)

s 22(1)(a)

s 22(1)(a)(ii) | Executive Assistant to John Reid PSM

First Assistant Secretary, Government Division

Department of the Prime Minister and Cabinet

p. +61 2 s 22(1)(a)(ii) | e. s 22(1)(a)(ii) | w. www.pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples

From: Parliamentary <s 47E(d)@pmc.gov.au>

Sent: Friday, 18 November 2022 4:53 PM

To: s 22(1)(a)(ii) < s 22(1)(a)(ii) >; s 22(1)(a)(ii) < s 22(1)(a)(ii) >

Cc: Parliamentary <s 47E(d)> @pmc.gov.au>

Subject: SEQoNs for drafting and clearance COB 28 November 2022 [SEC=OFFICIAL]

OFFICIAL

Good afternoon

The below SEQONs have been assigned to Government Division in PDMS for drafting.

PDR Link	Subject
	s 22(1)(a)(ii)
SQ22-000080	0031 - Code of Conduct for Ministers - funds and trusts
SQ22-000081	0032 - Code of Conduct for Ministers - definition of 'significant extent'
	s 22(1)(a)(ii)

Please clear back to Parl Coord by **COB 28 November 2022**.

Kind regards,

s 22(1)(a) | Adviser, Parliamentary Support Unit
Department of the Prime Minister and Cabinet

p. (02) **s 22(1)**

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s 22(1)(a)(ii)** w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples

From: [Rush, Peter](#)
 To: [s 22\(1\)\(a\)](#)
 Subject: RE: SEQoN index - questions on Ministerial Code of Conduct [SEC=OFFICIAL]
 Date: Wednesday, 7 December 2022 5:08:08 PM
 Attachments: [Image003.png](#)

OFFICIAL

s 22(1)(a)

I think it relates to these two:

SQ22-000080	0081 - Code of Conduct for Ministers - funds and trusts	Gov section
SQ22-000081	0082 - Code of Conduct for Ministers - definition of 'significant extent'	Gov section

My preference would be to join these two and add the highlighted query below, all forming one QoN

Cheers - Rush

From: [s 22\(1\)\(a\)](#) <[s 22\(1\)\(a\)\(ii\)](#)>
 Sent: Wednesday, 7 December 2022 3:43 PM
 To: Rush, Peter <[Peter.Rush@pmc.gov.au](#)>
 Subject: FW: SEQoN index - questions on Ministerial Code of Conduct [SEC=OFFICIAL]

OFFICIAL

Rush – we're being asked whether a question from Senator Birmingham on whether advice was sought from other agencies (external advice) about the Code – this flows from the questions regarding the Attorney. I'm inclined to say that we should deal with this as a separate/standalone QoN and no part of another QoN. I've had a look through the transcript and the other QoNs and I don't think it's best to deal separately. Are you OK with this approach?

From: Parliamentary <[s 47E\(d\)](#) @[pmc.gov.au](#)>
 Sent: Tuesday, 6 December 2022 1:54 PM
 To: [s 22\(1\)\(a\)](#) <[s 22\(1\)\(a\)\(ii\)](#)>
 Cc: Parliamentary <[s 47E\(d\)](#) @[pmc.gov.au](#)>
 Subject: SEQoN index - questions on Ministerial Code of Conduct [SEC=OFFICIAL]

OFFICIAL

Good afternoon [s 22\(1\)\(a\)](#)

We have received some feedback from the F&PA Committee Secretariat about PM&C's Estimates QoNs index, and they are seeking to have the below entry added, either as a standalone QoN or as part of another QoN (as referred to by Senator Wong in the text)

Grateful if you could review the below and advise whether you think the specific issue of 'advice sought from other agencies' in relation to the Ministerial Code of Conduct has already been addressed in the responses drafted to other QoNs about the Code, or whether a standalone QoN may be required in order to cover this issue to the committee's satisfaction)

Senator	Date & Page Number	Agency	Text	Secretariat Notes
Simon Birmingham	28/10/2022 pp 44-45	Department of Prime Minister and Cabinet	<p>Senator BIRMINGHAM: Going to the analysis that the department undertook as part of the request to look at the Attorney-General's investments, the response from the department secretary, Professor Davis, steps through, as we discussed before, the terms around what constitutes a significant investment. To be clear, because it was at the tail end of the questions, you don't know or can't say whether the department sought any advice or used any other precedents from other processes to determine how it came to the conclusion that a significant extent should be defined as a majority.</p> <p>Mr Reid: I've taken that on notice.</p> <p>Senator BIRMINGHAM: So you will come back to us if there was any advice sought from other agencies, if you sought any external advice, or if you assessed as part of that any precedents in other laws or processes?</p> <p>Mr Reid: When you say other laws, noting that the Code of Conduct for Ministers isn't a legislative instrument.</p> <p>Senator BIRMINGHAM: No, it's not, but in terms of what constitutes something that is sufficiently significant to disclose. Are you aware, in relation to disclosures that companies, for example, have to make about their share registries, what constitutes 'substantial or significant'?</p> <p>Mr Reid: I'm not.</p> <p>Senator BIRMINGHAM: Did you look at those?</p> <p>Senator Wong: You've asked a number of times now a general question about what PM&C looked to in framing that advice. We've taken that on notice. You're now proceeding to ask, 'Did you look at this, this or this,' all of which is included in the first. We've taken it on notice.</p>	Not included in QoN index. 'Advice sought from other agencies' not included in any other questions taken on notice about the Code of Conduct.

Happy to discuss

Kind regards

[s 22](#)

[s 22\(1\)\(a\)\(ii\)](#) | a/g Director, Parliamentary Support Unit
 Department of the Prime Minister and Cabinet
 ph: (02) [s 22\(1\)\(a\)\(ii\)](#) email: [s 22\(1\)\(a\)\(ii\)](#) web: [pmc.gov.au](#)
 Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: [Parliamentary](#)
To: [Easton Deanna](#); [s 22\(1\)\(a\)\(ii\)](#)
Cc: [Parliamentary](#)
Subject: FOR SECRETARY CLEARANCE: 2 x SEQoNs - Budget Estimates 2022-23 [SEC=OFFICIAL]
Date: Thursday, 22 December 2022 4:52:23 PM
Attachments: [image002.png](#)
[SEQoN 0031 - Code of Conduct for Ministers - funds and trusts.pdf](#)
[SEQoN 0032 - Code of Conduct for Ministers - definition of "significant extent".pdf](#)

OFFICIAL

Good afternoon Deanna and [s 22\(1\)\(](#)

There are a further 2 SEQoNs ready for Secretary clearance:

Responsible Area	Subject
Government Division	0031 - Code of Conduct for Ministers - funds and trusts
Government Division	0032 - Code of Conduct for Ministers - definition of 'significant extent'

PDF copies are attached for clearance, as discussed this morning.

[s 22\(1\)\(a\)\(ii\)](#)

Please be in touch if you have any queries.

Kind regards

[s 22\(](#)

[s 22\(1\)\(a\)\(ii\)](#) | Adviser, Parliamentary Support Unit

Department of the Prime Minister and Cabinet

ph: (02) [s 22\(1\)\(a\)](#) email: [s 22\(1\)\(a\)\(ii\)](#) web: pmc.gov.au

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Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates 2022 - 2023

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet
Outcome/Program Group: Prime Minister and Cabinet
Topic: Code of Conduct for Ministers - funds and trusts

Senator: The Hon Simon Birmingham

Question reference number: 0031

Type of question: Hansard page 37, 28 October 2022

Date set by the committee for the return of answer: 16 December 2022

Number of pages: 1

Question:

Senator BIRMINGHAM: [...] I want to go to some of the detail within the code, first and foremost. Part 3.11, part (ii), states that a minister is able to hold a fund or trust under the code, as long as:

The fund or trust does not invest to any significant extent in a business sector that could give rise to a conflict of interest with the Minister's public duty.

What is the department's understanding of what a 'significant extent' entails?

[...]

Senator BIRMINGHAM: [...] In the secretary forming the opinion which was stressed in the letter from the secretary to the Prime Minister on 15 September—that's the correct date for the transmission of that advice about Mr Dreyfus's matter, isn't it?—

Mr Reid: That's right.

Senator BIRMINGHAM: informing that advice around what a 'significant extent' entails, how did the secretary reach that conclusion?

Mr Reid: Sorry, I don't quite follow you.

Senator BIRMINGHAM: What advice or inputs did the secretary seek or evidence or precedents did he consider to form the view that a 'significant extent' constituted a majority?

Mr Reid: I'd need to take that on notice and discuss with the secretary any particular things that aren't in his letter that was released.

Answer:

The Secretary of the Department of the Prime Minister and Cabinet formed his own view on the phrase 'significant extent' based on his reading of the *Code of Conduct for Ministers*, and his understanding of the intention of the Code. He did not seek external advice in the development and preparation of his advice on that matter.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates 2022 - 2023

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet
Outcome/Program Group: Prime Minister and Cabinet
Topic: Code of Conduct for Ministers - definition of 'significant extent'

Senator: The Hon Simon Birmingham

Question reference number: 0032

Type of question: Hansard page 38, 28 October 2022

Date set by the committee for the return of answer: 16 December 2022

Number of pages: 1

Question:

Senator BIRMINGHAM: I'll finish with one, if I can, then, Chair. Mr Reid, is there any evidence or research you can cite that you relied upon for the definition that you and the secretary provided to the Prime Minister about what constitutes a 'significant extent'?

Senator Wong: The definition you're referencing there is 'majority'.

Senator BIRMINGHAM: Yes.

Mr Reid: I'll take that on notice.

Answer:

No.

From: s 22(1)(a)(ii)
To: Parliamentary: Easton Deanna
Subject: RE: FOR SECRETARY CLEARANCE: 2 x SEQoNs - Budget Estimates 2022-23 [SEC=OFFICIAL]
Date: Friday, 23 December 2022 9:14:33 AM
Attachments: image003.png

OFFICIAL

Thanks s 22(

The Secretary has cleared the below 2 SEQoNs. Happy for you to progress.

s 22(1)(a)(ii)

Thanks

s 22(1)

From: Parliamentary <s 47E(d)@pmc.gov.au>
Sent: Thursday, 22 December 2022 4:52 PM
To: Easton, Deanna <Deanna.Easton@pmc.gov.au>; s 22(1)(a)(ii) s 22(1)(a)(ii) >
Cc: Parliamentary <s 47E(d)@pmc.gov.au>
Subject: FOR SECRETARY CLEARANCE: 2 x SEQoNs - Budget Estimates 2022-23 [SEC=OFFICIAL]

OFFICIAL

Good afternoon Deanna s 22(1)(a)(ii),

There are a further 2 SEQoNs ready for Secretary clearance:

Responsible Area	Subject
Government Division	0031 - Code of Conduct for Ministers - funds and trusts
Government Division	0032 - Code of Conduct for Ministers - definition of 'significant extent'

PDF copies are attached for clearance, as discussed this morning.

s 22(1)(a)(ii)

Please be in touch if you have any queries.

Kind regards

s 22(1)

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