



Jaclyn Symes MP

Attorney-General
Minister for Resources

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Our ref: D21/69106

Mr Andrew Young
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Young

Production of documents – Memorandum of Understanding with China’s National Development and Reform Commission on public-private partnerships in infrastructure

I refer to the Legislative Council’s resolution of 26 May 2021 that the Legislative Council:

‘requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, the memorandum of understanding with China’s National Development and Reform Commission, signed by the Victorian Government in March 2017, committing Victoria to working with Beijing on infrastructure projects through public-private partnerships.’

I also refer to the letters to you from former Attorneys-General, the Hon. Martin Pakula MP and the Hon. Jill Hennessy MP of 14 April 2015 and 20 February 2019 respectively, noting the limits on the Legislative Council’s power to call for documents. Those limits centre on the protection of the public interest. These letters set out the factors the government would consider in assessing whether the release of documents would be prejudicial to the public interest.

The government has identified one document relevant to the Legislative Council’s order for documents. The government, on behalf of the Crown, makes a claim of executive privilege in relation to the document in full, on the basis that its disclosure would be contrary to the public interest.

The attached schedule refers to the document in respect of which a claim of executive privilege is made.

Yours sincerely

Jaclyn Symes MP
Attorney-General
Minister for Resources

08 / 06 / 2021

Encl.



SCHEDULE OF DOCUMENTS WITHHELD IN FULL ON THE BASIS OF EXECUTIVE PRIVILEGE

Department of Premier and Cabinet

NO	DOCUMENT DESCRIPTION	DATE OF DOCUMENT	DOCUMENT AUTHOR	EXECUTIVE PRIVILEGE REASONS
1.	Memorandum of Understanding between the National Development and Reform Commission of the People's Republic of China and the State Government of Victoria, Australia on Cooperation in the Development and Implementation of Public-Private-Partnerships in Infrastructure Fields	24 March 2017	Department of Premier and Cabinet, Victoria, Australia National Development and Reform Commission, China	Executive privilege is claimed over the document on the basis that disclosure would jeopardise the public interest by prejudicing diplomatic relations.