



# Attorney-General

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- 1 MAR 2011

Our ref: D11/34811

Mr Wayne Tunnecliffe  
Clerk of the Legislative Council  
Parliament House  
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

## **ORDER FOR DOCUMENTS - FUNDING AGREEMENT BETWEEN THE STATE OF VICTORIA AND HRL LIMITED**

I refer to the Legislative Council's resolution of 9 February 2011, seeking the production of:

*"a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited, provided under the energy technology innovation strategy (ETIS)."*

The Government acknowledges and respects the right of the Legislative Council to require the Government to provide documents to the Council, subject to only limited exceptions.

In this case, I wish to draw to the Legislative Council's attention that the documents sought contain sensitive financial and commercial information and proprietary intellectual property. HRL considers, and the Government agrees, that the public release of this information would materially damage the interests of HRL, including by prejudicing its position in ongoing funding negotiations with the Commonwealth Government. A copy of a letter from HRL, outlining their concern about the possible release of the documents, is enclosed for your information.

In the circumstances, I request on behalf of the Government that the Council not insist on the Government producing the documents referred to in the Council's resolution.

Yours sincerely

**ROBERT CLARK MP**  
Attorney-General

28/2/11





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25 February 2011

The Hon Michael O'Brien MP  
Minister for Energy and Resources  
1 Spring Street  
Melbourne VIC 3000

Dear Minister

**Motion passed in Legislative Council on 9 February 2011**

I refer to the motion passed requiring the Leader of the Government to table in the Council, by 12.00 noon on Tuesday 1 March 2011, a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited (**HRL**), provided under the Energy Technology Innovation Strategy (**Motion**).

HRL and related companies are party to agreements that may fall within the scope of the Motion.

The terms of these agreements have not previously been made public.

These documents contain sensitive financial and commercial information and proprietary intellectual property of the company, which was provided on the basis that it would be kept confidential.

The public release of this information, particularly at this time, would materially damage the interests of the company, including by prejudicing its position in current negotiations with a number of parties including the Commonwealth Government, (in conjunction with the Victorian government).

Yours sincerely

A handwritten signature in black ink, appearing to read "Gordon Carter", written over a horizontal line.

Gordon Carter  
Managing Director  
HRL Limited