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SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Monday, 21 October 2019

Members in attendance: Senators Ayres, Hughes, Kitching, Lambie, Lines, McAllister, McMahon, O'Sullivan, Paterson, Patrick, Scarr, Dean Smith, Waters, Wong.
PARLIAMENT

In Attendance

Senator Ryan, President of the Senate

Parliamentary Budget Office
Ms Jenny Wilkinson, Parliamentary Budget Officer
Mr Colin Brown, First Assistant Parliamentary Budget Officer
Ms Linda Ward, First Assistant Parliamentary Budget Officer
Mr John Clark, Assistant Parliamentary Budget Officer
Ms Kathryn Smith, Assistant Parliamentary Budget Officer
Mr David Tellis, Assistant Parliamentary Budget Officer
Mr Gareth Tunks, Assistant Parliamentary Budget Officer
Ms Karen Williams, Assistant Parliamentary Budget Officer

Department of the Senate
Mr Richard Pye, Clerk of the Senate
Ms Maureen Weeks, Deputy Clerk
Ms Rachel Callinan, Clerk Assistant (Table)
Ms Jackie Morris, Clerk Assistant (Procedure)
Mr John Begley, Usher of the Black Rod
Mr Tim Bryant, Clerk Assistant (Committees)
Ms Fiona O'Loughlin, Chief Financial Officer
Ms Angela Casey, Director, Parliamentary Education Office

Department of Parliamentary Services
Secretary
Mr Robert Stefanic, Secretary

Deputy Secretary
Ms Cate Saunders, Acting Deputy Secretary

Parliamentary Library
Dr Dianne Heriot, Parliamentary Librarian

Information Services Division
Mr Antony Stinziani, Chief Information Officer
Mr Jeya Jeyanathan, Acting Chief Technology Officer
Mr Gary Aisbitt, Acting Information and Communications Technology Chief of Staff
Ms Christine White, Assistant Secretary, Parliamentary Recording and Reporting
Mr Ian McKenzie, Chief Information Security Officer

Chief Operating Officer Division
Mr Rob Brigden, Chief Operating Officer
Ms Cindy McGhie, Acting Chief Finance Officer
Mr Andrew Lander, Acting Assistant Secretary, People and Governance Branch
Mr Luke Hickey, Assistant Secretary, Parliamentary Experience Branch

Building and Security Division
Ms Fiona Knight, Acting First Assistant Secretary
Ms Corinne Horton, Acting Assistant Secretary, Building Services Branch
Ms Leanne Tunningley, Assistant Secretary, Security Branch
Mr Trent Litster, Acting Assistant Secretary, Capital Works Branch

Committee met at 09:01

CHAIR (Senator Paterson): I declare open this meeting of the Senate Finance and Public Administration Legislation Committee. The Senate has referred to the committee the particulars of proposed expenditure for 2019-20 for the parliamentary departments, the Prime Minister and Cabinet portfolio and the Finance portfolio. The committee's estimates schedule also includes a cross-portfolio hearing on Indigenous matters, which will be on Friday. The committee may also examine the annual reports of the departments and agencies appearing before it. The committee has before it a program listing agencies and outcomes relating to matters for which senators have given notice. The committee has fixed 6 December 2019 as the date for the return of answers to questions taken on notice.

The committee's proceedings today will begin with the parliamentary departments followed by the department and agencies of the Prime Minister and Cabinet portfolio. Tomorrow the committee will examine agencies within the Finance portfolio. The committee will examine the National Indigenous Australians Agency, other Indigenous agencies and the Department of Health on Friday at the cross-portfolio Indigenous matters hearing. The committee has also resolved to hold a spillover hearing later to examine the Office of the Official Secretary to the Governor-General and the North Queensland Livestock Industry Recovery Agency, due to availability of witnesses.

Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. The Senate, by resolution in 1999, endorsed the following test of relevance of questions at estimates hearings. Any questions going to the operations or financial positions of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise.

I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised, which will be incorporated in Hansard:

The extract read as follows—
Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer’s statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.
CHAIR: Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead, witnesses are required to provide some specific indication of the harm to the public interest that could result from the disclosure of the information or the document.

The Senate has resolved also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Officers are requested to keep opening statements brief or seek to incorporate longer statements into the Hansard.

Department of the Senate

CHAIR: I welcome the President of the Senate, Senator the Hon. Scott Ryan; the Clerk of the Senate, Mr Richard Pye; and officers of the Department of the Senate. I thank the department for providing updated information on Senate committee activity, which has been circulated to the committee. Senator Ryan, do you wish to make an opening statement?

The President: I have an opening statement later for DPS, but I have a statement, which is lengthy, to table now for later on this morning, regarding the condition of Parliament House. I thought I'd table it now so that senators have a chance to look at it before that section.

CHAIR: That's very kind. We will accept that and we will invite you, when DPS joins us, to make an opening statement. Mr Pye, do you wish to make an opening statement?

Mr Pye: No, thank you.

Senator KITCHING: Firstly, thank you for your time this morning. Could I go to authorised/unauthorised filming in Parliament House. Just prior to the 2019 federal election the Prime Minister and the Treasurer were walking the halls of Parliament House doing their Back in Black video. I asked a QON about this, so I can give you the QON reference. It's Q0020 for 2019-20. At pages 64 to 65, I asked Senator Cormann:

… The filming was done in Parliament House. Was all filming undertaken in areas where filming is permitted?

Senator Cormann said:

… I am sure it was but I am happy to verify that on notice.

The answer was:

Filming is permitted in that area with appropriate permissions. The Prime Minister's Office has become aware that in this case the appropriate permissions were not sought and has undertaken to do so in the future.

Could I ask the Usher of the Black Rod to explain how someone applies for approval to film in certain parts of Parliament House?
Mr Begley: The approval process is generally through a form from DPS, which is 'Approval to film', otherwise they could ask directly via email to myself or to the Serjeant-at-Arms on the other side of the house.

Senator KITCHING: So it's you and the Serjeant-at-Arms who manage process?

Mr Begley: Yes. For minor things, such as filming in one side of the house, we would typically do it ourselves, but there is a form for larger-scale filming requests or ones that might affect multiple parts of the building, which DPS would then run and manage.

Senator KITCHING: In that process, if you said that to the applicant, they would go to DPS—they would write a letter to the secretary of DPS? Is that how it would work?

Mr Begley: I'm not entirely sure. There is a form which is available, probably on the intranet.

Senator KITCHING: I'm glad there is. I'm glad there is a form.

Mr Begley: There's always a form!

Senator KITCHING: But can you come back to me and let me know—or I can ask DPS, I guess, about what they do when they receive it. Do you communicate that back to the applicant and suggest they do the form for the filming?

Mr Begley: That's normally how we do it.

Senator KITCHING: What's the time frame? If you or the Serjeant-at-Arms are doing it, if you're the appropriate person who's able to do it, what's the time frame? Do you normally get back to someone quite quickly?

Mr Begley: It depends on how complex the matter is. If it's something quite straightforward, we'd do it the same day. We try and turn it around as quickly as we can for the applicants.

Senator KITCHING: That's very responsive.

Mr Begley: We try to be.

Senator KITCHING: In the QON I just read, the Prime Minister's office did fail to obtain the appropriate permissions to film in the private areas of Parliament House. Where that's happened with other people—for example, journalists, where they've filmed in an unauthorised way—disciplinary action has been taken against them. They've had their building passes suspended, for example. Firstly, were any sanctions applied to the Prime Minister's office, given that that's what's happened to other people?

Mr Begley: Because it was on the other side of the house, the sergeant was the one dealing with that request. I believe the Speaker was informed as well, and they handled the action after the case.

Senator KITCHING: What was the disciplinary action?

Mr Begley: I don't believe there was any disciplinary action that I'm aware of. There was a letter sent to the Prime Minister's office, and warnings were essentially issued.

Senator KITCHING: So no passes were suspended?

Mr Begley: Not that I'm aware of.
Senator KITCHING: Is there any concern from either you or the Serjeant-at-Arms that there's one rule for one lot of people and another rule for others?

The President: What I might say, as someone who's had to take those decisions, is that the usher is correctly pointing out that the Speaker and I have a sense of deference to what happens on different sides of the house. The examples to which you referred—about passes being removed—were, I would suggest, of a different nature and were, I believe, in some cases after warnings had been issued about the use of cameras in parts of the building at particular times. So I wouldn't characterise it fairly as one rule for one and one rule for another in that case.

Senator KITCHING: But it's fair to say, though, that there was unauthorised filming in both instances, yet there were different penalties—penalties were applied in one case and not the other.

The President: One was with the consent of the party involved, and the other one was invading the privacy of the other person involved. I think an inadvertent error, perhaps, with consenting parties is profoundly different to the other examples. I can remember one of the top my head where a pass was removed—for a short period of time, I hasten to add. I think it was only several days. The person involved didn't in any way consent. I think that actually does make the two events quite different.

Senator KITCHING: So is the person who failed to realise that he or she had to seek permission still employed in the PMO?

The President: I didn't deal with it. I've got no idea.

CHAIR: If we're moving onto another matter, I've got couple of quick follow-up questions on that one. Mr Begley, is it ever permissible for a senator or staff member to film a video on the floor of the Senate?

Mr Begley: No, it's not.

CHAIR: I seem to recall an incident where a Senate colleague did film a video on the floor of the Senate. Was permission sought for that video to be filmed? Do you know the one I'm referring to?

Mr Begley: I'm not aware of any videos being filmed on the floor.

CHAIR: To prompt your memory, I think it was Senator Polly who filmed the video on the floor of the Senate when it was not in session.

Mr Begley: It might have been before my time, sorry.

CHAIR: Is there anyone at the table who was there at the time or involved in that matter, or anyone who can come forward?

Mr Pye: I'm certainly aware of the matter. I think from memory it was when Senator Parry was President, and permission was given for the chamber to be used for photography, if I'm remembering it properly. A video was then published online, and I believe Senator Parry wrote to the senator or contacted the senator to indicate that the video was inappropriate and should be taken down. That requirement was followed, as far as I recall.

CHAIR: So, for that breach of the filming rules of Parliament House, are you aware if either Senator Polley or her staff had their passes removed?
Mr Pye: No.

Senator McALLISTER: Clerk, can you outline, in the briefest terms, the principles that lie behind the Senate's power to order the production of documents from the executive?

Mr Pye: The power to order the production of documents is one of the fundamental aspects of the inquiry power that the Senate and the House each inherited from the UK House of Commons in 1901 under section 49 of the Constitution. It is no different in its aspect than the ability of the Senate to authorise its committees to call for witnesses and summon witnesses, or require witnesses to answer questions and produce documents. It's one of the fundamental ways in which the Senate is able to gather the information that it needs to make decisions in its legislative and accountability work.

Senator McALLISTER: So it could be summarised as transparency in order to drive accountability.

Mr Pye: It can certainly be characterised that way. It can also be characterised in terms of information gathering to assist senators in making their legislative decisions.

Senator McALLISTER: Is it correct that rates of compliance with such orders have declined over recent parliaments?

Mr Pye: I think that was probably correct up until the 44th Parliament. There was a sharp decline in the rates of compliance, which is mentioned in the 14th edition of Odgers published at the end of 2016. The recent supplement to Odgers notes that there was something of an uptick in compliance rates in the 45th Parliament. Compliance rates in the 44th Parliament were very low. Something in the order of 19 or 20 per cent of orders were noted in Odgers as being fully complied with, although there's a note in there that suggests that that doesn't take into account any follow-up action, including, for instance, the Senate making further orders refining the nature of the original requirement. There's been a much better compliance rate in the most recent parliament, the 45th Parliament. Something in the order of about 50 per cent of orders have been fully complied with, and probably another 20 per cent, we estimate, were partially complied with.

Senator McALLISTER: So the Department of the Senate is still maintaining statistics?

Mr Pye: We maintain statistics. More than that, we now publish online—and have done since the beginning of the last parliament—a cumulative document that shows the terms of each order that's made and links to any response that's provided. The intention of that is to enable senators to decide for themselves whether or not the compliance that they can find from that document actually satisfies their original concern.

Senator McALLISTER: So it's a tracking mechanism for senators, but there is no longer an aggregate assessment of the level of compliance by the executive?

Mr Pye: That's right.

Senator McALLISTER: So a senator could construct their own index of compliance, but there's not one that's shared and available?

Mr Pye: I think that's right. The reason, really, that we stepped back from having a categorisation of the types of compliance is that it doesn't necessarily take into account partial compliance. If you have an order that has five parts to it and the government has responded
satisfactorily to four of those parts, under the old way of dealing with it, we still would have said, 'We've got noncompliance.'

Senator McALLISTER: I understand. On that question of public interest immunity claims, which are one of the reasons government might not provide information to the Senate, the Cormann order is the order which essentially sets out the steps which must be taken, including the role of the relevant minister; that's correct?

Mr Pye: The Cormann order—as we call it, the 2009 order—applies to the proceedings of Senate committees. There's not an equivalent order in relation to proceedings of the Senate itself. It would be fair to say the Procedure Committee has been inching the Senate towards adopting practices that mirror that order. In 2015, the Procedure Committee published some principles and some guidance for the government in responding to orders. And those principles really are drawn from the same principles that underlie the 2009 order. The Procedure Committee then a bit later, at the end of 2017, recommended that the Senate adopt an order of continuing effect assisting senators to track whether the government maintains any public interest immunity and other claims that they may have made to resist the disclosure of information.

Senator McALLISTER: When is the next list of that kind due to be tabled?

Mr Pye: I expect that it would be tabled in February next year. The terms of the order are that it requires the government to table a report every six months, but it's a report for the current parliament, so I would expect that the last report that was tabled was the last one that would be relevant for the 45th Parliament, and that the new order, according to the terms of the resolution, would relate to orders that are made in the 46th Parliament.

Senator McALLISTER: So the last one was in February 2019—

Mr Pye: I believe that's right.

Senator McALLISTER: but we don't expect another until February 2020?

Mr Pye: That's what I would expect.

Senator McALLISTER: So we've got a 12-month gap. More broadly, putting aside the case you make for a gap when a parliament changes over, has the government generally complied with the timetable to table these statements?

Mr Pye: Yes, the government has been on time with each of those. There have been three so far, as I understand it.

Senator McALLISTER: Going to the statement that was tabled in 2019 that lists the government response, line item 113 goes to an order, in the name of Senator Waters and myself, which requires a number of things but essentially requires government ministers to be transparent about their meetings at which lobbying advocacy or the consideration of business takes place. The government's response to that is simply to say that all ministers are required to comply with the Statement of Ministerial Standards. Has the government made any claim of public interest immunity to avoid compliance with this order?

Mr Pye: Not that I'm aware of.

Senator McALLISTER: And would 'All ministers are required to comply with the Statement of Ministerial Standards' be a valid ground for a claim of public interest immunity?

Mr Pye: I wouldn't have thought that that's a public interest immunity claim.
Senator McALLISTER: Mr President, can you explain that answer that's been provided by the government?

The President: No. I can't recall all the detail of it. I do recall the motion being put through, but I can't speak to the answer off the top of my head. I will defer to the Clerk on whether it constitutes a claim, but I would agree with the sentiment he just expressed then.

Senator McALLISTER: The underlying political reason for the order is a concern that government ministers are not being transparent about their relationship with lobbyists. Indeed, there has been quite considerable public concern about Ministers Taylor and Frydenberg and former Ministers Bishop and Pyne. This is a transparency measure that has been requested by the Senate, by order. Have you given consideration to raising noncompliance with the Leader of the Government in the Senate, Mr President?

The President: As a general rule, I consider myself to be the voice of the Senate, in the sense that, unlike the Speaker, I exercise a deliberative vote on all these matters. I act on behalf of the Senate when it directs me to do so. Every day, after our general business, I sign a bunch of letters to people about whom we have passed formal motions, ranging from awards to condemnation or political disagreements. If the Senate wanted to encourage me to act in such a way—as in, unilaterally or off my own bat, so to speak—then I would ask the Senate to pass a resolution to that effect. Because, traditionally, in my view, the Senate President has acted at the moment upon the Senate's request to do so, so it doesn't then fall to me to determine which particular orders I think are being complied with or not. That is a matter for the Senate. If the Senate wanted to change that practice, I would act accordingly.

Senator McALLISTER: It's pretty clear that it is not being complied with. There's no claim for public interest immunity, and there's a contemptuous statement indicating that ministers are required to comply with the Statement of Ministerial Standards. Your response is that, as a general practice, you'd require specific direction before you took any action in relation to that?

The President: Remember, my capacity to take action is the capacity of every senator, in the sense that, if the Senate wished to move a resolution outlining that that was not compliance and requesting or directing the President to do something, that would be a matter for the Senate to determine. I'm happy to be corrected by the Clerk on the record if necessary, but my understanding of my role has always been that I act as the voice of the Senate and with the authority of the Senate when directed to do so or given that authority by the Senate. As Senate President, I don't unilaterally have the authority to call upon the government to abide by some rulings and not others, because that would then leave me open to a series of judgements about which ones I was prioritising, let alone if I had a different interpretation than the Senate. My role is very much limited to authority within the chamber, as we've had lots of discussions about over the last couple of years with incidents that have occurred.

Senator AYRES: Because of my deep abiding interest in online forms, I want to ask a couple of questions about the new online facility for registering senators' interests. Are they questions for you, Mr Pye?

Mr Pye: They'd be questions for me or for the Registrar of Senators' Interests, who is sitting keenly behind me, hoping to be called to the table.

Senator AYRES: Very good. When was the online facility form project initiated?
Mr Pye: I will hand over to Rachel Callinan.

Ms Callinan: Your question was about when the project was initiated. The senators' interests online forms project is part of a broader complex forms project being managed by DPS. That project has been going for, I think, a number of years. Senators' interests forms have been a topic of consideration by the Senators' Interests Committee for a while as well. The committee has reported in a number of reports about its desire to move to an online forms process. So I think the project, in its most intense phase, has been going for about six months—to get the forms ready for implementation in this parliament.

Senator AYRES: Could you briefly describe the purpose of the switchover to the online forms? What new capacity does it offer? What is its purpose?

Ms Callinan: The online forms have, as a primary purpose, efficiency. Efficiency for senators, in filling out the forms, efficiencies for my office and my staff in processing those forms and publishing them online to the online Register of Senators' Interests. They also have the added benefit of enhancing the transparency of the Register of Senators' Interests, because they moved to an online digital format that is more easily read and searchable for those who are interested.

Senator AYRES: Is it directed more towards, if I can put it this way, the internal efficiency or towards the, sort of, externally facing transparency? For members of the public searching, is there any additional capacity that it provides?

Ms Callinan: The additional capacity it provides for members of the public is that the new online forms are filled out digitally. They are more readily searchable because they no longer, generally, include handwritten entries, so the searchability has been enhanced.

Senator AYRES: Did the President approve the project?

Ms Callinan: This was a project that was under the auspices of the Senators' Interests Committee, so it was the committee that approved the project.

Senator AYRES: That was at around the six-month mark?

Ms Callinan: I would have to go back to the records to see at which meeting the committee did actually approve the project, but the committee has been involved and briefed, and we demonstrated the forms to the committee at a meeting before the final approval was given, for example.

Senator AYRES: Thank you. Were some senators' offices approached to test the program, or to pilot the program?

Ms Callinan: Yes. As we were getting towards the conclusion of the project, we did approach a couple of senators' offices to see if they were willing and able to provide us with a bit of support in terms of testing and providing feedback.

Senator AYRES: Two or three?

Ms Callinan: We approached two senators' offices.

Senator AYRES: Was training offered in the use of the new facility?

Ms Callinan: Training for?

Senator AYRES: For using the new facility, for senators and staff?
Ms Callinan: In terms of supporting senators to get across the new system, we provided some written information and sent out letters informing senators of the new forms, and, as we were going into the time period where the forms would become due, my staff did a number of follow-up activities to ensure that senators were supported in understanding the new forms and how to use them.

Senator AYRES: What proportion of the senators have taken up the new online facility?

Ms Callinan: Just as an estimate—although, I could be more accurate on notice, if that's required—I would say maybe 90 per cent of senators utilised the forms.

Senator AYRES: Are there any plans for refinement or enhancement of the program?

Ms Callinan: The Senators' Interests Committee has had a long-term interest in the enhancement of the register and supporting processes. I would just need to defer to that committee's consideration of these matters before speaking publicly to that question.

Senator AYRES: Has the committee or you received any feedback from senators on the operation of the forms?

Ms Callinan: Yes, we have. As the forms were implemented, we were working quite closely with senators' offices about the forms and helping to support them to use the forms effectively. Through that, we received lots of feedback from senators in that phase. We also received feedback as we got closer to the due date for those statements to be submitted. So we have received a range of feedback.

Senator AYRES: Are you or the Clerk able to provide an update on progress of implementation of any broader IT upgrades for the Senate? Are there any projects on foot at the moment?

Ms Callinan: We have a number of IT projects on foot for the Department of the Senate, as we always do. We've got what I guess you'd call a rolling program of IT related projects that are broadly designed to enhance the information about Senate proceedings and the publication of that information, and to enhance the systems that underpin the work that we as a department do. I could provide a list on notice if that would be helpful.

Just to talk briefly about a couple of projects, at the moment we're working on a project to update the design of our core business documents, the Notice Paper and the Journals. We have an online tabled documents project. That project is designed to deliver a facility for the executive government to submit documents for tabling in electronic format, under embargo, before the tabling date, which will then enable us to publish those documents immediately upon tabling. We're also looking at introducing a Senate division recording system for the Senate that's akin to the system that has been introduced in the House of Representatives. That system is one which will enable us to tally our divisions electronically on iPads in the chamber. It doesn't otherwise change the way that we do divisions in the chamber; it's really an enhancement in our digital space to make the most of intake of data and then to repurpose that data for the various purposes we use it for.

Senator AYRES: Were any of those projects that were scheduled for completion in the first half of 2019 not completed?

Ms Callinan: I'd have to take that on notice, if you don't mind. There have been some projects which have not been completed in the original time frame, for a range of reasons.
Sometimes we do need to reprioritise projects. We need to adjust when we have resourcing issues. Within DPS, for example, sometimes projects need to be adjusted in terms of their deadlines. But I’d need to take that on notice, I think, to be accurate.

**Senator AYRES:** Would you be able to. Are there any projects now that are currently behind schedule?

**Ms Callinan:** Yes, there are.

**Senator AYRES:** What are they?

**Ms Callinan:** For example, the project about the Senate division recording system was a project that we first raised a while ago. As I mentioned, there are a number of reasons why projects need to be readjusted in terms of their deadlines.

**Senator AYRES:** What sorts of reasons?

**Ms Callinan:** I’ll go to that specific one. That project was initiated, or put forward, by the Department of the Senate a number of years ago, in terms of concept. But, while the Department of Parliamentary Services was considering the scheduling of that project, at a similar time the House of Representatives also initiated a project, and our Senate project was impacted by the time line for that House of Representatives project.

**Senator AYRES:** Would you be able to provide, on notice, an outline of what projects are on schedule and what projects aren’t?

**Ms Callinan:** Yes, certainly.

**CHAIR:** Are there any further questions for the Department of the Senate? If not, I thank you very much for your attendance and your evidence here this morning.

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**Parliamentary Budget Office**

[09:34]

**CHAIR:** I welcome the Parliamentary Budget Officer, Ms Jenny Wilkinson, and officers of the Parliamentary Budget Office. I thank the PBO for providing updated information on PBO activity, which has been circulated to the committee. Ms Wilkinson, do you wish to make an opening statement?

**Ms Wilkinson:** No thank you, Chair.

**CHAIR:** Senator McAllister?

**Senator McALLISTER:** I really just wanted to ask about the medium-term fiscal projections in the document that was released recently. Thank you for this piece of work. This is a really useful bit of analysis that I think a lot of the parliamentarians find helpful. On page 11 you talk about the risks to projected receipts, and you go to, I guess, some of the short-term macroeconomic risks, including changes to commodity prices, wages and labour market outcomes. In the longer term you speak to lower than assumed productivity growth, as risks. Have you done any quantitative work around any of those risks?

**Ms Wilkinson:** For this report, no, we haven't done any quantitative work around those risks. You may recall that two years ago, at the end of 2017, we did do a piece of work which was analysing the impacts on the budget of three different scenarios. One was if there was a period of temporarily slower growth. One was if there was a period in which productivity growth was slower, so an ongoing slowing in productivity growth. The third was looking at
what the impact on the budget would be, of a range of different interest rate profiles. In that piece of work, I should clarify, what we were looking at was what the impact would be on the budget if growth was either faster or slower in a temporary sense, in a permanent sense and in terms of interest rates.

The reason we did that piece of work was that it's really very hard to think about what the impact on the budget would be of a shift in just one macroeconomic parameter, because the whole system is connected. So if you are thinking about one macro parameter being different—

**Senator McALLISTER:** It's likely that others would also be different.

**Ms Wilkinson:** It going to affect all these other things, so you have to think about it coherently. As you know, we don't have a macroeconomic analysis or forecasting function within the PBO. In order to do that piece of work we had to commission some macroeconomic analysis from an external consultant, that we used to form a coherent set of macroeconomic parameters that we could then use, through our budget models, to work out what the impact on the budget would be.

**Senator McALLISTER:** Does that piece of work have continuing relevance for your analysis, including these medium-term forecasts?

**Ms Wilkinson:** I think it does, in the sense that that sort of analysis is deviation from baseline type analysis. It's not unreasonable that the sorts of order of magnitude impacts that we captured in those various scenarios remain relevant. Similarly, in the budget papers, there are scenario analyses that are presented for things like different shocks to the terms of trade. If you look at those scenarios over various budgets, they stay broadly the same because, for the same reason, the order of magnitude impacts of deviations from baselines for those sorts of parameters are broadly consistent within these models.

**Senator McALLISTER:** Right. So when you present this piece of work, which consists of significant qualitative analysis as well as quantitative, the qualitative analysis, in part, is drawing on that quantitative analysis from 2017 that establishes the order of magnitude and sensitivities.

**Ms Wilkinson:** It reflects the fact that that work showed what would be the sorts of impacts that a range of different shocks could have; that's correct.

**Senator McALLISTER:** We did talk about it, I think, in 2017 here in this room, but I don't remember the numbers.

**Ms Wilkinson:** Yes, that's right.

**Senator McALLISTER:** Can you just tell me what kinds of—you've indicated in this year's report that the most significant short-term macroeconomic risks affecting receipts include weaker than expected commodity prices, wages and labour market outcomes. Could you just step us through the ways that each of those three factors might drive weaker economic receipts?

**Ms Wilkinson:** Sure. Let me start, and it may well be the case that one of my colleagues would like to jump in. Weaker commodity prices typically have a pretty direct impact on corporate profits. That then affects corporate tax receipts. It flows reasonably directly through to the budget through that particular channel. Of course, changes in commodity prices,
because they affect the profitability of firms, then affect firms' intentions to hire and affect the sorts of wages that firms are also paying. So there are a range of different channels, but that would be a key channel through which weakness in commodity prices would be expected to be reflected in the budget papers.

Again, in terms of the other parameters, you have to think about weakness in wages again very much from a system perspective. If you have weakness in wages, you need to then think about what the likely impact would be on things like employment. Typically, if you have weaker wages growth, you often do have offsetting stronger employment growth. If you have weaker wages growth, you may also have stronger profits growth—but you may not, it depends. So thinking about it through that system, weakness in wages growth, depending on what happens to employment, would flow through to compensation for employees. Compensation for employees then affects personal tax receipts. On the other side, any flow that you get through corporate profits would then affect corporate taxes.

**Senator McALLISTER:** Right. Similarly, you go through pressures on the payments side. You have a reasonably detailed discussion on pages 20 and 21 about risks for projected spending. Can you talk through the kinds of pressures that you see might put upward pressure on payments?

**Ms Wilkinson:** I'm happy to talk about that. I think it's worth noting at the outset that, I think in every single one of the most recent four PBO medium-term projections, we have actually revised down our estimates of payments to GDP. So we've continued to be surprised at weaker payments growth over these last four years and we've talked a lot in this report and in earlier reports about what's driving that. That's a range of different things. One of the important things is there have been a series of downward revisions to long-term interest rates, so the cost of servicing debt has come down. It has also been the case that there are a number of programs where previous reforms to tighten those programs have been more effective than government expected and, indeed, we expected. We again have released a number of pieces of work that have illustrated that.

When we're looking forward there are risks on both sides for payments. It is certainly possible that the restraint we have seen in a number of individual payments areas could continue and we could continue to be surprised by the weakness in spending in those areas. On the other hand, we have pointed out that, given there has been considerable restraint applied across a range of different payments areas, it may be more difficult for governments in the future to maintain payments policies at current levels. Of course, our projections are always, and have to be, based on current policy. We're not trying to estimate what it is that future governments may do. So at the individual program level is where we see one source of risk. Again, it sort of goes in both directions, but there are certainly risks that the restraint that has been applied may be harder to apply into the future.

**Senator McALLISTER:** So aged care, for example?

**Ms Wilkinson:** Aged care is a different area. We haven't seen particular restraint in aged care over the last several years, but that's an area where I guess we have called out that community expectations around the level of spending on aged care may come under pressure, partly because of things like the royal commission. That's just an area where we see there's potential pressure, but at the end of the day it will be up to governments to work out how they respond to that pressure.
The other thing that we have called out on the payment side is weakness in GST receipts. We have had weakness in GST receipts. Obviously, that doesn't have a net impact on the budget. There are lower transfers to state and territory governments, but on the other hand that's offset by the fact that you've had weaker receipts come in. So GST receipts actually roughly balance out. But there is an interesting question there as to whether or not that creates pressure in terms of Commonwealth-state relations if GST receipts do turn out to be lower. I think the other thing I would emphasise is just that one of the sources of lower pressures on spending over the last few years has been a continuous downgrading in interest payments—the cost of servicing debt—and those trends have certainly continued over the last 12 months. There's a pretty live debate globally about the level of global long-term interest rates and how long they're going to stay at these historically very low levels.

CHAIR: I have one final question, which is a perfect segue. Ms Wilkinson, to what extent has the lower pressure on spending been a result of lower welfare payments as a result of higher rates of unemployment?

Ms Wilkinson: Lower welfare payments as a result of higher rates of unemployment?

CHAIR: Higher rates of employment.

Ms Wilkinson: Higher rates of employment—sorry. To be honest, it doesn't appear that that's been significant. Unemployment rates, in particular, haven't been significantly different from projections of a few years ago. The bigger weakness has been in individual programs. We published a paper 18 months ago on the disability support pension. The inflows into that program have tightened a lot, because government has looked carefully at how those arrangements are actually working to make sure that the people who the government is of the view that these payments should be available for are actually receiving those payments. So it's more the structural issues within individual payment areas than a difference in macro forecasts from what we had expected.

CHAIR: I saw a statistic the other day that the proportion of working-age Australians in receipt of welfare payments is the lowest it's been in 30 years. I imagine that would have contributed.

Ms Wilkinson: I haven't seen that particular statistic. We certainly had much higher participation rates in Australia than had been projected a couple of years ago.

CHAIR: I think record high.

Ms Wilkinson: Exactly. Those have continued to surprise on the upside in Australia, interestingly, also in other countries. That has certainly positively contributed on the receipt side, because that has meant that we've had a higher level of compensation for employees, because there have been more people who have been employed.

CHAIR: Thank you.

Senator KITCHING: Thank you, Ms Wilkinson, and thank you particularly for your letter dated 31 July in response to my request relating to the moving of the ABC headquarters from Ultimo to Sale, as was suggested by the Deputy Prime Minister and then seconded by Senator McGrath. In your letter you say, 'I have reached the conclusion that the Parliamentary Budget Office does not have sufficient expertise to reliably estimate the fiscal implications of this proposal given the uncertainty surrounding the market value of the ABC headquarters, the extent and cost of construction and fitouts required in Sale/Traralgon'—as was suggested by
the Deputy Prime Minister—'the number of qualified staff willing to relocate to the new location and the transitory arrangements required to ensure continuity in ABC broadcasting and content creation.' You then go on to say, 'I would like to note that, at the time of writing this letter, no single property in Sale or Traralgon could be found on publicly available real estate websites that would adequately accommodate the current number of staff at the ABC headquarters in terms of size or in terms of infrastructure requirements.'

In relation to the expertise, you're not saying that you don't have the expertise, in the sense that people could cost it; it was the uncertainty of the proposal and the lack of the commercial property that would be available in regional Victoria? It wasn't necessarily the expertise within the PBO—it's not the first time a government has moved an entity—but rather the uncertainty or fluidity around the proposal itself?

Ms Wilkinson: First of all, obviously we did that costing for you on a confidential basis and we wouldn't normally talk about confidential costings. But, given that you're asking the question, you're obviously happy for us to talk about that work that we did?

Senator KITCHING: Yes.

Ms Wilkinson: We have to think carefully about making sure that, when we are providing advice, we can stand behind that advice. When we looked at that particular proposal that you put to us to cost, our assessment was that there was a lot of very industry-specific expertise that we would have needed in order to come up with a reliable estimate. So we would have needed expert information on commercial property valuers, from architects about redesigning buildings, from builders and quantitative surveyors around the actual logistics of building the appropriate facilities in those places and what the cost of those would be, the differential costs between particular locations in Sydney and Victoria.

Senator KITCHING: And I think I asked you: if the ABC was to move, what would be the contingent liability around packages for people who didn't want to go to Sale or Traralgon from Ultimo in downtown Sydney?

Ms Wilkinson: Exactly. So then we would have had to have an understanding of what was the likelihood of what proportion of staff from the Ultimo headquarters would want to move. There is a lot of very specific information which relates to that specific proposal. Typically when we do costings we rely a lot on where something similar has been done in another area that we think is broadly comparable. We just didn't feel that we could find a broadly comparable example of a move which had taken place which would give us enough confidence in those numbers.

It is the case that, on occasions when we write back to a senator or member to advise that we don't think we have the internal expertise, sometimes that expertise can be commissioned from a private sector outfit or from some other body. But we have to make a judgement as to whether we would have enough confidence in these numbers to be able to put them out and stand behind them. In this particular case, we judged we didn't. There are certainly cases in the budget papers where, similarly, a government department comes to a view that they don't have a good estimate as to what the cost of a particular proposal would be, in which case it does get identified as being unquantifiable in the budget. Then again, government departments have many more resources than we have at their disposal to actually do that sort
of assessment. So that was the view that I came to. We just were not in a position to make a judgement on such a large number of elements of this particular proposal.

**Senator KITCHING:** Thank you. I guess we will wait to see if it is in next year's budget papers—whether departmental resources have been used for such an exciting proposal.

**CHAIR:** Thank you, Senator Kitching. I thank the Parliamentary Budget Office for their evidence and attendance here this morning.

**Department of Parliamentary Services**

[9:53]

**CHAIR:** The committee will now move to the Department of Parliamentary services. Welcome, Mr Robert Stefanic, Secretary of the Department of Parliamentary Services, Dr Dianne Heriot, Parliamentary Librarian, and officers from the department. I thank DPS for providing information pursuant to the committee's recommendations in the DPS inquiry, which has been circulated to the committee. Senator Ryan, you indicated you had an opening statement?

**The President:** Thank you. I have already tabled the statement on the condition of Parliament House earlier for senators to consider. I would now like to make a short statement regarding three other matters that may be of interest.

First, senators will have noticed the Senate and House of Representatives entrances are now fully operational. At an earlier estimates hearing I foreshadowed the works on these entrances would be completed by the end of October 2019. I am pleased to note that, since the replacement subcontractor, On-Site Group, commenced in March this year, the work has progressed well ahead of the planned schedule and both entrances were open by the 20 August.

On-Site Group work in partnership with Lend Lease and DPS to accelerate works as much as possible, given the delays that occurred as a result of difficulties relating to the previous subcontractor, Steelvision. While earlier I outlined I had been advised the additional cost of the works would likely be less than $1.5 million, the final tender value was $1.88 million. This total additional cost was due to several factors. The first factor was escalation. The original tender was finalised in June 2017. Consequently, 21 months of inflation caused an increase in material and labour costs for the incoming subcontractor. In particular, I have again been advised that Canberra is a very busy contractor market at present, with escalation rates of approximately four to five per cent per annum. This has direct consequences for cost increases for construction projects.

The second factor is project and package complexity. The public awareness of the difficulties encountered by Steelvision meant that the subcontractor had to build in a degree of risk within its pricing to ensure it covered the complexity of both technical and management difficulty inherent in the project.

The third factor was hand-over complexity. As a number of the elements at work within this package were left in various states of partial completion, the contractor's pricing allowed for the lost productivity of establishing the progress of each work element.
Finally, there was the factor of hand-over risk. The new subcontractor taking over from Steelvision necessarily incorporated costs for the risk of coming across existing work that was not up to standard and needed repair or replacement.

The second matter I would like to draw your attention to is the installation of the turnstiles on the stairs from Parliament Drive, which will progress in the near future. The Speaker and I did not wish for this work element to proceed until the entrances were completed. Additionally, they will operate in free spin mode for the time being. The timing and implementing of access control requiring the use of passes at the turnstiles is yet to be determined.

The third matter I would like to address are the events and comments on social and broader media regarding the experience of Ms Christina Ryan—no relation—and the parliamentary security screening process. First, I would like to outline that the first I and DPS became aware of these claims was the day after they were made on Twitter, through my Twitter feed. I immediately alerted the Speaker and we asked DPS to look into the claims.

Secondly, and I want to highlight this more generally, to anyone who has an experience they wish to have investigated or brought to the attention of the presiding officers: we are easily located and contacted via telephone or email. Social media is not the ideal means to bring a matter to our attention. As a far-from-advanced Twitter user, I stumbled across the observations almost by accident. Social media is a great way to bring matters to public attention but not always to the attention of specific people. Indeed, I am one who has occasionally encouraged others to not always take note of private observations on Twitter due to the sometimes abusive nature of those comments. But those are more general comments.

I now move to the context of the incident involving Ms Ryan. Parliament House receives approximately 800,000 visitors annually through the public entrance. Our security staff operate in a challenging environment, with large crowds on sitting days, language barriers, school groups and various accessibility requirements. Both the Speaker and I were concerned by a number of the claims Ms Ryan made in relation to her Parliament House visit, and the secretary took immediate steps to review the matter once he was made aware of the claims on social media. While I will not go into the detail of the claims and the results of the inquiries made now, I will say that, based on the advice I have received, I am satisfied that our security staff managed this situation appropriately and consistently with our screening procedures.

We take the experience of all building visitors extremely seriously, while delivering the necessary level of security, commensurate with the requirements of this building and the number of visitors we host. In response to this matter and in the interests of continuous improvement, DPS has referred our security screening procedures for people with special needs to the Australian Network on Disability for review.

The Australian Network on Disability provided a few suggestions for enhancing communication to people undergoing screening procedures and to achieve better practices, which DPS will adopt. DPS made efforts to contact Ms Ryan soon after she posted her comments, and an offer has been made to meet with her to discuss her concerns. I understand that a meeting has now been scheduled for 29 October.

I’d also like to make a more general comment about our security staff not specifically related to this matter. We are all dependent on these people for securing our uniquely high-
profile work environment and the safety of thousands of people—particularly organised school groups, who visit here daily. Anyone and everyone can make a mistake, ourselves included. I think it is important that, before we jump to conclusions, we accept that everyone is trying to do their job in the most professional and dignified way they can. It won't mean mistakes aren't made, and that constant and ongoing improvements can't be made, but starting from this assumption about the motives of staff means incidents of different recollection or even occasional errors are less likely to become contentious in the first instance.

CHAIR: Mr Stefanic, do you wish to make an opening statement?

Mr Stefanic: No. Thank you.

CHAIR: Dr Heriot, do you wish to make an opening statement?

Dr Heriot: No. Thank you.

Senator KITCHING: Thank you, Mr President, for your statement. I'll just go to the turnstiles matter that you've raised. There are a number of senators who won't be carrying passes and have made that preference clear to the department. When the turnstiles aren't in—I am not sure of the word—

The President: 'Free spin mode' was the way it was put to me.

Senator KITCHING: I presume that means at some point that you will require a pass to come through the turnstile. So how is the department going to deal with recalcitrant senators who won't carry passes?

The President: Turnstiles were part of the works that were approved several years ago, before I was in this role. One of the reasons we were keen to not see this work progress until the entrances were open was to ensure senators could have access to elevators, because, of course, the previous scenario had senators walking out of the car park with luggage to get access into the building. Now that is all activated. So, when senators are arriving via comcar, they can come to the front entrance. They won't need a pass then. That is how most senators arrive most of the time. If they're coming in in a self-drive vehicle, then they must have a pass, because that's the only way they can get into the car park.

I don't know of any senators who arrive by bus. I do know a couple who have ridden a bike, and they use a pass to park their bike in the car park. I don't think it will be an issue if the bollards and gates are all working effectively, because I agree: I don't think senators and members should need to carry passes around the building.

Senator KITCHING: Good.

The PRESIDENT: It's up to them whether they do. I would also highlight something that the secretary has just reminded me of. Sometimes senators arrive at the car park without a pass to access the car park. There's the button and the camera. So, in a sense, they can positively identify you from the camera in the security control room and let you in.

Senator KITCHING: I'm aware that some senators might be using an Uber. They obviously can't go through the upper driveway. So, if it's at night and they arrive that way and they have to come through the turnstile, can they just come up through the bollards and walk up the driveway?

The President: The operation of the gates that were installed is also the subject of a review to look at the permanent arrangements of the operation of those gates and bollards—
how often they are closed, effectively, which I don't want to go into publicly, for obvious reasons. But everyone saw their installation. It was part of this large program of security work to provide a secure perimeter. But, yes, this is one of the things that is being considered. That's why I've made it clear that we're going into a pass-control turnstile environment at the moment. But it is one of the things that will impact senators and members. To get past that perimeter, someone needs to have a pass. Usually, it is a comcar driver who has a pass. That's the way the overwhelming number of senators arrive.

Senator KITCHING: I agree with you that you shouldn't have to carry a pass in the building, so I would assume—I am aware of the colloquial definition of 'assume', it 'makes and ass of you and me'—that in the review, the department will take that into consideration and will not be backtracking on the very clear commitment that was given to me, for example, that a pass would not be necessary.

The President: I hasten to add that that's a commitment I sought both when I was in your position, Senator Kitching, and in my current position. But I cannot give a guarantee that senators will not need to press a button or carry a pass to come past the perimeter. I'm not in a position to give that guarantee. Once you're in the building and past that perimeter, that is the guarantee. But the way it works at the car park now is, if you turn up without a pass, you press the button and you get positively identified.

Senator KITCHING: No, I'm not asking about the car park; I'm asking about the turnstiles.

The President: It's essentially the same—

Senator KITCHING: Because I can see occ health and safety problems with people with bags who, even if they have a pass, can't get through the turnstile and will have to go back up and up the driveway—

The President: No, we've tested—

Senator KITCHING: and that will be problematic as well.

The President: Again, this is one of the reasons that we were keen to ensure the elevators and access were working. We asked, and we had a discussion last week. They've been tested with respect to very large luggage. But remember, for someone who gets through the turnstile with large luggage, it is likely the staircases are actually much more of a problem than the turnstile.

Senator KITCHING: That's right.

The President: But there is the pedestrian gate to the first-level car park, which people can currently access—but for which they need a pass—if they're dropped off down the side there at the bus stop, and then they can walk in and use the elevator. That's why we were very keen to ensure there are no works around this until those elevators were working, because I was very conscious of the burden that was imposing on people lugging up luggage.

Senator KITCHING: Thank you, and I'll assume that the department has taken all of this seriously. Could I please move—

CHAIR: I might share the call around, because I have two crossbench senators who've asked for time. Senator Patrick.
Senator PATRICK: Mr President, you will recall the question I asked you in the Senate a few weeks ago in relation to hacking into the parliamentary network. In your answer to me, you said, 'I intend to provide a further update at Senate supplementary budget estimates hearings next month.'

The President: We received a report which I got to read last week, and it is rather technical in nature, and I need to take some further advice before I provide that update. I had the opportunity to read it on Friday. It was very interesting, but, not being technical, I obviously need to get assistance to put it in lay language, but I will then come back to the Senate with that. It's just that that report only arrived six or seven business days ago.

Senator PATRICK: Thank you. I ask these questions in the context of the ANU hack where access to ANU systems was secured by spear-phishing emails, and hackers enjoyed access over several months. The ANU reported in respect of that hacking, and it's been described as a major benchmark in transparency in a major case of data intrusion. That's the context in which I ask these questions, hopefully with some—

The President: When this happened earlier in the year, I like to think—and various people did say to me—that we also led by example by disclosing as much as we could at the time and as much as was appropriate, including about mechanisms that have been put in place to attend to it. Because I agree with that approach. I think it builds confidence.

Senator PATRICK: Noting Mr Dutton's comments a couple of weeks ago, has DPS—

The President: Sorry, which comments are you referring to?

Senator PATRICK: He made comments about calling out state actors in respect of data intrusions. Can DPS now identify the sophisticated state actor responsible for hacking the parliament's computer systems?

The President: I'm going to interpose myself at this point, Senator Patrick. I do not think that that is something that I would undertake or see officials undertake—if it was possible or if it was appropriate—without consultation with the Speaker. I might also say that I am not entirely convinced, given the comments by the Prime Minister in February in the House of Representatives, that it necessarily falls to the Presiding Officer of parliament to make a statement of that nature in the first instance.

Senator PATRICK: Of course, the Prime Minister doesn't set what questions are or are not answered at estimates.

The President: I realise that. You're entirely right. I'm not having a go at you for asking the question; I'm trying to be as honest as I can in answering it.

Senator PATRICK: It was reported in the media that China was involved. I'm happy to end it at this point, but I will just ask: are you aware which state actor it was?

The President: I'm not going to go to that content. I don't believe it is appropriate for public consumption.

Senator PATRICK: I'm not asking who, but—

The President: I don't think that these matters are appropriately canvassed in a public forum. There is a Senate committee—the Senate Standing Committee on Appropriations, Staffing and Security—that can deal with matters of security and take evidence in private.
Estimates committees can only take evidence in public, and I don't believe that it is appropriate for me to canvass these matters in a public forum in the first instance.

**Senator PATRICK:** The question goes to whether or not we have the capability to identify who might be hacking. I think that is pretty important capability that we should have, without going into how that capability is exercised. So I am not asking you who it might have been. I am simply trying to get an understanding of whether we know who it might have been.

**The President:** I don't think discussion of our capabilities in a public forum is entirely appropriate either.

**Senator PATRICK:** How was the hack executed? Was it spear-phishing emails?

**The President:** Again, I will take this on notice and take advice on both what is appropriate to disclose, as well as when I have a final—I am awaiting what I will call a layperson's briefing on the report that I read last week. I think I understood about 80 to 90 per cent of it, but there were some technical aspects to it, and I want to make sure that what I think I understood was correct. But I will say at this point that there are obviously implications for our future security as a parliament, as well as our cooperation with various agencies. We made that clear at the start of the year when we outlined everything we had done on this. With that proviso I will take that question on notice.

**Senator PATRICK:** Understanding that line of response, you may want to take these on notice as well. Is there any evidence that the IT system was compromised with the assistance of a person or persons with authorised access to the system?

**The President:** I will take that on notice.

**Senator PATRICK:** What was the duration of the hacking? When did it start? How long did it take to close off the incident?

**The President:** I will take all of those on notice.

**Senator PATRICK:** You indicated to the chamber that a small amount of data was taken and none of it was deemed sensitive. How do you define sensitive in a parliamentary context? Does that mean in-camera evidence?

**The President:** Again, I will take that on notice. Some of these matters are obviously subject to the report we received over the last eight days.

**Senator PATRICK:** I would have thought that how we define sensitive would have been a matter for the parliament, as opposed to—

**The President:** For example, and unrelated to this, if for example the DPS annual report was taken, I think we would be comfortable in saying that that is not a sensitive document because it is public by nature. So I think, to be fair, it is possible to classify documents in the terms that that statement referred to without their necessarily having to be—it's obvious in some cases.

**Senator PATRICK:** So parliamentarians' emails might be the next level. In camera evidence would be—

**The President:** I will take that on notice.
Senator PATRICK: You mentioned in the Senate chamber that a small number of parliamentarians had been contacted because of the data breach. Can you advise how many have been contacted?

The President: I will take that on notice. I can't recall off the top of my head.

Senator PATRICK: During the investigation of the hacking, did any law enforcement or intelligence agencies have access to the parliamentary system? And if that was the case, was that access supervised?

The President: I will take on notice the sort of arrangements. I take the point you are raising, Senator. I understand the point you are raising.

Senator PATRICK: The DPS's annual report says:

We have ongoing partnerships with the 5P parliamentary alliance of Canada, United States, United Kingdom, New Zealand and Australia to share threat intelligence and best practice in cyber security in the parliamentary context.

Can you provide a bit more detail about that? When was the partnership established? What exchanges and processes are involved?

Mr Stinziani: The partnership that we have with the Five Eyes is across a number of aspects. The first is around cybersecurity strategy and making sure that we have a consistent approach to strategy and learnings from each other. The second phase is around intelligence sharing. When incidents occur in our jurisdictions, we are very quick to work with our partner agencies as well to pass on that information and to understand it. Quite often when these incidents occur in one particular jurisdiction there is a risk that it may apply in other jurisdictions as well. So an early warning or a heads up on the nature of that incident and any remediation or prevention that can be taken is always important as well.

Senator PATRICK: When did it start? When did the exchanges start?

Mr Stinziani: I will have to take the exact date on notice, but we have had that partnership for a number of years.

Senator PATRICK: A final question going back to you, Mr President. The ANU released a report on their data breach. It has been praised widely for its detail. Vice-Chancellor Professor Brian Schmidt said, 'I want to be as transparent with my staff, students, alumni and the wider community about what happened, how it happened, and why it happened, and by doing so I want to encourage disclosure of these attacks more broadly.' With that sort of philosophy in mind—obviously the ANU treats its data very seriously, just as we do—will an unclassified version of this report that you have be released?

The President: Because people I know have been impacted by the ANU one—even former students almost my age—I think there is quite a significant difference because of the scale of the number of people impacted, as opposed to the nature of the institution we work with and for or are officers of. By my guess there are tens of thousands—I have read the long summary of the ANU report—as opposed to what happened here, which impacts a fewer number of people, who are less transient, in the sense that it is not a few thousand students going in and out of the university every year. Most of us and the staff are here for longer. I am not convinced that publishing the report I have received, even in a redacted form, would be helpful. I have made clear that I will come back with more information as it becomes available, and I think I will be doing that shortly. I have to do this in conjunction with the
Speaker as well. We are going to get that what I might call plain language briefing in short order. This is purely a personal view that I haven't discussed with the Speaker or officials, but I am not convinced that this report would be appropriate for redaction and publication, having read it late last week.

**Senator PATRICK:** I have one more question on a slightly different topic. It might be one for the chief information officer. Senator Xenophon had a conversation in respect of intelligence agencies and police agencies accessing metadata. I seem to recall testimony at the time that before any access would be given to police services in respect of metadata and or search warrants, the President would be involved. I presume that is still the process. The question goes too, has there been any access?

**The President:** It depends which data. Obviously not all data is held by the Department of Parliamentary Services.

**Senator PATRICK:** This really relates to the protection of people who contact parliamentarians. As you understand, Mr President, but for the benefit of others, parliamentary privilege predominantly exists so that people can raise matters with parliamentarians, not necessarily for parliamentarians. We use privilege on behalf of constituents. So there is a tremendous and very important need to protect communications between members of the public and parliamentarians who may be griping about government, blowing the whistle or raising matters of concern. My question goes to the interaction with police in respect of perhaps an investigation they might be carrying out into leaks—

**The President:** The only point I am making is that some of that data can be accessed from other places rather than DPS. But I am correct in saying I have definitely not approved any access of that; but that, for example, to my understanding—and this is currently the subject of work that is being undertaken by myself and the Privileges Committee—

**Senator PATRICK:** Report 168, I believe. There has not been a government response to that report.

**The President:** I cannot speak on behalf of the government, but I can say that members of the Privileges Committee, myself, and the Speaker are having discussions around the operation. A particular issue of concern of mine is the operation of the metadata laws that operate outside parliamentary control, for the reasons you suggested.

**CHAIR:** Senator Kitching, do you have any follow-up questions on Senator Patrick's matters?

**Senator KITCHING:** I think I want to ask Mr Stinziani this question, but, obviously, you can decide at the table. At a previous estimates, in relation to this breach in December, I think there was going to be some work with the ASD in relation to breaches. I want to confirm that, with every subsequent breach there has been, that's what has happened.

**Mr Stinziani:** In terms of security breaches?

**Senator KITCHING:** I understand the distinction you're making, but, in the outages last week, were you reassured sufficiently yourselves, or did you automatically go to ASD in order to get their view on it as well? I would feel more reassured if that's what you did.

**Mr Stinziani:** Last week we did go to the ASD. With the outage, we've got media in the building and the like, so any outage that occurs here is often tweeted by the media to say
something's going on. We certainly did get in touch with the ASD, for two reasons. The first reason was to make sure that they were aware that something was going on. With all the interest, the most common question I get whenever there's an outage here is, 'Is it a security incident; is it a cyber incident?' So we're very quick in our partnership with the ASD to affirm that, but also to let them know that there's an outage here. And they may get a lot of questions from the media themselves, who go directly to them to ask about outages that we have.

Senator KITCHING: But you don't wait for the media to tweet things before you take action?

Mr Stinziani: No, we don't.

Senator KITCHING: Good, thank you.

Senator WATERS: I think most of my questions will not be not to you, as such, Mr President, but to the department. You guys will know what's what. Just to follow-up on the opening statement referencing disability access for the building, can you confirm whether the department has a disability action plan outlining future plans for improving accessibility?

Ms Saunders: Yes, we have one that is in draft, but a very close draft. It's very close to completion. It is being updated following the concerns raised Ms Ryan, and we'll be ready to consult on that document shortly.

Senator WATERS: What's the timeframe for having that in final form?

Ms Saunders: We would be hoping to have that out in final form at the beginning of next calendar year.

Senator WATERS: Will any actions flow from that? Will there be any further modifications to the building? What status will that plan have? What will it enable?

Ms Saunders: It covers a number of topics. It focuses on a range of different items of accessibility. It covers, for example, accessibility for employees using IT systems, and it focuses on our recruitment actions. To provide you with further information, I should take that on notice and actually refer to the documents. I'd be really happy to do that.

Senator WATERS: Okay, sure. Is there an implementation plan associated with that plan?

Ms Saunders: Yes.

Senator WATERS: What time frame will implementation occur over?

Ms Saunders: I'll take that on notice as well.

Senator WATERS: Just moving now to the orange passes that folk use to access the building—the unaccompanied pass holders. Is there some reason why that list of who has those passes is not made public?

The President: We've generally said that we don't publish the list on privacy grounds. I have to admit, I've asked the same question—I think from that very seat!—in years gone past.

Senator WATERS: Is there anything further you can add? It does seem to be balancing people's privacy, but also, obviously, there's the need for folk to know who is accessing our democracy and who's doing the lobbying—who's here.

The President: I remember the orange passes are colloquially referred to sometimes as lobbyist passes but they are not, because they're sponsored passes. In fact, I know one
member of parliament that uses them in lieu of, according to their explanation to me, the use of staff passes, because they don't bring staff to Canberra and they use sponsored passes for volunteers in their office. They're used for NGOs, volunteers et cetera. So they're not just lobbyist passes, to use the colloquial phrase. I'm not convinced that disclosing the list of people holding them, that interest, outweighs the privacy interests.

Senator WATERS: What are the privacy interests? It's not like we're disclosing personal information; it's just merely whether or not someone has a pass.

The President: Whether or not they've got a pass to access the building. I'll look over what's been said in the past. It's always been that way and, essentially, it would not be up to me to unilaterally change it, but it's not something that I've thought needs to be changed. I'd have to consider whether or not people being sponsored by the House would mean they could be disclosed in senate estimates. Obviously, there are issues around the Department of the House of Representatives, members of the House of Representatives. I haven't given any thought to that matter. There may be some sensitivity on that. But I've never seen a reason to change it. I've seen the arguments for people saying it should be published, but that's essentially the only argument I've seen, that some people want it published.

Senator WATERS: Could I ask you to reflect further on that and, if you're able to, provide further information that sets out, in your view, the arguments for and against? I'm quite interested in—

The President: Sure. I won't set out the arguments for; I'll let the advocates do that. I'm happy to explain my position, on notice, if you'd like.

Senator WATERS: That would be very useful, thank you.

The President: Essentially, it's what I just said, but I'm happy to reflect upon it and come back to you.

Senator WATERS: Great. And if there were to be a change, would it be possible for either yourself or the department to outline how that change could be given effect too? You mentioned you couldn't do it unilaterally. What would be the process for modifying, making that list public, and, as a secondary issue, whether—

The President: Whether or not it's a decision or requires further action, I can come back to you on it.

Senator WATERS: Thank you very much. Can I ask about food waste in the building, given that this building services an awful lot of people? There's not just the members' and guests' dining room, which some of us occasionally eat at, but also the staff dining room. My understanding is there's no arrangement to deal with all of that food and it just goes in the bin. Can I ask why? And if there are any moves to reach out to local food charities and soup kitchens, what have you to make sure that people who don't have food can get it?

Mr Stefanic: I can happily say we do manage our food waste quite well. Food scraps and the like are provided to a local worm farm.

Senator WATERS: A worm farm? Nice.

Mr Stefanic: But as part of our refurbishment project with our kitchen's infrastructure, there is a plan for installation of a type of equipment called a digester. That will also—

Senator WATERS: On site?
Mr Stefanic: On site, to allow us to manage the waste. In terms of food itself, food that is consumable, that is still hygienically possible to provide, we have an arrangement with OzHarvest—

Senator WATERS: Good.

Mr Stefanic: to provide that food to that organisation.

Senator WATERS: My recollection was that they took fresh food. I'm not sure that they take meals, as such, but please correct me if I'm wrong.

Ms Saunders: I can address that. In 2018-19, DPS donated 3,438 surplus meals to OzHarvest.

Senator WATERS: Cooked meals?

Ms Saunders: That comprised vacuum-packed, frozen and boxed meals. They are placed in boxes and OzHarvest come and collect them from the loading dock.

Senator WATERS: Okay. I'm just interested in the access that—what do you call them? They're called the trough, colloquially, but I think they're technically bain-maries or banquety things.

Ms Saunders: Yes. It's also where we have surplus food from events that we hold.

Senator WATERS: Perhaps if you can provide me as much information as you can, that would be great.

Mr Stefanic: I'll take it on notice, cooked food.

CHAIR: Senator Waters, how many other matters do you have?

Senator WATERS: I've just got one more, which probably won't take long.

CHAIR: Okay, thank you.

Senator WATERS: In relation to hot air balloons over the building, last week apparently that was a big no-no, but this morning, as I was walking into the building, I saw one directly over the building. I'm wondering if the rules have changed between last week and today.

The President: The officials acted in consultation with the Speaker and me, so I will explain what happened. We receive applications to use the authorised assembly area—it is called the AAA—out the front of the building for community protests, gatherings and the like. It doesn't run all the way down the grass to Old Parliament House; it applies only a certain distance within what's called the parliamentary precinct. There is, in fact, a marker on the lawn at the edge of the parliamentary precinct. We take advice and we grant approval in almost all cases. Sometimes it's conditional. For example, one time some people wanted to bring trucks onto the grass, but that would have ruined the grass in winter. We ask people to make good if something does cause damage. We find ways to facilitate community use of that for various gatherings, protests et cetera.

The Presiding Officers also have the ability to sign off on and effectively approve access to the airspace over the building. It became apparent in the week the balloon protest, if I can use that term—or the use of a balloon over the building—was applied for that that wasn't the case and it was just an old assumption. I ask the officials to correct me if I go wrong here at any point. I then asked why we give approval for drones, and they explained the difference between a balloon and a drone at law. A balloon is more an aircraft and a drone is remote
controlled by someone standing by. I think in the past we have granted approval for a television network to film using a drone.

We got to the point where we had to consider the application for the balloon above Parliament House last week. Upon taking advice—and the Speaker and I being in entire agreement—we did not think it appropriate for security reasons for there to be a balloon directly over the building.

Senator WATERS: So why was there one that didn't have a climate emergency slogan on it directly over the building this morning?

The President: I'm happy to continue, Senator Waters. I'm trying to give you the context. I don't think controlling the airspace above the building is inappropriate. There are discussions with CASA, who oversee this, because, as the Clerk will often remind me, Parliament House is subject to the normal laws of the country, whether they be of the ACT or the Commonwealth in this case. After considering all this, we asked the Department of Parliamentary Services to make an application to CASA to have a temporary declaration to reflect what we thought was current practice, which is effectively a ban on the immediate use of this space. I didn't see the balloon this morning. I was here quite early.

Senator WATERS: I've got a photo of it.

The President: Senator Waters, CASA can be asked about the application of this rule; I can't. It is a CASA rule; it's not a Presiding Officers' rule. We are considering the work being undertaken to make it a permanent restriction. We've put a lot of work into securing this building—some will disagree with parts and some will agree with parts. I don't think it is appropriate for the airspace immediately above the building to not have some restrictions on it, given that we are putting so much work in in terms of both human resources with extra staff here and securing the perimeter, given the risk that this building faces and its unique and iconic status.

I didn't see the balloon this morning. I have not previously seen balloons directly above the building. I have seen them flying around.

Senator WATERS: That's why this one caught my eye. Mr President, that's very useful context, but why was there a different approach taken to this morning's balloon than last week's balloon bearing a climate emergency slogan?

The President: Let's put aside the issue for one second.

Senator WATERS: Well, we don't have very long, and I would like an answer.

The President: Senator Waters, I'm explaining to you what we did. Please don't try to assign a motive to me that is unrelated.

Senator WATERS: I would just like an answer.

The President: The answer is the Speaker and I instructed the Department of Parliamentary Services, acting upon advice, to fill out the paperwork with CASA to get the 15-day ban and restriction on the airspace above the building. We are actually going to progress whether or not we can make that a more permanent restriction.

Senator WATERS: Have the 15 days expired now? Is that why there was one over the building this morning?

The President: It hasn't, so you might want to direct questions to CASA.
Senator WATERS: I ask someone to look into it further. I can show you the photo if you like.

The President: I know, but CASA is the agency that enforces those rules, and it will come before estimates. The Civil Aviation Safety Authority will come before estimates I presume.

Senator WATERS: Thank you, I will pursue that with them. But you got involved last week—

The President: The week before last.

Senator WATERS: but you didn't get involved today—

The President: I didn't know about it till you mentioned it.

Senator WATERS: so what's the difference?

The President: Well, no, because last week we had an application for use above the building, which we thought we had a role in approving or not approving. We found out, upon examining that, that the assumption that the Presiding Officers had a role in approving the use of the airspace was not in fact reflected at law; it was just a long-term assumption that had been made. Then, upon realising we didn't have that authority, we instructed the Department of Parliamentary Services to make the application to CASA to put in place the 15-day restriction.

Senator WATERS: Perhaps the department folk could share what CASA said that might explain why there's a balloon over the building this morning?

Mr Stefanic: What I could articulate, is that, much like with any conventional aircraft, balloon operators have to lodge a flight plan and have to maintain contact with air traffic control, because we are within the controlled airspace of Canberra Airport. If the balloon, on its take-off, indicated that it was intending to fly over the parliament, it would be my understanding that the air controllers would refuse the flight. But, given air balloons are subject to the winds and their direction, I guess they can't always be directly controllable. So I would be surprised if, in the flight plan of the balloon, there was an intent to fly over Parliament House.

The President: The detail of the operation and enforcement and administration of these rules is entirely a matter for CASA. I don't think anyone at the table is a pilot. The subject matter of the application which led the Speaker and I to ask DPS to go down this path is utterly unrelated. We would have taken the same action regardless of what banner was going to be hung from the balloon, what was painted on the balloon or what the cause of the people going up in the balloon was. We strongly believe that the space immediately above parliament—and we have advice to that effect—needs to be more secure than just being a free-for-all.

Senator WATERS: So you're saying that the balloon that was very close—and in fact looked like it was landing, from where I was standing—would have had permission from CASA to land in the parliamentary restricted zone?

The President: Today?

Senator WATERS: Yes, this morning.

The President: None of us here know this. You need to ask those questions to CASA. We don't administer the air safety regulations.
CHAIR: It might be helpful to clarify, so we have it on record, Mr President: did a balloon operator apply to Parliament House and were they granted approval to fly over Parliament House today?

The President: No.

Senator WATERS: But I thought you said they don't need to. That was the point—it's totally CASA's—

The President: No, what I said you was that when the application was made—by the Greens, I think it was—to have a balloon, early last week—

Senator WATERS: You realised it wasn't a matter for you; it was a matter for CASA. I understand that.

The President: Because the application referred to us, yes, and that led us to the CASA thing. What happened subsequent to that is that we have no application for what might have happened this morning, I didn't even see it. But the administration and enforcement of those rules is a matter for the Civil Aviation Safety Authority, and I don't think it's appropriate for officials who aren't involved in that to answer questions on it.

Senator WATERS: But if the balloon lands in that restricted area of the building, surely that's a matter for you guys.

The President: If a balloon landed in the parliamentary precinct today—if it was landing now—then the Speaker and I would have some very strong questions, and I would imagine that there would be security involvement, because no-one's allowed to land in the—

Senator WATERS: Shall I forward you the photos?

The President: I'd love to see a picture.

Senator WATERS: To take it forward, is that what you need? Do you need me to send you the pictures?

The President: I'm happy to look at the picture, yes. I literally haven't seen it. I got here at 7 am.

Senator WATERS: I'm just interested in the difference in approach.

The President: No, there's no difference in approach. The approach was: when we learnt we did not have the power to grant or otherwise deny access to the airspace over the building, the Speaker and I asked the Department of Parliamentary Services to apply to CASA for the restrictions that CASA is capable of making. As to any breach of the rules that apply that are CASA rules, it is a matter for CASA. I'm happy to look at it, and if there's a balloon over the top of the building I'll ask a question. But I'd do the same thing that I'd encourage you to do, which is to ask CASA.

Senator KITCHING: Mr Stinziani, I think for efficiency this is probably best asked to you. In estimates, I think I put some QONs to you. I'm looking at QON 10 from 2019-20; an email from Mr Edwards from the 13th of the 8th; and QON 23 from 2018-19. I just want to ask you about mobile telephone reception in the building. When is this being improved? You told me more than a year ago—in fact, I think nearly two years ago—that it was all going to be fine and we were going to be expecting better—

CHAIR: Senator—
Senator KITCHING: I paraphrase, Chair. There was going to be an improvement in mobile telephone reception.

CHAIR: Senator Kitching, I remember those questions because I was asking them too. I think that's a very creative paraphrasing, before officials respond.

Senator KITCHING: Well, it was going to be improved. So what's the time line now? It was supposed to be improved, I think, at the latest—in the variety of questions I've asked you about this on notice—some time ago. And are you still waiting for the 5G network to eventuate?

Mr Stinziani: We had a plan in place to upgrade the Telstra network in Parliament House, the mobile antennas. That was going to give us a better result, a better outcome, for 4G. I think I might have said in previous hearings or questions on notice that we've exhausted the capacity to improve the 4G network. We had a design and an implementation plan for an upgraded mobile antenna service into Parliament House that was approved some time ago. Since then, in discussions with Telstra, there have been changes to the technology, and the changes to the technology mean two things. One is that the equipment they were proposing to put in place was not going to be supportable into the future, but also that the equipment they were going to put in place—the new proposal is going to give us a much easier path to 5G in the future. The impact of that has been that the original estimate on the design work will be complete by the end of this calendar year. The original estimate I gave you around the implementation of the new system was the end of the financial year. That date has now moved.

Senator KITCHING: To what?

Mr Stinziani: It's moved to October 2020, so we've lost four months. I think there's a reasonable narrative around that delay. I know and I do appreciate that there are issues with mobile phone reception in Parliament House.

Senator KITCHING: As you and I both know, I have phoned you when you can't print a document, and your response is, 'I'll go off the wireless network and go on your own 4G to see if that improves the connectivity.'

Mr Stinziani: Yes. As I said, we've exhausted—

Senator KITCHING: It's just not good enough.

Mr Stinziani: I agree—

The President: With respect to the officials here, this is a decades-old problem.

Senator KITCHING: But I've asked about this.

The President: It's slipped by four months. This is not an easy project. This is a project that could have been done a decade ago; it wasn't. It's like a lot of works in this building where there is a big catch-up in place. We could go through all the regions. With respect, it's one thing that everyone in this building equally shares—the horrific mobile phone access.

Senator KITCHING: But it leads to conspiracy theories. I have also been told by people that the reason the connectivity is so bad on the Senate side of the building is that all of the embassies on that side of the building—their jammers interfere with our connectivity. So I'm just letting you know that a lot of people come up with their own theories, and partly it's because nothing ever happens or nothing ever seems to happen.
The President: There are security issues involved in upgrading a network like this, which we have a very strong prism over. I was keen to ensure as a personal point, which Mr Stinziani just outlined, that we didn't install something that was made obsolete 18 months later, because that to me is something that—

Senator KITCHING: A waste of money—I understand.

The President: So we've slipped by four months and we will have a secure, upgradable network.

Mr Stinziani: A much easier path to 5G.

The President: A much easier path to what we know is coming. But, at the same time, I just say: this is something that has been building for more than a decade, and the department has been playing catch-up on everything from maintenance, to security, to issues like this. And I think the four-month slippage is regrettable, but partly it is to ensure that we have a more futureproof network.

Senator KITCHING: What date? You're saying October?

The President: End of October.

Mr Stinziani: 2020.

Senator KITCHING: So, by Halloween next year, we'll have better connectivity. Is that what you're saying?

Mr Stinziani: That's correct.

Senator KITCHING: I'll leave that and I might come back to it later on if we have a spillover. There was something else. I understand that Telstra sometimes has to chase the department. Is that true? To get you to respond—

Mr Stinziani: I am not aware of any such instance.

Mr Stefanic: I am aware that the Telstra CEO made some comment in regard to that. I made inquiries immediately and that was found not to be correct. There have been no delays from our end.

Senator KITCHING: No delays at all? So that is entirely not true?

Mr Stefanic: Correct.

Senator KITCHING: So the Telstra CEO is not telling the truth?

Mr Stefanic: I understand from conversations that were had that he was not fully informed.

Senator KITCHING: October next year—I'm going to ask you as we go along in estimates about how that is going.
The President: It is a matter that every senator contacts me and others about. We all know it is a huge problem. It is a high priority.

Senator KITCHING: Can I ask you about your org chart? I am looking at a variety of iterations of your org chart. I have undertaken not to mention the name of the employee who is in an acting capacity, acting in a particular role. I understand that there are some issues there, so I won't mention his name. But Mr Stefanic, the org chart is not accurate. I don't see why it is so difficult to get an accurate organisational chart. Maybe you could table one for us today. Could I have an org chart dated to today, now? Is that possible?

Mr Stefanic: Could I clarify what part of the org chart you are referring to?

Senator KITCHING: It is hard for me to do this because I have undertaken not to mention the person's name, but the person is acting in the capacity of building services—capital works branch.

Mr Stefanic: The org chart reflects all staff that are on long-term acting arrangements or people that are substantive occupants of positions. I believe the person you are referring to is a substantive occupant of that position.

Senator KITCHING: What does 'substantive occupant' mean?

Mr Stefanic: Permanent employee.

Senator KITCHING: But he is not always substantive—he is not actually in the role?

Mr Stefanic: The person is currently redeployed into another role, but he still owns that specific position.

Senator KITCHING: So how long do acting arrangements—generally, one might think that in an efficient organisation you shouldn't really have people acting for years, for example, in a role. Maybe you should make them permanent in that role. Maybe the position should be advertised in order to have someone who isn't acting in the role. What's your general guideline for when someone is acting in a position?

Mr Stefanic: If there is a period of time, say three or six months, where the person that owns the role is on a period of leave or might be acting in another role themselves, I would consider those to be acting arrangements that you would reflect in the organisation chart.

Senator KITCHING: He has been on leave since approximately March.

Mr Stefanic: He is not on leave. He is on a return to work program.

Senator KITCHING: So he is on a return to work program, and that is why you have kept him in that role?

Mr Stefanic: Yes.

Senator KITCHING: As acting, on the org chart?

Mr Stefanic: The person was on a period of personal leave and is now in a return-to-work program.

Senator KITCHING: So he is paid at a higher level if he is normally occupying a position that is at a particular level, let's say a lower level, and then is acting in a more senior level, he is paid at the more senior level, isn't he? Is that correct?

Mr Stefanic: You're paid at the position that you hold.
Senator KITCHING: What if you hold that position substantively? You are paid at that position?

Mr Stefanic: Correct.

Senator KITCHING: So he is being paid as an acting assistant secretary?

Mr Stefanic: He is being paid as an assistant secretary.

Senator KITCHING: He is being paid as an assistant secretary, on a return to work program, but—

Mr Stefanic: In a different role.

Senator KITCHING: I will ask more questions about that, and I will ask more questions on notice. I want to go onto something related. I have put in other qons about the six months from 31 December 2018 to current, when you have spent $6.6 million in temporary staff and overtime. This works out to be approximately $275,000 per week. I will ask you to take this on notice because we don't have time, but if we do have a spillover day, I would appreciate your being able to answer these questions, because I would assume you've got this all in whichever HR system you have decided to use, of the two.

I would like a breakdown of the spend on temporary personal services for the period 1 January 2019 to 30 June 2019, for each division of the Department of Parliamentary Services, including the office of the secretary. I would like the same breakdown for overtime paid. I would like a breakdown of the overtime paid on a month-by-month basis for 2018 and 2019 to date, for the security branch. I would like a description of your workforce planning processes—I presume you have got a policy in place about that—and how often that workforce planning is reviewed. I think this would be you, Ms Saunders, wouldn't it? When was the last time it was reviewed? Who in the Department of Parliamentary Services is responsible for this task, if it's not you, Ms Saunders? I would like to know the quantity of redundancies in 2018 and 2019 year to date, and I would like a list of these job positions. Because I would like to understand how you have got up to that dollar figure.

Mr Stefanic: Can I just clarify that last part about the positions? What information was that?

Senator KITCHING: I would like a list of the job positions for those jobs where you are paying overtime and temporary staff. I would also like to know about the genuine redundancies. I can give you the fair work description of what is a genuine redundancy, but I am sure Ms Saunders will have access to that. I have only accessed it from the fair work website. I am sure you are very familiar with it. And the positions that were made redundant as well.

Mr Stefanic: We can provide that information.

Senator KITCHING: Are you surprised that you have spent $6.6 million in temporary staff and overtime in six months?

Mr Stefanic: I have made inquiries in relation to it. I think the characterisation of some of the information in that figure, which we have provided globally, in fact includes contract hires as well as labour hires. We look forward to the opportunity of providing you with more detailed information, because we will be able to provide some clarity around that.
CHAIR: If there are no further questions for the Department of Parliamentary Services I thank you very much for your attendance and your evidence this morning.

Proceedings suspended from 10:54 to 11:09
PRIME MINISTER AND CABINET PORTFOLIO

In Attendance

Senator Cormann, Minister for Finance
Senator Seselja, Assistant Minister for Finance, Charities and Electoral Matters
Senator Payne, Minister for Foreign Affairs and Minister for Women

Department of the Prime Minister and Cabinet

Overview
Ms Stephanie Foster PSM, Deputy Secretary, Governance Group
Dr David Gruen, Deputy Secretary, Economic Group and G20 Sherpa
Mr Simon Duggan, Deputy Secretary, Industry and Jobs Group
Ms Caroline Millar, Deputy Secretary, National Security Group
Ms Alison Larkins, Deputy Secretary, Social Policy Group

APS Review Taskforce
Mr William Story, Acting First Assistant Secretary
Ms Emma Rees, Assistant Secretary

Social Policy Division
Dr Roslyn Baxter, First Assistant Secretary
Ms Megan Leahy, Assistant Secretary
Mr Matt Roper Assistant Secretary

National Office for Child Safety
Ms Kathryn Mandla, Assistant Secretary

Office for Women
Ms Catherine Hawkins, First Assistant Secretary
Ms Esther Bogaart, Assistant Secretary Women's Safety, Programs and Governance
Ms Margaret Thomas, Assistant Secretary Women's Economic Security and International

Economic Division
Mr Brenton Goldsworthy, First Assistant Secretary
Mr Jason Lange, Executive Director, Office of Best Practice Regulation

Policy Innovation and Projects Division
Ms Tanja Cvijanovic, First Assistant Secretary
Mr Andrew Lalor, Assistant Secretary
Dr Simon Gordon, Assistant Secretary

Office of the National Data Commissioner
Ms Deborah Anton, First Assistant Secretary

Government Division
Mr John Reid, First Assistant Secretary
Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch
Ms Celeste Moran, Assistant Secretary, Legal Services Branch

Ministerial Support Division
Mr Gerard Martin, First Assistant Secretary
Mr Brendan MacDowell, Assistant Secretary
Ms Alison Green, Assistant Secretary

Cabinet Division
Ms Leonie McGregor, First Assistant Secretary
Ms Megan Edwards, Assistant Secretary

Corporate Division
Mr Paul Wood, First Assistant Secretary
Mr Stephen Heskett, Assistant Secretary

Industry, Infrastructure and Environment Division
Ms Helen Wilson, First Assistant Secretary

International Division
Mr Justin Hayhurst, First Assistant Secretary
Mr Jason Blain, Assistant Secretary, Global Interest Branch
Ms Angela MacDonald, Assistant Secretary

National Security Division
Ms Abigail Bradshaw, First Assistant Secretary
Mr Trevor Jones, Assistant Secretary

Australian National Audit Office
Mr Grant Hehir, Auditor-General for Australia
Ms Rona Mellor PSM, Deputy Auditor-General
Dr Tom Ioannou, Group Executive Director, Performance Audit Services Group
Ms Lisa Rauter PSM, Group Executive Director, Performance Audit Services Group
Ms Deborah Rollings, Senior Executive Director, Corporate Management Group
Ms Sally Ramsey, Executive Director, Performance Audit Services Group

Australian Public Service Commission

Committee Secretariat
Mr Peter Woolcott AO, Australian Public Service Commissioner
Ms Mary Wiley-Smith, Deputy Australian Public Service Commissioner
Ms Callie Zorzi, Group Manager, Integrity, Performance and Employment Policy
Mr Marco Spaccavento, Group Manager, Workplace Relations
Ms Caroline Walsh, Group Manager, Inclusion and Implementation
Ms Terri Dreyer, Group Manager, Inclusion and Implementation

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE
The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer’s statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.
(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)
(Extract, Senate Standing Orders)

CHAIR: Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead, witnesses are required to provide some specific indication of the harm to the public interest that could result from the disclosure of the information or the document. The committee has set 6 December 2019 as the date by which answers to questions taken on notice are to be returned. Minister, do you wish to make an opening statement?

Senator Cormann: No, thank you.

CHAIR: Ms Foster, on behalf of the department, do you wish to make an opening statement?

Ms Foster: Yes, thank you, Senator. On 1 July 2019, PM&C underwent a change to its structure with the establishment of the National Indigenous Australians Agency as an executive agency. The functions previously part of outcome 2 are no longer part of PM&C. Mr Ray Griggs and Professor Ian Anderson have transitioned from PM&C to the newly established NIAA as chief executive officer and deputy chief executive officer, respectively. Mr Griggs and Professor Anderson will appear before the committee this Friday 25 October 2019 at the Cross-Portfolio Indigenous Matters estimates hearing. The members of the

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE
PM&C’s executive in attendance for this session to answer your questions are Ms Alison Larkins, Deputy Secretary, Social Policy Group; Dr David Gruen, Deputy, Secretary, Economic Group; Mr Simon Duggan, Deputy Secretary, Industry and Jobs Group; and Ms Caroline Millar, Deputy Secretary, National Security Group. Other senior officers will be available to assist as required.

There have been a number of changes to the executive since the last hearings. Between 11 June 2019 and 30 August 2019, Mr Simon Atkinson was seconded from the Treasury to fill the temporary deputy secretary position of Deputy Secretary, Cabinet Transition. On 29 July 2019, Ms Tess Bishop commenced as Deputy Secretary, Priorities and Delivery Unit, and on 14 October 2019 she commenced a secondment with the Department of Infrastructure, Transport, Cities and Regional Development. On 9 August 2019, Mr David Williamson concluded as Deputy Secretary, APS Review Taskforce, and, on 2 September 2019, Mr Phil Gaetjens commenced as Secretary. I have the department's organisational chart here for the committee.

CHAIR: Thank you. It would be helpful if that could be tabled. Senator Wong.

Senator Wong: Thank you. I'll start with some questions about Syria and then about the US trip. First, I want to get a sense of the time line and our engagement, if any. The White House, on 6 October, issued a statement following President Trump's call with President Erdogan, stating that Turkey would be moving forward with its 'long-planned operation in northern Syria', and that the US would no longer support nor be involved in the operation and will no longer be in the immediate area. On 7 October, in a press conference, and in the next few days via some tweets, President Trump indicated that there were only 50 or so in the border area and that they had been withdrawn. Secretary Esper indicated on the 13th that the President had ordered a deliberate withdrawal of American troops in northern Syria. When did PM&C first become aware of the US decision to withdraw from the border and withdraw some 1,000 troops from northern Syria?

Ms Millar: We first became aware of the US announcement through the public announcement.

Senator Wong: So we had no prior knowledge?

Ms Millar: We had no prior knowledge, but, as the Prime Minister has said, the United States administration has been foreshadowing the likelihood of leaving Syria for some time.

Senator Wong: There have been discussions publicly and the resignation of Secretary Mattis and others, but I'm not sure that's foreshadowing. Was there any communication at a political level prior to the decision being made public?

Ms Millar: Not to my knowledge.

Senator Wong: Senator Cormann?

Senator Cormann: Not to my knowledge, either. But, as the Prime Minister has indicated—and I would disagree with your questioning of the term 'foreshadowed'—it had clearly been foreshadowed by the Trump administration that this is where they were headed. To that extent, obviously, we were expecting that this was going to happen at some point.

Senator Wong: Between 6 October, where the statement from the President is that US troops 'will no longer be in the immediate area', and the official indication from Secretary
Esper on 13 October that there had been an order from President Trump of a deliberate withdrawal of American forces from northern Syria—so, there's the indication of: 'won't be in the immediate area' to an indication that the order has been given by the US President for the troops to withdraw—what engagement, if any, was had with PM&C by the US administration or your counterparts?

Ms Millar: There was a close consultation between US and Australian officials during that period, including through the embassy in Washington and, as you know, the Prime Minister and the Foreign Minister spoke to US Secretary of State Pompeo on 12 October.

Senator Wong: Did the Australian government have a view about the US decision to withdraw?

Senator Cormann: You are asking the officer for an opinion—

Senator Wong: I am asking what government policy is.

Senator Cormann: We respect the fact that this is, appropriately, a sovereign decision of the United States.

Senator Wong: I haven't asked for an opinion. I have actually asked, simply, did you have a view about the decision to withdraw?

Senator Cormann: 'Did you have a view?'—that is precisely asking for an opinion.

Senator Wong: The government: does the government have a policy position?

Senator Cormann: I expressed the government's view. The government's view is that this is a sovereign decision for the United States of America.

Senator Wong: Well, can you tell me what the purpose of a phone call between the Prime Minister—did you say the Prime Minister, the Foreign Minister and Secretary Pompeo was, then?

Ms Millar: That's correct.

Senator Wong: What was the purpose of the call?

Ms Millar: The Secretary of State requested the call to brief the Prime Minister and the Foreign Minister on the situation unfolding in Syria.

Senator Wong: And the government's position is to express no concern, privately or publicly? Is that correct?

Ms Millar: The government has made very clear, as the minister has just said, that the decision of the United States was a matter for them.

Senator Wong: Sure. Was that reflected in the Prime Minister's communication to Secretary Pompeo?

Ms Millar: I don't have any particular advice about exactly what was in that phone call and, of course, it is a matter of confidential discussions between the Prime Minister and the Secretary of State.

Senator Wong: This goes to the Australian government's position.

Senator Cormann: I've explained the Australian government's position.

Senator Wong: Were any officials on the call?

Ms Millar: We will check that for you.
Senator WONG: Can you come back shortly?

Ms Millar: Yes, we can do that.

Senator WONG: I will come back to the call et cetera, at that time, then. The 12 October call—was that the only conversation or exchange with President Trump's administration that the PM has been involved with, in that time frame, 6 to 13 October?

Ms Millar: To my knowledge, yes.

Senator WONG: Again, my question is leaving aside whatever people's views are, but at no point was it the Australian government position to urge the US to reconsider withdrawal?

Ms Millar: As the minister said, the Prime Minister has been very clear, including on the public record, that the decision was a matter for the United States and that what we're dealing with here is the unilateral action of Turkey.

Senator WONG: I understand that. My question remains: do I understand, therefore, that the Australian government position was not to express any concern privately to the US administration over the decision to withdraw?

Senator Cormann: I think that we have answered that question, and the officer has answered the question to the best of our ability.

Senator WONG: No, I don't think so.

Senator Cormann: Well, the position of the government stands.

Senator WONG: You have avoided the question, which is a Morrison trait.

Senator Cormann: No, I completely reject that proposition.

Senator WONG: He avoids questions and he's loose with the truth, and unfortunately it's affecting you.

Senator Cormann: I object to that proposition.

Senator WONG: I am not withdrawing that.

Senator Cormann: Chair, Senator Wong has just reflected on the Prime Minister and she shouldn't—

Senator WONG: I think he is loose with the truth. It's my view.

CHAIR: Order, order.

Senator Cormann: I completely and utterly reject that proposition.

CHAIR: I was just about to say—because I was conferring with Senator Patrick, I did not hear what Senator Wong said, but she's helpfully repeated it for me.

Senator WONG: And we've said it in the parliament and the President has not required us to withdraw, but if you're sensitive about it, you can draw attention to it. We think he's loose with the truth. That's my opinion.

Senator Cormann: I would ask for that to be withdrawn, and the committee might need to consider that in private.

Senator WONG: Well, we can discuss that in the break.

Senator Cormann: No.

Senator WONG: It wasn't. We've have used it in the parliament.
Senator Cormann: I object.
Senator Wong: You're very sensitive today!
Senator Cormann: Well, it is absolutely and entirely offensive and uncalled for.
Senator Wong: It's true, absolutely true.
Chair: Order! Senator Wong.
Senator Cormann: I disagree.
Chair: Order!
Senator Wong: What do you want me to do? I think he's loose with the truth.
Chair: Senator, what I would like you to do is allow me to rule.
Senator Wong: Sorry. You should make a ruling; that's true.
Chair: I'll ask the secretariat to seek some advice on that matter, and in the meantime I'll allow you continue your line of questioning, but I would ask that you please do it in an orderly way.

Senator Wong: I understand it is the government's official position that this is a matter for the US administration. I'm asking if it has ever been the government's position, at a political level or of officials, to privately ask the US to reconsider that decision.
Senator Cormann: It is the government's position, full stop, that this is a matter for the United States. That is our position. I've got nothing further to add.
Senator Wong: Did the Prime Minister and the foreign minister—you're going to come back to me on the call on whether notes or a transcript was taken—is that right, Ms Millar?
Ms Millar: That's correct.
Senator Wong: I've got a bit more on this, but I'll wait until you come back on that. How long do you think you'll take to actually get briefed on that?
Ms Millar: We'll look into it shortly.
Senator Wong: Thank you. I'm going to go to the issue of—
Senator Cormann: You know what would be helpful: take it on notice.
Senator Wong: No, we're not taking it on notice.
Senator Cormann: Yes, I am entitled, as the minister at the table, to take it on notice and I have now done so. We will get back to you at the appropriate time.
Senator Wong: There we go: a little bit more of hiding answers.
Chair: Senator Wong, order!
Senator Wong: A little bit more—
Senator Cormann: We actually answer our questions on notice—
Senator Wong: This is the modus operandi of your government.
Senator Cormann: unlike what used to happen when you were—
Senator Wong: It's the modus operandi of your government.
Chair: Order, Senator Wong.
Senator Wong: She agreed to—I just want everybody to be very clear.
CHAIR: Order! Can I have some order in the committee, please.

Senator Cormann: As the minister at the table I'm entitled to take questions on notice.

CHAIR: Order, Minister! Order, Senator Wong! We are literally 10 minutes into PMC. Can I ask that we start in a bit more of a measured way and, if at all possible, restrict commentary and stick to questions and answers, please.

Senator WONG: Okay, but I want to be very clear and summarise it for those watching what has just occurred.

Senator Cormann: This is about—

Senator WONG: No, I'm entitled to do this.

Senator Cormann: asking questions, not about summarising the way you—

Senator WONG: I'm entitled to do this.

CHAIR: No, Senator Wong, as you know—order!

Senator WONG: I have a question.

CHAIR: All committee members—

Senator WONG: I have a question.

CHAIR: You can ask a question, Senator Wong, but before you do, can I just clarify for the benefit of the committee that there are other places where you can deliver speeches. This is not the appropriate place for that.

Senator WONG: I'm not delivering a speech; I'm usually quite pithy, actually. I have other faults, I am sure, but longwinded I am generally not. So, just to be clear, Minister, Ms Millar agreed that she would co-operate. Ms Millar agreed that she would find out whether an official was present. Ms Millar agreed that she would get information back to me, and then you have subsequently intervened. You have directed that that be taken on notice: the details of a phone call between the Prime Minister, the foreign minister, and the Secretary of State.

Senator Cormann: We always, just to be very clear—if I may answer. You've asked a question.

Senator WONG: I'm asking a question. Which questions are you directing be taken on notice and not be answered now?

Senator Cormann: We are always cooperative with this committee, but there's obviously a fair amount of detail that you've asked for there. As is the prerogative of the minister at the table, I take these questions on notice.

Senator WONG: Which ones?

Senator Cormann: This obviously goes to sensitive foreign affairs and national security related matters. I will do as you have done when you were sitting in this chair—that is, use the prerogative of the minister at the table to take questions of this nature on notice, which I have now done.

Senator WONG: Which ones have you taken on notice?

Senator Cormann: The series of questions that you've just repeated.

Senator WONG: So just to be clear: you have taken on notice whether an official was on the call?
Senator Cormann: Whether and who was on the call. I think you asked for a list and a transcript.

Senator Wong: No. Can we take this in sequence? Be clear of the extent to which you are diverting. One, you have taken on notice whether an official was on the call, correct?

Senator Cormann: I am taking the line of questioning in relation to who was on the call—

Senator Wong: I'm entitled to ask what is taken on notice, Chair.

Chair: You are. Maybe allow the minister to answer before you ask a follow-up.

Senator Wong: Well, he's just answering generally. Are you taking on notice whether an official was on the call?

Senator Cormann: I've already been extremely clear. Obviously, everybody knows, and there was evidence about a call. I will take on notice who was on the call and to what extent we might be able to assist you, appropriately, with some of these other matters that you've canvassed.

Senator Wong: Okay. Who was on the call has been answered in the Senate by Senator Payne. And it was already answered earlier in the hearing—

Senator Cormann: But why are you asking then?

Senator Wong: Can I finish? Secretary of State Mike Pompeo, the Prime Minister and the foreign minister—that's already been answered today, and by Minister Payne. I then asked: was there an official on the call? I want to be clear: you don't wish to answer that; you're taking that on notice?

Senator Cormann: We will answer that, as we are always very cooperative with this committee because we do answer questions taken on notice—

Senator Wong: Right. But you don't wish to—

Senator Cormann: And you're now going into semantics.

Senator Wong: No. I'm—

Senator Cormann: I was going to the issue of who was on the call other than those who have already been publicly announced.

Senator Wong: Okay. Right. So you are taking on notice whether any officials or staff were on the call? Correct?

Senator Cormann: And, if so, who. That's right.

Senator Wong: Okay. And you are taking on notice whether notes were taken?

Senator Cormann: Indeed.

Senator Wong: Even though I haven't asked about the content at all. You're taking that on notice—the fact of that?

Senator Cormann: You have asked a series of questions and I have taken them on notice.

Senator Wong: No. I am not asking content; I am asking whether notes were taken. That is a pretty standard question. I think the media would be quite happy—
Senator Cormann: I'd be very surprised if notes were not taken. But, given the nature of the questions that you were asking, I will make sure that we can provide you with an accurate response to questions that obviously go to sensitive matters.

Senator Wong: Okay. Sure. With the Prime Minister generally—not in relation to this call, but more generally, Ms Millar—my recollection is that, for most calls between the Prime Minister and representatives of foreign governments, officials do take notes of such calls. Has that practice changed under this Prime Minister?

Ms Millar: It really depends on the situation. You are quite right; it is very often the case that officials are present and take notes. It is not always the case. That is because at times calls are made with very short notice; the Prime Minister might be travelling; in this era of modern communications, things can happen very quickly. So, while it is often the case, it is not always possible.

Senator Wong: On those occasions where, because of timing et cetera, there is no official present, what alternative arrangements are made to ensure there is a readout for the call which is relevantly required for the Public Service?

Ms Millar: Usually what would happen in those circumstances is that one of the Prime Minister's advisers would get in touch with the department to give them a readout of a call.

Senator Wong: And did that occur in relation to this call?

Senator Cormann: We have already taken on notice who was there, whether notes were taken and what—

Senator Wong: 'The public's right to know.'

Senator Cormann: Sure.

Senator Wong: 'The public's right to know.' Here we go again.

Senator Cormann: You are looking for a friendly headline, clearly.

Senator Wong: No. I'm not, actually. I just think it's—

Chair: Order. Senator Wong, as you well know—

Senator Wong: and you won't answer a question about—

Senator Cormann: You're really very keen for a—

Senator Wong: whether there was a note-taker. This is the public's right to know under this government.

Senator Cormann: The cameras are going. You've obviously lined them up.

Senator Wong: No, actually, they just—did I line you up? I did not line you up.

Chair: Order. Order! Minister and Senator Wong, Order!

Senator Cormann: This is all about the friend who had lunch with Senator Wong. Let me be very clear for everyone who is listening—
CHAIR: Order! Please.
Senator Cormann: The reason questions are taken on notice—
CHAIR: Order! Minister, just one moment. Senator Wong, can I please ask you not to use props in this committee. As I think you know—
Senator Cormann: She did that deliberately.
CHAIR: it is not within the standing orders.
Senator Wong: It's my local paper.
CHAIR: Thank you, Senator Wong.
Senator Cormann: She's defying your ruling.
Senator Wong: It is my local paper, the Adelaide Advertiser.
CHAIR: Senator Wong.
Senator Cormann: She is actually now deliberately defying you.
CHAIR: Yes. Thank you, minister, I am well aware of that. Can I ask that props are not used in the committee—that's for all senators.
Senator Wong: Okay. I won't use it again.
CHAIR: The minister is allowed to answer the question, and senators are allowed to ask questions without interruption, please?
Senator Cormann: Well, I just want to make the general—
Senator Wong: Okay. Can I—
Senator Cormann: I am still dealing with the answer to that question.
Senator Wong: Which one are you dealing with?
Senator Cormann: I am just making the general point that the reason questions are taken on notice is so that they can be answered and so that they can be answered accurately so that the public has accurate information.
Senator Wong: Oh, well, okay. I will respond to that. You allowed him to say that. You took it on notice because you were worried. She was answering questions and you intervened.
CHAIR: Order. No. Sorry—
Senator Wong: That is what happened.
CHAIR: Senator Wong—
Senator Wong: Everyone watching it knows she was going to answer and you intervened because you were worried about it.
Senator Cormann: When you were minister was that why you took things on notice?
CHAIR: Order! Order! Senator Wong.
Senator Wong: Don't try to pretend it's because you're going to cooperate.
Senator Cormann: We always cooperate.
Senator Wong: You took it on notice because you didn't want her to answer.
CHAIR: Senator Wong. Order! Minister and Senator Wong.
Senator Wong: I'm going to go to the other—
CHAIR: Before you do, Senator Wong, I have to return to your reflection on the chair. You said that I allowed him—meaning the minister—to put that on the record, and therefore you had a right to respond. As I am sure you know, when you ask a question, ministers are entitled to respond to your question.

Senator WONG: Sure.

CHAIR: I was not allowing him any leeway that I don't allow any other person at the table to answer questions.

Senator WONG: Fair enough.

CHAIR: Your role, as you well know and I don't need to tell you, is to ask questions.

Senator WONG: Ms Millar, could you provide an update on the current situation in Syria?

Senator Cormann: Yes, Senator, I can. But I might ask my colleague Mr Blain if he would like to come and provide you with an update, as he has been working through the weekend to be across the developments there.

Mr Blain: As you know, the ceasefire agreement that was announced on 17 October, Turkey time, for a temporary ceasefire for five days is still in action. The United States, during that period, is facilitating the withdrawal of Kurdish forces from the 30-kilometre safe zone south of the Turkish border into Syria. Obviously, the situation on the ground remains dynamic and very fluid. But we understand from announcements overnight that Secretary Esper, the Secretary of Defense, is confirming the withdrawal of about 700 US troops from northern Syria.

Senator WONG: To Iraq?

Mr Blain: Yes, Western Iraq—to continue their counter-ISIL mission from that location. We understand there have also been sporadic outbreaks of fighting along the border. So, while the agreement is in place, there have been a number of smaller scale actions. Obviously, that has been closely watched. An SDF spokesperson announced on 20 October that Kurdish fighters and civilians have evacuated from some of those northern Syrian towns as well.

Senator WONG: Western allies—the coalition against ISIL—have spent many years, or five years at least, in military confrontation with Daesh. There's been a lot of commentary about the consequences, including from the US, of the fight against Daesh, as a consequence of 'the events'—to put it in a more neutral way. I am trying to get a sense of the government's assessment of the implications for terrorism, for regrouping, for the movement into ungoverned spaces of Daesh/ISIL fighters. I am trying to get a sense of the government's assessment of the risks associated with that.

Senator Cormann: Our assessment is that the important campaign against Daesh was very successful. We also fully appreciate that the United States has carried the lion's share of the burden of that campaign against Daesh, and we understand that for some time now the Trump administration has signalled that the decision that ultimately was implemented was on the cards. We respect the fact that it is their right to make that call.

Senator WONG: I am actually not asking about that.

Senator Cormann: Well, it effectively goes to that.
Senator WONG: No, I am not. I understand the position. I am not engaging in a discussion about the US decision. I am now asking what the assessment is of the situation in terms of the security of those who have fought against those nations, those groups who have fought against Daesh, and broader national security questions for Australians. I would like to understand what the assessment is of the consequences of these decisions—leaving aside what people’s views about them are, Senator Cormann; I’m choosing not to go there. I’m asking what the consequences are. Australians are—

Senator Cormann: If I may. The campaign against Daesh has been very successful, more successful than we could have hoped for when we were sitting around the table in the early days with others around the globe, devising a plan. What you are now asking us to do is speculate about the future—

Senator WONG: No.

Senator Cormann: with the implication of your line of questioning that the US should not have made the decision they made.

Senator WONG: No. I’m actually not asking you that.

Senator Cormann: That is ultimately the implication. That is where you are trying to go—

Senator WONG: No.

Senator Cormann: and what I am saying in response to that is that we respect the fact that it is entirely a sovereign decision for the United States to make the decision that they made, and we should all be grateful for the fact that, over an extended period, they have taken on the lion’s share of responsibility in relation to this, as they do in relation to so many other security matters around the world.

Senator WONG: The US alliance is a bipartisan position. We might have different views about certain decisions at different times, but I’m actually not asking about that. I know you are concerned about that, so I want to say upfront I am not actually asking that; nor am I making in this line of questioning any implications. I actually am trying to understand security risk. I’m trying to understand what the government considers are the risks associated with this or the consequences of it, and what the government is doing about it, if anything. That is a reasonable set of questions.

Senator Cormann: You are essentially asking us questions that go to the decision-making process in the United States—

Senator WONG: No.

Senator Cormann: Effectively, that is what you are doing.

Senator WONG: No. Can you stop being so worried about that?

CHAIR: Order!

Senator WONG: I am not actually asking that question. I wish you would listen to me. We have a situation in northern Syria which is a complex situation and multifactorial. You have a US withdrawal. You have a Turkish offensive. You have a realignment between Syrian forces and the Kurds, and we have reports about Daesh—or Isis—supporters and prisoners no longer being secure. This is all international press. I am simply asking in regard to that
situation: what is the government's assessment of any risks or consequences? If you don't want to answer that—

Senator Cormann: Again, you go to the Turkish question. We've been very clear, and I don't think that this is a matter of partisan dispute, because we've supported a joint motion in relation to this in the Senate, as you might recall. But Turkish actions are the responsibility of Turkey, and we, of course, condemn them. We've asked them to stop their unilateral invasion of northern Syria. Turkish actions—and not the US withdrawal—are the primary cause of instability in northern Syria.

Senator WONG: I haven't asked that.

Senator Cormann: Yes, but that is the implication of your question.

Senator WONG: If anything, you're making this of greater concern in terms of the relationship with the US, because you keep asserting something that I am not asking, and I would ask you to please stop doing that.

Senator Cormann: I disagree with your proposition.

Senator WONG: I have a question which goes to the government's assessment of risk. Let me rephrase it. I'm not asking about the Turkish offensive. I'm not asking about the US decision. Given the situation in northern Syria, is it the government's assessment that there is a risk of the re-emergence of Daesh or the strengthening of Daesh and its operatives? That is the question.

Senator Cormann: This is where you are asking us to speculate. So I'll go back through the position as I have explained it to you clearly. We consider that the campaign against Daesh was very successful—more successful than we could have hoped for—and that, to a large degree, is because the United States took on the lion's share of the responsibility. In terms of the full implications of what may or may not happen into the future, that is too early to tell, and the foreign minister has been on the public record in relation to this. But, to the extent that you are trying to make a link—and it was you who mentioned Turkey and north-eastern Syria in your line of questioning—we don't accept that particular link that has been made by some commentators. We take the view that what Turkey did, in terms of their unilateral invasion of north-eastern Syria, was a result of their decision. We do not support the proposition that this ought to be linked the way you appear to have linked it.

Senator WONG: Actually, nothing in my questions was about that, just so we are clear. The only person who has just said that is you. I have made public statements previously. In this hearing, I am just asking about assessments about the risk of the re-emergence and the strengthening of Daesh. Are you prepared to answer that question?

Senator Cormann: I have answered the question.

Senator WONG: You haven't, actually.

Senator Cormann: We believe that the campaign against Daesh—

Senator WONG: Can I tell you my motivation here. I think, having appropriately for some years been part of the fight against Daesh, the Australian people are entitled to understand their government's assessment of the consequences of the situation in northern Syria, leaving aside howsoever people choose to attribute responsibility. That is actually a separate issue. I think Australians are entitled to understand what their government thinks are
the consequences or potential outcomes of what is occurring in northern Syria for the fight against Daesh, or Isis. That is actually my question.

Senator Cormann: I'll say it again. The Australian people today are much safer and more secure than they would have been if it hadn't been for the very effective campaign against Daesh, substantially underwritten and led by the United States of America with, of course, partners all around the world. And, in terms of the situation moving forward, as the foreign minister has made very clear, it's too early to speculate about the full implications of the conditions of, obviously, the decision that has been made. From our point of view, we will continue to monitor and assess all of the relevant information, and continue to make judgements in the national interest as appropriate, but—

Senator Wong: When do you assume that you might actually share with the Australian people your judgements and assessments about the consequences of what is occurring in northern Syria for Isis, or Daesh, and, consequently, for the security of Western allies and others?

Senator Cormann: I reject the implication of that question, because we have been very candid.

Senator Wong: You just haven't.

Senator Cormann: We have been, and—

Senator Wong: You've just refused to answer it.

Senator Cormann: You just don't accept the answer.

Senator Wong: Sorry, what was the answer?

Senator Cormann: You don't accept the answer, and the answer is that the campaign against Daesh has been very successful. Obviously, the United States made a sovereign decision in the context of the outcomes of that campaign—a decision that we respect. You are making assumptions, and, as much as you try to dispute it, the implication of your question is a direct reflection on whether or not, in your view, the US should have made the decision they have made.

Senator Wong: No. The only person in this forum who is doing that is you. I put this to you. I think you are doing Australians, the media and the public a disservice by being so anxious to run the lines about the US decision that you are defending against an accusation or criticism that I am actually not making in this hearing. And you are refusing to deal with the nub of the question, which is the security of Australians. That is actually what I am asking, and it is disappointing that, in your desire to continue to run the same lines about the US decision and in dealing with that, you're actually not answering the question that I think people are interested in, which is: what does this mean for the security of Australians?

Senator Cormann: Again, there is so much partisan politics in that that it's just unbelievable! Let me just be very clear again. The campaign against Daesh was very successful, and it was very successful in large part because of the leadership and the substantial contribution made by the United States. If there is a risk of a re-emergence of Daesh, it's because of the decisions that were made unilaterally by the Turkish government. That is our view. Beyond that, we don't provide a running commentary in relation to
assessments that are way too premature to make. And, as much as you dispute it, the reason you are continuing to persist with this is clearly—

Senator WONG: No, please don't impose—no. Please stop!

CHAIR: Order, Senator Wong!

Senator WONG: No, he is asserting what is in my mind, Chair. Please stop!

Senator Cormann: The purpose of the line of questioning is very clearly about reflecting on whether or not the United States should have made the decision—

Senator WONG: He is asserting what is in my mind—

CHAIR: Order! Senator Wong, in your very—

Senator WONG: Point of order, Chair.

CHAIR: Yes, I'll hear your point of order, Senator Wong.

Senator WONG: Thank you. It is not in order for the minister at the table to make assertions about what is in my mind and heart, which is what he is doing. He is saying, 'This is my motivation.' It is not. I have said that a number of times, and it is not appropriate for him to continue to do that.

Senator Cormann: So you can make offensive and entirely inappropriate remarks about the Prime Minister, and I can't make a judgement on what the implication of questions are that—

Senator WONG: I judge the prime Minister on his actions—

CHAIR: Order, both senators! I'll rule on this point of order. Senator Wong—

Senator WONG: You're talking about what's in my head.

CHAIR: Order! Senator Wong! Senator Wong, I actually allowed you, I think, a fair degree of leeway in your very long question that you asked the minister just before he responded, and, in that, I think you imputed motive to the minister and the way in which he was answering questions. So, for you to object that in return he did so, I think, is stretching credibility just a little bit.

Senator WONG: So we can both do it. I want everyone to be clear. He's saying what's in my head, and it's not true.

CHAIR: Order! I would actually prefer if neither of you do it and we just stick to questions and answers, but, so far, I have not had success in getting you to do that.

Senator WONG: Is the government's position still that the situation in northern Syria could significantly undermine the gains made by the international coalition in its fight against Daesh, which remains a serious threat to regional peace and security despite its territorial defeat?

Senator Cormann: I've explained the government's position. The government's position is that any potential risks of the re-emergence of Daesh emerged at the time Turkey took the unilateral action to invade north-eastern Syria. That is what—

Senator WONG: I will have one last go. I'm not asking you about causes. I'm not asking you about the Turkish military offensive. I'm not asking you about the US decision to withdraw. I am actually just asking about consequences.
Senator Cormann: The consequences of what?

Senator WONG: The consequences of the current situation northern Syria, the conflict.

Senator Cormann: So you are not asking about the consequences of the US decision anymore?

Senator WONG: I have told you that three or four times. You just don't listen.

Senator LAMBIE: You have taken the troops out, all troops out. You are going to send them back in when it turns into a mess again. We're going to lose more troops, because you don't seem to have a plan of attack or forward risk assessment done here on what has been created by Trump in the last week. That is where your problem is. You have no idea where to go from here. The Australian public would like to know. You have nothing on paper.

CHAIR: Senator Lambie, I think we are well and truly straying into the territory of another committee here. I think we have exhausted PM and C's involvement in this matter.

Senator LAMBIE: I would have thought—there are a lot of unanswered questions here.

CHAIR: Order, Senator Lambie. Please don't interrupt me. I will allow you to respond if you feel the need after I finish. But we have now canvassed this matter extensively in this committee. It is really more appropriate to ask this in Foreign Affairs, Defence And Trade, which you will have ample opportunity to do so, if you so choose.

Senator Cormann: Having clarified the question, let me make this final point. In terms of the fight against terror, of course it is an evolving and continuing fight. Of course we will continue to be vigilant and of course we will continue to assess emerging and developing risks. That is business as usual. But in the context of the line of questioning that you were pursuing, Senator Wong, again, the campaign against Daesh was very, very successful, more successful than we could have hoped for when we started. I was part of the early discussions in relation to these matters in the Australian context. We all ought to be extremely grateful for the magnificent contribution the United States of America has made as part of this campaign, as they do in the context of so many campaigns where that is required around the world. We absolutely respect the sovereign decision that they have made in relation to their troops in Syria.

Senator WONG: I was moving to a different point.

Senator LAMBIE: I take note that the US president has been out there saying for ages he was going to withdraw troops. So I am assuming he didn't do it the day before when he did withdraw them. How long beforehand, as soon as you knew he was doing that, which was nearly from the first day he was in, did you actually go to him and speak to him about withdrawing troops and what effect that would have on our own troops, then and into the future?

Senator Cormann: As I have indicated—and what you are saying is essentially consistent with my answers so far—it didn't come as a surprise. The Trump administration had well and truly signalled their intentions in relation to their troops in Syria. So from that point of view we certainly knew that that was on the cards. We continue to make judgements in the Australian context about what decisions we need to make to protect our national interests, including in relation to Australian personnel deployed overseas. These are matters, as I am
sure you will appreciate, that are very much within the purview of relevant cabinet committees and are appropriately subject to cabinet confidence.

**Senator LAMBIE:** I go back to what you said. It was on the cards. When you first spoke, it was on the cards. How long has the US president been in for now? When did you actually open up dialogue about this? Was it just the day that he announced it and said they were going out? That is what I want to know. There is a bit of a time delay here. When did you take it half seriously and go to him or send someone to him to sit at that table?

**Senator Cormann:** Our bilateral relationship with the US is extremely serious and our Prime Minister has a very good relationship in particular with President Trump. There are very good relationships at all levels of government. That is a bipartisan and long-standing position, which is good for Australia, to have very good relationships at all levels of government—and, I would say, the opposition—between relevant political and government decision-makers, both in Australia and the US. The official has already provided evidence that the specific announcement in relation to the withdrawal is something that was obviously publicly announced in the way everybody understands. We have ongoing and consistent dialogue in relation to all sorts of matters of mutual interest, obviously including security matters all around the world on an ongoing basis.

**Senator LAMBIE:** I am specifically asking you. After losing nearly 50 troops of our own I think we are entitled to an answer. I can put this on notice if it is getting too difficult. When did they first actually discuss with Trump when they were going to withdraw troops from the Middle East? Or were we just told like the rest of the world that it was happening? That is exactly what I want to know.

**Senator Cormann:** Well, I think we have answered that question.

**Senator LAMBIE:** Actually you haven't answered it.

**Senator Cormann:** Obviously the US administration made a public announcement and obviously Australia, like everybody else around the world, first became aware of the specific decision with the specific actions through that process. But of course there have been and are ongoing conversations at senior levels of government in relation to these matters on an ongoing basis. It is not something that, broadly speaking, took us by surprise.

**Senator LAMBIE:** In other words, Australia had no idea and Trump just walked all over the top of them, and you just went 'That's it, we're done, we can't do anything' because you left your run too late.

**Senator Cormann:** I disagree with that.

**Senator Wong:** The phrase 'took us by surprise' was in relation to which bit?

**Senator Cormann:** I am just saying that we knew it was on the cards. I have said that several times in relation to—

**Senator Wong:** You used the phrase 'took us by surprise'.

**Senator Cormann:** I did not say 'took us by surprise'. I said it did not take us by surprise.

**Senator Wong:** Sorry, I misheard.

**Senator Patrick:** I presume—we have forces embedded in the US in and around the Middle East—there would have been some knowledge?
**Senator Cormann:** Specific questions about specific force arrangements are best addressed to the defence committee. I think that goes beyond the knowledge of either PM and C officers or the minister representing the Prime Minister.

**Senator Wong:** I want to go on to the Barr inquiry and Mr Downer's involvement and the discussions on the Australian government involvement. This is a long and complex series of issues in terms of the US. I want to make it clear at the outset, so we can try to contain any argument, that I am asking about Australian government involvement. The discussions about what is occurring in the US and the Congress are obviously relevant for the purposes of referencing Australian government actions, but I am interested in the latter, not the former. In May this year, shortly after the Australian election, President Trump announced an investigation into the origins of the Mueller inquiry, which was of course, as I recall it, an investigation into the FBI's actions post the American election. I will just generally explain it as that.

Four days after Mr Trump announced that investigation into the origins of the Mueller inquiry, Mr Hockey wrote to the US Attorney General, Mr Barr, and Mr Trump's acting Chief of Staff pledging Australia's cooperation. This letter is dated 28 May:

I refer to President Trump's announcement on 24 May that you will investigate the origins of the Federal Bureau of Investigation's probe into Russian links to the 2016 election.

I note that the President referred to Australia, the United Kingdom and the Ukraine as potential stakeholders … The Australian government will use its best endeavours to support your efforts in this matter. While Australia's former High Commissioner to the United Kingdom, the Hon. Alexander Downer, is no longer employed by the Government, we stand ready to provide you with all relevant information to support your enquiries.

I want to understand how the 28 May pledge for assistance in the terms that I have read came about. Was the government informed of the Department of Justice investigation before it was announced on 24 May?

**Senator Cormann:** Let me make a few general points upfront and then we'll see whether we might be able to assist you with some of the specifics, bearing in mind that Mr Hockey's communications as the ambassador to the US may be best explored in the DFAT estimates. But let me make a number of points. The Australian government, of course, has always been ready to assist and co-operate with official government inquiries in the United States and, with efforts that further help shed light on matters that were being officially investigated. That is, we have assisted and co-operated with US efforts that help shed further light on what is under investigation. That is entirely appropriate and hardly remarkable. In fact, I think it would be remarkable if an Australian government was not prepared to co-operate with a proper US government inquiry of this nature, or of any other nature for that matter, if it's properly constituted. This is standard government-to-government assistance. While the government can provide relevant committees with certain facts relating to this matter, the degree to which I can comment on behalf of the government will be limited, given that this is a sensitive matter subject to an inquiry by a foreign government and given that goes to foreign relations. Now, having put that as the general point, why don't we explore the issue and we'll see to what extent we can assist you with the specifics.

**Senator Wong:** Well, I asked a question, but you didn't listen to it, so I'll try again.

**Senator Cormann:** I did listen to it, but I decided to—
Senator WONG: I asked whether or not, on 24th President Trump announces it and on 28th Mr Hockey did respond, and this is on the public record. I want to understand how the position, which is a pledge for assistance, in this letter came about. I started my line of questioning with a very specific question. It was: were we aware of the Department of Justice's investigation before it was announced on the 24 May?

Senator Cormann: Personally, I don't know, so I will have to take that on notice. I don't think the officers know.

Senator WONG: Do the departmental officers know?

Ms Millar: We would need to take that on notice.

Senator WONG: Did you know?

Ms Millar: I don't know. I would have to take that on notice.

Senator WONG: You don't know whether you knew about a Department of Justice investigation involving Mr Downer before the president announced it? You can't remember?

Senator Cormann: That is the evidence the official has given and that you are now second-guessing.

Senator WONG: Before you jump in, I am actually checking that that is her evidence: that she cannot remember whether she was aware of a presidential announcement of an investigation by the Department of Justice, which involves an Australian official, before the president announced it.

Senator Cormann: That is what she indicated to me—

Senator WONG: Can she just answer? Why don't you let her speak?

Senator Cormann: I am the minister at the table.

Senator WONG: Is that what she said?

Senator Cormann: That is what she indicated to me and that is also what she has indicated to the committee. You are badgering the witness. It's not going to assist the committee.

Senator WONG: No, I'm just asking her to confirm that that was what she didn't know. It seems odd you wouldn't remember that.

Senator Cormann: That is a reflection on the witness. It doesn't seem odd at all. The witness has given factual evidence—

Senator WONG: This is going to be long. We're going to be here until very late.

Senator Cormann: Sure.

Senator WONG: Does anyone in PM&C know whether they knew about the Department of Justice investigation involving Alexander Downer, before the president announced it on the 24 May?

Senator Cormann: We have taken it on notice.

Senator WONG: Could Mr Hayhurst come to the table? I would like to know. Could Mr Hayhurst come to the table?

Senator Cormann: Well, I have taken it on notice. We have taken it on notice.
Senator WONG: I am entitled to ask. He can come to the table, then I can put it and then you can take it on notice.

Senator Cormann: I have taken it on notice, so that has already happened.

Senator WONG: I'd like Mr Hayhurst at the table.

Senator Cormann: You can ask for whoever you want to the table.

Senator WONG: I am. Mr Hayhurst, could you come forward?

Senator Cormann: I have already taken it on notice.

Senator WONG: Mr Hayhurst, could you come forward?

Senator Cormann: I have taken the question on notice.

Senator WONG: Sure. I'll ask a different question—don't worry. Mr Hayhurst, what involvement, if any, did you have between 24 May and 28 May in relation to these matters—that is, between the date of the President's announcement and Mr Hockey's letter? Did you have any knowledge of the communication? Did you have knowledge of the Department of Justice investigation?

Mr Hayhurst: I had no knowledge of those matters between those dates.

Senator WONG: When did you first become aware of these matters?

Mr Hayhurst: Which matters specifically?

Senator WONG: Were you aware of the Department of Justice investigation before the President announced it?

Mr Hayhurst: I wasn't aware of that.

Senator Cormann: I have already taken it on notice.

Senator WONG: Thank you for answering the question. Were you asked, or did you provide or was PM&C engaged in any way prior to Mr Hockey's letter?

Mr Hayhurst: Not to my knowledge.

Senator WONG: Were you aware of the contents of Mr Hockey's letter before it was made public?

Mr Hayhurst: I wasn't aware of it, no.

Senator WONG: Ms Millar, were you?

Ms Millar: I wasn't aware of it either.

Senator WONG: So, on the pledge to assist in the Barr inquiry that Mr Hockey articulates, which I assume is an authorised Australian government position, you are telling me that PM&C International Division were not aware of it before it was made?

Senator Cormann: You're quite right in saying that it is the government's position that we will readily assist with an inquiry conducted by a foreign government in the circumstances, as was announced. Of course we would. It would be entirely remarkable for us to make a decision not to cooperate with an inquiry like this. This is obviously a matter where Australia was connected along the way and, to the extent that the Australian government can assist in shedding light on some of those matters in the context of a properly constituted inquiry by the US government, of course we would cooperate in this. There's actually nothing remarkable in
this. It would be very strange if Mr Hockey, representing the Australian government, had said anything else than that of course we would be ready to assist and cooperate.

Senator WONG: I am actually simply asking about process.

Senator Cormann: As I have said right upfront—

Senator WONG: Can I finish.

Senator Cormann: Mr Hockey is an employee of the Department of Foreign Affairs and Trade.

Senator WONG: Sure.

Senator Cormann: The questions around process in relation to these matters—and I think you've now, obviously, appropriately given him advance warning that this is a line of inquiry that you wish to pursue—I think are most appropriately pursued with the Department of Foreign Affairs and Trade.

Senator WONG: I'm asking about the involvement of the Prime Minister's department. If there's no involvement, that will be the answer.

Senator Cormann: Which is what they have indicated.

Senator WONG: Can I finish my question, please. Thank you. I am asking whether or not the Australian government position that is asserted or outlined in the letter from Mr Hockey to the Attorney-General is something PM&C was aware of prior to that letter being sent.

Senator Cormann: This is the government's position, which is appropriately articulated by our Ambassador to the United States. In the context of that question, I've already taken on notice whether anybody in PM&C was involved in any way, shape or form prior to that.

Senator WONG: No, that's a different question. Was PM&C aware prior to that letter being sent that that was the Australian government's position?

Senator Cormann: I have previously taken that on notice.

Senator WONG: Wow. Really?

Senator Cormann: I have.

Senator WONG: The front page of the paper is looking very accurate. It was a very simple question.

Senator Cormann: That is just gratuitous.

Senator WONG: No, it is a very simple question that was—

Senator Cormann: And it will be answered in full. There are a lot of people in the Department of the Prime Minister and Cabinet. I want to make sure we don't mislead.

Senator WONG: Can I ask then: when were PM&C aware that it was the Australian government's formal position that we would use our best endeavours to support the US administration efforts in this matter?

Senator Cormann: Well, can I—

Senator WONG: No, I don't want any commentary about—

CHAIR: Order, Senator Wong! You don't get to direct the minister.

Senator WONG: No, please. I'm asking a simple question, and he is seeking to obfuscate by making a whole range of assertions. I just want to know when the Prime Minister's own
department knew that it was the government's position that Australia would assist with the Barr inquiry. It's a pretty simple question.

**Senator Cormann:** Let me answer it this way for you.

**Senator WONG:** Why won't you answer?

**Senator Cormann:** It is an ongoing, standing position of the Australian government to assist the US government with inquiries where there is some involvement in Australian matters along the way. It would be entirely unremarkable. You should be asking us questions—

**Senator WONG:** Don't tell me what I should do.

**Senator Cormann:** You should be asking us questions if we have made a decision not to support a properly constituted government inquiry.

**Senator WONG:** Chair, are you going to allow this? This is—

**CHAIR:** Order! Minister and Senator Wong, order!

**Senator Cormann:** You are trying to suggest that somehow there should be a particular point when there should have been some major announcement. Well, this is business as usual for us to receive an approach and to make the point that, of course, if there's an inquiry going where we can assist, we are readily prepared to assist. That is entirely unremarkable. The opposite would be very strange indeed.

**CHAIR:** Order! Since you sought clarification, Senator Wong, for the benefit of the committee, it's not appropriate for the minister to suggest to senators how they should ask questions. Equally, it's not appropriate for senators to dictate to ministers how they answer questions.

**Senator WONG:** No, but the problem—

**CHAIR:** Both of those happened within the last five minutes, by senators on both sides. I would ask that neither occur.

**Senator WONG:** When was the approach made for assistance?

**Senator Cormann:** I might have to take that on notice.

**Senator WONG:** Okay, because you just said it would be normal for us to—I am just trying to understand what prompted the letter of 28 May from Mr Hockey offering assistance, and whether or not PM&C were aware as to what prompted it? I will, of course, ask questions at DFAT.

**Senator Cormann:** That's good.

**Senator WONG:** Please, don't. I am asking, if this is business-as-usual, surely, you wouldn't be so worried about answering questions.

**Senator Cormann:** I'm not worried.

**Senator WONG:** Well, then, please answer.

**Senator Cormann:** You can keep asserting, wrongly, that I am somehow worried. I am not worried.

**Senator WONG:** I am asking this question: can PM&C advise what prompted Mr Hockey to write?
Senator Cormann: They have already explained to you, on several occasions now, that they had no knowledge. I have also taken it on notice to see whether there's anything else we can add, for your benefit, for the benefit of the committee and for the benefit of public information, because, of course, we fully support the public right to know. That is why I've gone to the trouble of taking that question on notice, so we can provide proper information.

Senator WONG: Oh dear, I hope no-one in the media actually believes that. He is now covering up—

Senator Cormann: I will also make the point, again, that it is entirely unremarkable—

Senator WONG: You have tried not to answer any questions, and now you're trying to pretend it's because you do want to answer them.

Senator Cormann: It is entirely unremarkable—Chair, I'm answering the question.

Senator WONG: Magnificently.

CHAIR: Order!

Senator Cormann: It is entirely unremarkable for an Australian government to give an indication that, where there is an inquiry in the United States by the US government, involves matters that touch on Australia or Australians, we would, of course, cooperate, as appropriate. That is what we are doing. To the extent that we can add to the specifics through this committee, we will take that on notice. But, of course, you would be well advised to pursue these matters with the Department of Foreign Affairs and Trade, which, I am sure, will be able to, forensically, take you into their confidence in relation to these matters.

Senator WONG: Senator Payne, the day before, on 27 May—which, given the time zone difference, may actually have been more than a day before Mr Hockey's letter—in response to a Radio National interview, which was subsequently reported in the printed press, when asked about the US president's announcement and Mr Downer's role said:

We have not been asked to participate. We would, of course, consider such a request were it to be made. I'm just trying to understand why, on 27 May, the foreign minister says, 'We have not been asked to participate. We would, of course, consider a request,' and we, then, have the ambassador to the US offering to assist. So the position progresses. Are you able to cast any light on that? One day the foreign minister says, 'We haven't been asked,' and the next day we offer. Who was involved in the decision to shift from one position to the other?

Senator Cormann: I think you will find, based on all of the advice that officers at the table have given you in relation to PM&C, that this is a matter that is best addressed to foreign affairs, given it involves the foreign minister, and indeed, an employee of the Department of Foreign Affairs and Trade.

Senator WONG: Did PM&C have any involvement in the government shifting its position or developing its position from Senator Payne's answer on Radio National to Mr Hockey's proactive offer of request?
Senator Cormann: We haven’t shifted our position. What foreign minister Payne, even by your quotation, indicates that we haven't been asked. It is complete and utter business as usual that when you're asked by, in particular, a friendly foreign government to participate in an inquiry that is focusing on matters that a friendly foreign government has decided to get to the bottom of, then, of course, we would be ready to assist. Whether it is a Labor government or a Liberal-National government, that would have been the same approach. I am very certain of that.

Senator WONG: You just said that we've been asked. When were we asked?

Senator Cormann: Again, you have now given quotations which imply that we hadn't been asked at the time of the Senator Payne quote.

Senator WONG: I'm just asking.

Senator Cormann: I have indicated to you that I didn't know when the specific request was made, as has everybody here at this table given you the same advice.

Senator WONG: No, I actually haven't asked them.

Senator Cormann: You did ask them and I’ve taken it on notice.

Senator WONG: No, I didn’t. I asked them something different.

Senator Cormann: You asked them if they were aware, and if they had been aware of when the request was made, then, obviously, the answer to that question would have been different than what it was.

Senator WONG: No, the question I asked was on the 24th to the 28th. I am now making—

Senator Cormann: And before. You also asked about before.

Senator WONG: So when, Ms Millar, did you become aware of any request for assistance by the United States in relation to the Barr inquiry?

Senator Cormann: Given that consistently—

Senator WONG: Wow!

Senator Cormann: No, but given that consistently—

Senator WONG: You really don't want to answer!

CHAIR: Senator Wong, no commentary, please.

Senator Cormann: You are trying to twist something here—

Senator WONG: This is a question of fact. When did they become aware?

Senator Cormann: It is a matter of fact that every officer at the table has indicated that they weren't aware either between the 24th and the 28th or before—

Senator WONG: No, or after. They must have become aware after, at least. So you are still defending the 24th to the 28th—

Senator Cormann: And the period before that, which I have taken on notice.

Senator WONG: Fine. Can you listen to my question, please? When did PM&C become aware of the US request for assistance with the Barr inquiry? Can I have an answer to that question, please? It is incomprehensible that they didn't become aware of it, given you've talked about it and so has the PM, so can you please allow them to answer that question.
Ms Millar: We have had no involvement in this matter in the Prime Minister's department. It has been dealt with by the Department of Foreign Affairs and Trade.

Senator Cormann: Which is consistent with what I have said.

Senator WONG: When did you become aware, even though it may well have been dealt with by the department? You are the Deputy Secretary of the International Division. Surely you became aware at some point? In fact, your boss, your minister, the Prime Minister, has talked about it on David Speers. So when did you become aware there had been a request for assistance?

Senator Cormann: I think the officer has been very clear—

Senator WONG: Wow!

Senator Cormann: You are trying to create a false impression of—

Senator WONG: No, this is a normal estimates process—

Senator Cormann: Indeed?

Senator WONG: It is normal for officers, even if other departments have carriage, to be asked when they first became aware. You ought not intervene. It really demonstrates your unwillingness to answer questions. I am simply asking the most senior person in the Department of Prime Minister and Cabinet responsible for international policy when she became aware of a request from our principal ally for assistance, and you are intervening to avoid answering the question.

Senator Cormann: That is not true.

Senator WONG: Then let her answer.

Senator Cormann: If I may, you are not prepared to accept the answer.

Senator WONG: You haven't let her answer.

Senator Cormann: I completely reject that proposition. You're just not prepared to accept the answer, and the answer is that PM&C, and the PM&C officials at the table, were not involved. That is the evidence, and you are not prepared to accept the evidence.

Senator WONG: Are you aware now, Ms Millar, that the US government has asked the Australian government for assistance?

Senator Cormann: Very funny question, Senator Wong!

Senator WONG: That's a reasonable question. Is there any point at which you will allow her to answer?

Senator Cormann: What have I done? Honestly?

Senator WONG: Come on! Everybody here could answer that. Ask the crossbench what they reckon.

Senator Cormann: I have taken the relevant questions on notice.

Senator WONG: I ask the question: Ms Millar, are you now aware?

Ms Millar: I'm obviously aware of information that has been in the public domain and information that the Prime Minister himself has commented on. But I just would reiterate that this department has not been involved in these issues, so we really haven't been following it closely at all.
Senator WONG: Wow!

Senator Cormann: This is a routine matter. I know that as part of the international Left you are trying to create some sort of false conspiracy around this—

Senator WONG: Really?

Senator Cormann: but the truth is that this is—

Senator WONG: Why don't we mention socialists as well and reds under the bed! Come on, Mathias! Grow up! This is crazy stuff. Grow up, Mathias!

CHAIR: Order!

Senator Cormann: There is nothing remarkable about the Australian government assisting a US government inquiry—

Senator WONG: It sounds like QAnon conspiracy theories internationally. It's ridiculous. Grow up! Really, that's beneath you.

CHAIR: Order, Senator Wong!

Senator Cormann: That is precisely what this is.

Senator WONG: You know what I'm like, and you know I am asking reasonable questions. You are trying to distract. So you are trying to tell me, Ms Millar, that you and Mr Hayhurst only have knowledge of the request from the US for assistance because of what's been in the public arena. Is that correct?

Ms Millar: I think that's correct. I would have to—

Senator WONG: Please be very careful with your answer.

CHAIR: Order, Senator Wong!

Ms Millar: I am trying to be accurate here, because there has been a lot of talk about this issue. But, as I said, we have not been involved in it. I would probably need to take on notice exactly when we became aware.

Senator Cormann: Which we already have. That is precisely why we have taken it on notice. We've gone around and around in circles. I have made the point, and I will make the point again: we've taken it on notice not to hide anything—

Senator WONG: Everyone watching can see how little Mathias Cormann wants officials to answer any questions.

Senator Cormann: We're taking this on notice because we are very keen to make sure that the information that is put in the public domain in relation to this and other matters is accurate.

Senator WONG: The government's right to know on display, everybody. Here we go again: intervening in questions that are normally asked and answered, and you're just making ridiculous accusations and talking over officials.

Senator Cormann: Well, you're talking over me.

CHAIR: No-one can lecture anyone else on talking over.

Senator WONG: Am I clear, then, that the Prime Minister's department were not consulted on the wording of Mr Hockey's letter?

Senator Cormann: They were not involved, so that is very clearly the implication.
Senator WONG: You know if they weren't involved. This is like Brian Houston and the way in which the government and Mr Morrison refused to answer the question. Can she just answer the question? I am even putting it in the negative so it's easy for them without you intervening. Do I infer from the answer that PM and C was not involved or consulted on the wording in Mr Hockey's letter?

Senator Cormann: Self-evidently not.

Senator WONG: That's the answer. Can anyone at the table tell me whether Mr Barr or the White House asked the Australian government to assist in the investigation; and if so, when and how?

Senator Cormann: That goes to the nature of what we have taken on notice, and I am happy to add that specifically and explicitly to that.

Senator WONG: Do you know why the letter was sent?

Senator Cormann: Again, I was not personally involved. I am obviously aware, like everybody is aware, that the offer of assistance was made, which is entirely unremarkable. It would be very strange if the Australian government refused to co-operate with the US government in an inquiry in relation to the matters at hand.

Senator WONG: Senator Payne says—I thought it was quite reasonable—'We haven't been asked, and obviously if we were asked we would co-operate.' That is a pretty sensible position. Then you get a proactive 'we will co-operate' letter from Mr Hockey. I'm trying to understand why that shifted—why we moved from 'if we're asked we'll help' to proactively indicating. I'm trying to understand: was it in response to some communication, or a judgement; and if so, what happened?

Senator Cormann: The foreign minister will be very well equipped to answer the precise question.

Senator WONG: So you don't know?

Senator Cormann: No, I don't. We have already indicated that we were not involved.

Senator WONG: That is not my question. Does anybody at the table know why the letter was sent?

Senator Cormann: If you are not involved—I have taken it on notice. We will get back to you if there is anything we can add to it.

Senator WONG: You know, officials are required to actually tell the truth here.

Senator Cormann: Yes, sure.

Senator WONG: So if you are saying something that is not correct, they are actually required to advise you.

Senator Cormann: I am entitled to take questions on notice. The people at the table have said that they were not involved.

Senator WONG: I have asked a question. Officials are expected by the parliament to tell the truth.

Senator Cormann: Indeed. I am expected to tell the truth too.

Senator WONG: Yes, expected to.
Senator Cormann: Are you making a reflection—

Senator Wong: You made some assertions about my motivations, which I do not accept and were not truthful, but we are moving on from that.

Chair: That would be good.

Senator Wong: You said no involvement, in answer to a question which—

Senator Cormann: Sorry, let me clarify. I have taken on notice what involvement, if any, by anyone. But everyone at the table has been very clear that they have not been involved.

Senator Wong: You haven't allowed them to answer.

Senator Cormann: That is not right.

Senator Wong: Mr Hayhurst has been allowed to answer one question since he was asked to the table—one.

Senator Cormann: They have been very clear that they have not been involved.

Senator Wong: This is the most interventionist you have ever been.

Chair: For the benefit of Hansard, because it wouldn't have been picked up, I note that the officials by body language assented to Senator Cormann's answer then.

Senator Wong: I will ask them. Is that correct? You had no knowledge as to why the Hockey letter was sent, Mr Hayhurst? I am asking you directly.

Mr Hayhurst: I don't have any knowledge, no.

Senator Wong: When did you become aware of it?

Senator Cormann: We've already taken these things on notice.

Senator Wong: When did he become aware of the Hockey letter? You didn't take that on notice too.

Senator Cormann: I have taken it on notice for PM and C. You know that. You are now just trying to reopen—

Senator Wong: No, I'm not. I'm just astonished at the extent to which you're clamming up today.

Senator Cormann: I'm quite relaxed, actually.

Senator Wong: I don't think anybody watching you would think you are relaxed.

Chair: I will go to Senator Lambie and Senator Patrick for the remaining time before the lunch break.

Senator Lambie: I reckon you'll have to answer this, Minister. The revolving-door ban in the ministerial standards prohibits ex-ministers who have recently left parliament from taking a lobbying role in any of the areas that they had official dealings with during their time in office. It's a good idea in theory. Unfortunately, it's safe to say that ex-ministers don't appear to take these provisions particularly seriously, if seriously at all. As I'm sure you're aware, many people believe that Mr Christopher Pyne and Ms Julie Bishop breached the revolving-door ban by taking up jobs in EY and Palladium respectively. The Prime Minister asked Dr Martin Parkinson, the then Secretary of PM&C, to investigate whether Mr Pyne's and Ms Bishop's new job roles after parliament breached the revolving-door ban. To the
surprise of many, the PM&C report found no issue with these appointments. Is that still the view of the department today—that there is no issue with these appointments that were given?

**Senator Cormann:** Again, I don't agree with the assertion that there was a breach of ministerial standards. Obviously there are two parts of the ministerial standards: one which requires ex-ministers not to lobby for an 18-month period relevant officials and ministers in relation to matters that were in their portfolio and another part that does not allow them to use information that is not publicly available—that is, information that they're privy to only because of their knowledge as a former minister. Neither Ms Bishop nor Mr Pyne have breached those standards. Of course former ministers, of both political persuasions, have to find employment after they leave office to continue to earn an income and pay the bills, but, as Dr Parkinson very clearly outlined, there's a big difference between pursuing future career opportunities based on past experience, which all Australians would do, on the one hand, which is acceptable, and on the other hand something that would be unacceptable, which is to use knowledge that is not publicly available that you're privy to only because of your past portfolio responsibilities. It would be completely unacceptable for a former minister to lobby a relevant official or minister on matters that related to their portfolio in the past.

There have obviously been a number of inquiries now. There has been an inquiry by Dr Parkinson, which established that there was no breach. There subsequently was a Senate inquiry that I think canvassed these issues as well. It was a references committee inquiry, which meant that it was dominated by Labor, the Greens and other non-government senators. I commend the comments that were put forward by coalition senators in that inquiry.

**Senator LAMBIE:** Do you think PM&C followed the normal process for investigating potential breaches of the ministerial standards when looking at the post ministerial employment of Mr Pyne and Ms Bishop?

**Senator Cormann:** The Prime Minister asked Dr Parkinson to review the relevant circumstances, and Dr Parkinson reported back to the Prime Minister.

**Senator LAMBIE:** At a public hearing for that same inquiry Dr Parkinson conceded that relevant statements made by EY and Mr Pyne had not been included in the report. When asked why, he stated, 'No particular reason.' What's the go there?

**Senator Cormann:** Dr Parkinson has now left, of course. The advice that I have is that the process that was followed was standard. Obviously, Dr Parkinson, in his own independent judgement, pursued those lines of inquiry that he felt were necessary in order for him to form his view, and he came to a concluded view, which was subsequently shared with the Prime Minister and has subsequently been scrutinised by the inquiry.

**Senator LAMBIE:** How does the department actually determine what information should be included in a report of this nature? Does it have guidelines?

**Senator Cormann:** It obviously depends on the circumstances of the particular case. It was actually pretty open and transparent what Mr Pyne and Ms Bishop had taken on, so the facts were all very clear. The question was a matter of testing them against the relevant parts of the standards, and that's what Dr Parkinson did, I'm sure, to the best of his ability.

**Senator LAMBIE:** So to regain public confidence in politicians, which is a big job, I did note that the senate inquiry recommended the investigation into Mr Pyne and Ms Bishop's post ministerial appointments be reopened. When do you think that will happen?
Senator Cormann: It won't. We don't believe that there is anything further to investigate in relation to these matters. These matters have been widely canvassed. Mr Pyne and Ms Bishop are both aware of their responsibilities under the ministerial statement of standards, and they've both indicated—I think they indicated to the committee—that they will continue to comply, as is appropriate.

Senator LAMBIE: Every politician knows they can go do whatever they like now, because nothing is going to happen to them. You can go and work for whomever you want—let's be honest—because there are no penalties. It's just smoke and mirrors out there to make yourselves look good in front of the public eye, which has come back to bite you fair on the backside, as they've worked out exactly what's going on here.

Senator Cormann: I disagree with that proposition.

Senator LAMBIE: Do you, at the very least, intend to have an internal review into the processes involved in investigating potential breaches of the ministerial standards, or into, at the very, very least, hardening them up and tightening them up so these things don't happen? Because, quite frankly, let's face it, I can go and run amuck, and I am a parliamentarian. That's exactly what's going on up here. It's not just over ministerial standards. There is no discipline up here for parliamentarians when they do things wrong. There's absolutely nothing you can do and they get to keep their seats. This is not the way forward. Do you intend to have an internal review of the ministerial standards—at least starting from there, having a good look at the ministerial standards and hardening them up a little bit?

Senator Cormann: As far as the government is concerned—

Senator LAMBIE: Or a proper ICAC.

Senator Cormann: As far as the government is concerned, that specific process has come to a conclusion. In terms of the general statements about members of parliament at large, it is obviously entirely a matter for the parliament to make judgements on what, if any, rules the parliament wants to impose on itself and its members. It's very hard for me to make a generic statement in response to what you have just indicated there.

In relation to the statement of ministerial standards, it's obviously very clear about what is required. All ministers, and former ministers of that period, are expected to comply. Let me just make a broader point. In particular, since the appropriate changes to parliamentary superannuation ranges in 2004, members of parliament and ministers, once they leave office, invariably, will have to continue to earn an income. I think we've got to be careful not to put Australia into a position where it's completely impossible for former politicians to continue to earn an income to look after their families. There ought to be appropriate safeguards around all of this to ensure probity and integrity. That is clearly understood, and the ministerial statement of standards provides that.

Senator LAMBIE: I can understand a job, but I think it's rubbish. I had to stay on the sidelines for 20 months and, I can assure you, I did not walk into a jobs-for-mates job when I walked out of here, and I survived quite nicely. My next question is, because there seems to be no public confidence in politicians—and let's be honest: there is no trust or faith anymore—are you at least talking about a federal ICAC? That is exactly what the people out there want. If you've got nothing to hide and you think you're staying on the straight and
narrow, what is stopping you? I am just more concerned about how the public are looking at us right now. It is a massive problem that we don't have an ICAC sitting over the top of us.

Senator Cormann: We're committed to the establishment of a National Integrity Commission. That is a pretty complex exercise, which the Attorney-General is leading. There is obviously quite a bit of drafting and preparatory policy work that is involved in relation to these matters to make sure that the settings are right. It is one of the things on the agenda for this term of parliament.

Senator LAMBIE: When will we have public hearings attached to it?

Senator Cormann: It would be best to address that question in the Attorney-General's portfolio.

CHAIR: I think we're right on time for the scheduled lunch break. Senator Patrick, we'll have to come back to you after the lunch break.

Senator WONG: Could I ask one question?

CHAIR: You can ask one question.

Senator WONG: Perhaps you can come back prepared for this. I understand that on 7 October Senator Lindsey Graham wrote to the Prime Minister regarding cooperation with the Barr investigation. I assume the PM&C is at least aware about that letter? Is that correct?

Senator Cormann: We will check during the break—

Senator WONG: It was actually correspondence to the Prime Minister, so it's very hard for that to not be something you're aware of.

Senator Cormann: I don't personally have visibility, day to day, of the Prime Minister's correspondence.

Senator WONG: I'm asking officials; that's generally what happens.

Senator Cormann: I'll check. We'll come back after question time to see whether we can assist.

Proceedings suspended from 12:30 to 13:30

CHAIR: The committee will now resume and, as flagged before the break, Senator Patrick has the call.

Senator PATRICK: Thank you, Chair. I have two lines of questioning. One relates to cabinet governance, and the second relates to FOI, if that assists you in having people ready to respond. By way of background, Ms Foster, I put in an FOI request some time ago after some dates in a few official diaries relating to cabinet. All of the FOIs were refused on the basis of Cabinet-in-Confidence. The matter then went to the Information Commissioner. I think the Information Commissioner may well have been highly persuaded by Justice Jagot in the Dreyfus matter. You'd recall Senator Brandis and Mr Dreyfus were doing some FOIs in relation to diaries, where Justice Jagot said:

Assume that a diary entry said merely "Cabinet meeting" … I do not accept that such an entry could attract the operation of s34—

which is the Cabinet-in Confidence provision—

in any circumstances.

He went on to say:
The fact contemplated by Mr O'Sullivan that someone might put together the day with a Cabinet decision in order to glean what the meeting might have been about is immaterial. It does not turn a diary record of a scheduled Cabinet meeting into a Cabinet document …

Now, the Information Commissioner's granted full access to the diaries. It was appealed by PM&C as an interested party, but PM&C, before the AAT, then dropped the matter. You will be familiar with that?

**Senator Cormann:** This is in relation to the former Attorney-General and former Senator Brandis?

**Senator PATRICK:** Justice Jagot made a ruling in the context of those proceedings with Senator Brandis.

**Senator Cormann:** He made a comment, did he?

**Senator PATRICK:** More than a comment: a weight in the context in part of his decision. The Brandis matter was appealed to the full bench. That particular point wasn't agitated; it was accepted.

**Senator Cormann:** I'm not sure whether there was a specific finding. Let me make the general point and perhaps the officials can help you a bit further. As you know, it's a longstanding practice not to disclose information about the operation and business of the cabinet, including whether the matter went to cabinet, who attended and what form of submissions were provided, the sequence of cabinet and other meetings. To do so would potentially reveal the deliberations of cabinet. That is outlined, as I am sure you know, in paragraph 132B of the Cabinet Handbook. That is not something that is new under our government. That is the way this has operated under governments of both political persuasions.

Having said that, obviously, through the court process, from time to time, relevant issues might be pursued and general comments might be made. As I understand it, I don't believe the question at hand at the time in relation to Senator Brandis's diary was in relation to the deliberative processes of cabinet. I don't think that that was the specific issue that was being adjudicated on but, of course, in any event these matters are case-by-case decisions. FOI decisions are not made by the government; they are made by the relevant officials under the act consistent with the statutory responsibilities they have under the act. These things are reviewed, as you also know. I might just ask Ms Foster to add to that.

**Ms Foster:** Yes, I am aware of that sequence of events. And, without wanting to be nit-picky, we actually settled the matter with you rather than drop the matter.

**Senator PATRICK:** That's right, by consent. So, by consent, you agreed that the dates were to be released to me, in that specific case, and they have been released to me. In essence, and to go back to Senator Cormann, the jurisprudence on this is clearly now in favour of the principle that a cabinet date is not cabinet-in-confidence. Indeed, it only entered into the Cabinet Handbook between version seven and version eight. Cabinet-in-confidence is a principle that goes back to King George III. So over a period of time, someone decided to add this—between the seventh and eighth versions of the Cabinet Handbook—and I don't think members of the executive should seek to override the opinion of a justice in respect of that. I note that the new edition of the Cabinet Handbook has just come out, number 13. Dr Parkinson wrote to me and said that they were going to consider that matter in the context of
the new cabinet handbook, and the new cabinet handbook still makes the claim that cabinet dates are cabinet-in-confidence, yet that is inconsistent with the jurisprudence.

**Senator Cormann:** Again, obviously, the officials that make assessments on FOI applications don't make political decisions—

**Senator PATRICK:** No, this is a legal decision.

**Senator Cormann:** They make legal decisions, and they make these independently from government. Having said that, I'd be very surprised if people in this place and the media in this place weren't aware when cabinet was meeting. I think it's a pretty open secret when these meetings take place. Look, I'm happy to take on notice to see whether there's anything further we can add in the context of the legal position.

**Senator PATRICK:** We currently have officials making statements in the *Cabinet Handbook* which are inconsistent with the words of Dr Parkinson. He said, 'recent case law, including the authorities you mentioned, will be taken into consideration when recommending the updates'.

**Senator WONG:** There's a new secretary.

**Senator Cormann:** Well, to be fair, listening to what you've read out there, I can only assume that they were taken into consideration, they were taken into account, and that valid judgements were made. I'm not an expert in terms of the law in relation to all aspects of this. But I'm happy to see whether there's anything further we can add to that.

**Senator PATRICK:** Sure, if you could on notice perhaps provide the rationale behind the decision to retain it, noting that the jurisprudence would suggest it's not the case.

**Senator Cormann:** I'm happy to provide that.

**Senator PATRICK:** I will move on to another point, but it also goes to cabinet. In *The Australian* newspaper on 11 October, Ben Packham wrote an article in which he said:

Chief of Navy Mike Noonan told the Pacific 2019 international maritime expo that the unprecedented importance of Finance in defending the nation was brought home to him earlier this year when he attended a meeting of cabinet's national security committee—

And he is quoted—

"We were talking about a submarine construction yard issue for which the Minister for Defence had the lead," Vice-Admiral Noonan said. "The Minister for Defence didn't say a word as the presentation was delivered to the Prime Minister. It was Mathias Cormann, the Minister for Finance, who did the talking. And the Prime Minister agreed. It was quite remarkable, and you would not have seen that 10 years ago."

He then went on to talk about what Ms Huxtable did in the cabinet as well. I'm just wondering if the rules have changed, to the point where officials can now simply talk about what happens inside cabinet meetings. Was he authorised? Has the situation changed?

**Senator Cormann:** The rules have not changed. Chief of Navy should not have made those remarks, and I think Chief of Navy is well aware of that.

**Senator PATRICK:** Okay, I'll leave it at that and maybe take that up in Defence estimates. Ms Foster, the final matter relates to a report in *The Guardian* about a matter that's dear to my heart: 'Whistleblower hits out at PM's department over "pervasive and toxic" disregard for law'. It was in relation to FOI. I won't go into the full details but, fundamentally,
this whistleblower raised the concern across 25 examples of FOI requests and—he or she; we don't know who it was—suggested that they 'had been handled unlawfully, saying they showed a "politically motivated, pervasive and toxic" disregard for FOI law.' It then said that the department, presumably in accordance with the PID Act, investigated that matter and there was a report.

Ms Foster: That's correct. We're a little constrained here because of the terms of the PID Act.

Senator PATRICK: I understand.

Ms Foster: So I'm not able to comment on the PID.

Senator PATRICK: Just to correct you, the secrecy provisions in the PID Act are subservient to the inquiry powers of the Senate, because our powers come from the Constitution. That's recognised in Odgers, but of course you can advance public interest immunity in respect of that if you choose to

Ms Foster: Where I was going to go was to say that at the period when that inquiry was made—we're talking about nearly two years ago; it was about January 2018—we were in fact experiencing some problems managing our FOI caseload. At no point has there ever been a culture of wilful disregard for our legislative responsibilities. In fact, since the start of last year we've invested significant resources, so we now have a record on FOI which we are very proud of. For 2019, as at 14 October, we had finalised 94.5 per cent of requests within the applicable statutory time frame, and all but one within one day of it.

Senator PATRICK: Yes, but the timing of FOIs is very different to what you actually disclosed. You can finalise an FOI and have it completely redacted, and that ticks that box. It doesn't necessarily mean that you've complied with the law. Of course, in FOI the presumption is always that the citizen is allowed access to information except in circumstances where there's an exemption. So numbers are one metric. The measure of redaction is in some sense another metric. It goes to the quality rather than the quantity.

Ms Foster: I don't believe that it was the quality that was in question.

Senator PATRICK: Okay. I know one that's not finalised, and that's one that's before the AAT at this point in time. I'm eager to progress that. Just going back to the PID, obviously it raises a concern from a parliamentary perspective, because FOI is an important right to know attribute—using the theme of the day—of our system of responsible government. Is it possible, without identifying the discloser, to release or provide to the committee the report and any actions that followed as a result of the report? I respect there is public interest in not disclosing any person. We don't want to in any way dissuade people from blowing the whistle. But is there any way you could release that report to the committee so we can see what was said, how you responded to it and what you've done in response to that?

Ms Foster: I'll certainly take that on notice. I'd like to seek advice on what I can and can't do.

Senator PATRICK: I understand, so I'd be grateful for whatever you could provide. I just want to also have you put this on the record. I presume that the person who made this disclosure has attracted all protections under the PID Act. So it wasn't dismissed; it was recognised as a PID and processed accordingly, and that person now has a particular protection?
Ms Foster: Absolutely.

Senator PATRICK: Thank you.

Senator WONG: I think prior to the break we were having a discussion about PM&C's involvement in or knowledge of the Australian government engagement on the Barr inquiry. I think the answer prior to the break was that you had no involvement in relation to Mr Hockey's letter of 28 May. I'm asking: after 28 May, was there a reply to Mr Hockey's letter, and were you made aware of it?

Senator Cormann: The only pieces of correspondence that I'm aware of are the piece of correspondence dated 28 May, which was subsequently tweeted, as I think you know—that was in the context of the letter on 2 October, which you referenced just before the break, from Senator Graham.

Senator WONG: Yes. I'll—

Senator Cormann: If I may, I guess the context in which to see the letter of Mr Hockey on 28 May is that, really, this is an entirely unremarkable approach by our foreign representative in the United States, in the context of an inquiry that was announced in the United States on 24 May by the government, where there was some Australian connection. And, you know—

Senator WONG: I'm actually just asking if there was a reply that PM&C are aware of.

Senator Cormann: I am not aware of any reply.

Senator WONG: Are PM&C aware of any reply?

Ms Millar: That was it, thank you. There is also the letter to the Prime Minister of 2 October, from Senator Graham, requesting Australia's continued cooperation with the investigation. Was PM&C aware of that letter?

Senator Cormann: That is a letter that was sent to the Prime Minister alongside—you raised it before the break, so I have reviewed the correspondence since then. I believe it was sent to three prime ministers at the same time. Mr Hockey responded to that letter—

Senator WONG: I haven't asked any of those questions.

Senator Cormann: on behalf of the government, and I believe that Mr Hockey, at that time, tweeted his reply as well as the earlier 28 May letter, bearing in mind that Senator Graham also had tweeted his letter to those three prime ministers.

Senator WONG: I'll repeat the question. Was PM&C aware of Senator Graham's letter to the Prime Minister?

Ms Millar: We saw the media reports. We haven't received a copy of the letter in the department.

Senator WONG: You haven't received a copy in the department?

Ms Millar: No.

Senator Cormann: It's a foreign affairs matter that was dealt with by our representative in the United States, the ambassador, Joe Hockey.

Senator WONG: Could I just ask a question before you start the defence?
Senator Cormann: Your eye rolling is an interpretation of the answer that you have received.

Senator Wong: No, I was trying to ask a question and you interrupted.

Senator Cormann: No. I was adding to the answer by the official, as I am entitled to do.

Senator Wong: Have you finished?

Senator Cormann: There was a full stop at the end of my sentence, so if you want to ask another question, feel free.

Senator Wong: I'm asking her.

Senator Cormann: I'm entitled to take questions.

Senator Wong: Just to confirm, Ms Millar, what your answer means, at no stage has the PMO sent this letter from Senator Graham to PM&C for advice or apply. Is that correct?

Ms Millar: We have not received it, at this stage, no.

Senator Wong: But you were aware of it from media reports?

Ms Millar: Yes, we were.

Senator Wong: Are you aware or were you advised by anyone in government as to where that letter was sent?

Ms Millar: No, we weren't.

Senator Wong: In the letter, Senator Graham suggests that Mr Downer was, and I'm using his words, 'directed to contact a Trump campaign staffer'. Mr Hockey, in his reply, rejects that characterisation. Was PM&C involved, in any way, with Mr Hockey's response to Senator Graham's letter?

Senator Cormann: You've gone through this earlier today. The PMC has not been involved in this matter.

Senator Wong: No, this is a different letter. There are two letters, sorry. This is a second letter. I am entitled to ask questions. There is the letter of 24 May. We are now on the October letter—

Senator Cormann: I understand that.

Senator Wong: Let me finish—the letter to the Prime Minister. It's a very simple question that I'm asking. There is a letter to the Prime Minister. There is a response to the Australian ambassador. Was there any PM&C involvement?

Senator Cormann: And PM&C has consistently—

Senator Wong: Can I finish the question, please?

Senator Cormann: I thought that was a question, right at the—

Senator Wong: I have not finished the question. Can we please, at least—

Senator Cormann: Let's get on with it.

Chair: Order! You have the call, Senator Wong.

Senator Wong: I'll start again. PM&C's evidence is that you had no knowledge other than what was in the public arena of Senator Graham's letter to Mr Hockey. I'm asking if there
was any PM&C involvement in the drafting of the reply from Mr Hockey and in particular the rejection of the characterisation of Mr Downer's behaviour.

Senator Cormann: The consistent advice and response by officials this morning—all morning—which is a blanket response that covers all of these matters, is that PM&C has not been involved in this matter.

Senator Wong: In which matter?

Senator Cormann: In the communications between the Australian government and US administration. We have an ambassador in Washington who obviously represents the Australian government. These communications, as is a matter of public record, occurred between the Australian Ambassador to the US, Mr Hockey, on behalf of the Australian government in the ordinary course of events.

Senator Wong: Actually, Senator Graham wrote to the Prime Minister. The President also called the Prime Minister. I assume, because the Prime Minister has spoken about it, that the department is aware of a telephone call between President Trump and the Prime Minister in September.

Senator Cormann: That was way post the announcement that we're now talking about on 24 May.

Senator Wong: No, it's actually before because we were talking about the letter on 2 October.

Senator Cormann: Hang on. September is after May. So 24 May was when the US administration made the announcement and 28 May was when Mr Hockey wrote his initial letter.

Senator Wong: And 2 October was the date on which Senator Graham wrote his letter. I'm now asking something different. I'm asking about the telephone call with the Prime Minister. Can PM&C tell me if they were involved in setting up that phone call?

Ms Millar: PM&C are aware of the call. It took place on 5 September. We were made aware in advance that a call had been requested.

Senator Wong: By?

Ms Millar: By the United States.

Senator Wong: Are you aware that it would be from the President, not the Secretary of State?

Ms Millar: I think we were. I was actually not in the office that day—I was travelling—

Senator Wong: Who was?

Ms Millar: but that's my understanding.

Senator Wong: Okay. Does Mr Hayhurst have direct knowledge?

Mr Hayhurst: I was aware in advance that the President had requested a call that day.

Senator Wong: On 5 September?

Mr Hayhurst: That's right.

Senator Wong: How long before the call were you made aware?
Mr Hayhurst: Not long—a couple of hours or something like that. I haven't checked the precise—

Senator Wong: And to your knowledge how long was it between the President's request and the Prime Minister actually taking the call?

Mr Hayhurst: I'm not certain exactly, but calls between leaders often happen at short notice, and this was one such occasion.

Senator Wong: It would have been within a 24-hour period?

Mr Hayhurst: I'd have to check to be sure, but that sounds to be roughly what it was.

Senator Wong: Were PM&C officials on the call?

Mr Hayhurst: No.

Senator Wong: To your knowledge, was any member of the Prime Minister's staff on the call?

Mr Hayhurst: Not to my knowledge.

Senator Cormann: I'll take that on notice to be precise.

Senator Wong: Were any notes taken in relation to the call?

Senator Cormann: I'll add that to the question on notice.

Senator Wong: Did PM&C receive a download of the call?

Mr Hayhurst: I received a brief readout from the office after the call had taken place.

Senator Wong: And what was that readout? Was that verbal or written?

Mr Hayhurst: It was a verbal readout.

Senator Wong: By?

Senator Cormann: I don't think we name individual staff members. Obviously, based on the evidence, it was from a staff member in the Prime Minister's office. I would ask you not to insist on names being mentioned.

Senator Wong: That has never been a courtesy your people have observed—

Senator Cormann: That is not true. I have always observed that.

Senator Wong: That is true. I've been in here with Senator Abetz and others who have done so.

Senator Cormann: I have always observed that.

Senator Wong: I just want to know if it was an international person. I'd like the name of the position the person holds.

Senator Cormann: I've taken that on notice.

Senator Wong: Did you take any notes of that?

Mr Hayhurst: I didn't take notes of that readout, no.

Senator Wong: Did you then inform your colleagues about what was in the call?

Mr Hayhurst: I alerted Ms Millar, who was away, that the call had taken place and said that I would tell her about it when she returned to Canberra.

Senator Wong: What topics were covered in the call?
Mr Hayhurst: I was advised that the call was in relation to the matter we've been discussing and that DFAT would follow up.

Senator WONG: What was DFAT going to follow up?

Mr Hayhurst: I wasn't given that detail, I was just told that's what it was about—DFAT was following up. There was no further action required by PM&C.

Senator WONG: Between May and October were there any particular requests made of Australia by the US government in relation to the Barr inquiry, that you have knowledge of?

Mr Hayhurst: Not that I have knowledge of. You'd have to check with DFAT.

Senator WONG: I will. In terms of this cooperation, because of the sensitivity, this would be the sort of matter where you might get an IDC or at least consultation. What is the process by which Australian government officials deal with any request from the US in relation to the Barr inquiry?

Mr Hayhurst: There is nothing like an IDC process. It has been clear that this matter was going to be led and handled by DFAT, and that's what's happened throughout.

Senator WONG: Not Home Affairs?

Mr Hayhurst: To my knowledge, they don't have any involvement.

Senator WONG: I want to give you the opportunity to publicly confirm this, Senator Cormann. Mr Hockey has rejected Senator Graham's characterisation of Mr Downer's behaviour in his letter. Is that the government's position?

Senator Cormann: Mr Hockey speaks for the government and I don't really have anything else to add to that.

Senator WONG: So how would you characterise Mr Downer's role in this matter?

Senator Cormann: I'm not going to provide a commentary. Mr Downer was, of course, an official in the Department of Foreign Affairs and Trade. I have insufficient knowledge of all of the ins and outs in relation to this issue to provide any subjective commentary. But I can at least confirm that Mr Hockey speaks on behalf of the Australian government in the United States.

Senator WONG: Does the Australian government stand by all of Mr Downer's actions whilst he was High Commissioner?

Senator Cormann: I'm not going to provide a running commentary. There is an investigation underway. Mr Hockey, obviously, has made some clear statements, which you have referenced, and Mr Hockey speaks on behalf of the Australian government.

Senator WONG: That's a significant avoidance of the question.

Senator Cormann: Not at all.

Senator WONG: It will be interpreted as you not standing by Mr Downer's actions. I'm being fair. I'm giving you the opportunity again. Does the Australian government stand by all of Mr Downer's actions in relation to this matter?

Senator Cormann: Mr Hockey has expressed the view of the Australian government in his correspondence, and I support Mr Hockey's statement on behalf of the Australian government.
Senator WONG: Actually, all Mr hockey has done is reject a particular characterisation from Senator Graham. I'm now moving on from that. Mr Downer was the High Commissioner. A whole range of assertions have been made publicly about his behaviour. Mr Downer has given a number of media interviews about this. I am asking you, representing the Prime Minister: does the Australian government stand by all of Mr Downer's actions in relation to these matters whilst he was High Commissioner?

Senator Cormann: The area where you could best address those questions is the Foreign Affairs, Defence and Trade estimates. I don't have personal knowledge of all of the matters you are seeking to reference, and I'm not going to start providing a running commentary in relation to matters I don't have sufficient direct knowledge of.

Senator WONG: Does Mr Morrison, whom you are representing today, stand by all of Mr Downer's actions?

Senator Cormann: I'll take that on notice and make sure that the appropriate answer is provided in due course.

Senator WONG: Mr Morrison, in an interview with Mr Speers, claimed that there were two issues discussed in the call with President Trump. One issue was the Barr inquiry and requests from the US President for assistance and engagement—I think it was described as 'a point of contact'. The second issue was the visit to the White House. I want to confirm that that is what is on the public record. Is that correct, Senator Cormann?

Senator Cormann: That is on the public record and that's correct, yes.

Senator WONG: Were there any other matters discussed?

Senator Cormann: I'm not aware.

Senator WONG: So, only two matters?

Senator Cormann: I've already taken on notice, previously, who was there and what else was discussed—to the extent that we can assist you with that, because you do of course know that this goes to the matter of foreign relationships—

Senator WONG: Sure. I'm being quite careful about what I'm asking. It is interesting that the US President would contact the Prime Minister of Australia to ask for a point of contact in relation to matters—it just seems that surely there were other matters discussed, not just a point of contact.

Senator Cormann: I'm sure that there were a range of matters discussed, but I'll leave the interpretation of what you think it was to you. I'd go back to my observation earlier. From the Australian government's point of view, it is entirely unremarkable for an Australian government to assist the US government with an inquiry that they're undertaking in relation to matters that have some bearing in relation to Australian matters.

Senator WONG: Sure. I'm just asking about it, if it's unremarkable. I'm actually just asking: who was the point of contact that he was provided with?

Senator Cormann: In relation to what?

Senator WONG: The Prime Minister's said publicly that the President called him to get a point of contact in relation to the Barr inquiry. I'll read you the answer, if you'd like—the transcript of 2 October, the Prime Minister's interview with Mr Speers:
A couple of weeks ago as you said the President contacted me and asked for officially a point of contact between the Australian Government and the US Attorney which I was happy to do on the basis that it was something we'd already committed to do and then we had a quick chat about looking forward to the meeting we were soon to have in Washington.

So, who was the point of contact which was subsequently advised?

Senator Cormann: Well, this is a matter for DFAT, as I've previously indicated.

Senator Wong: No, it's your Prime Minister, the national Prime Minister.

Senator Cormann: Sure, and the matter has been dealt with by the Department of Foreign Affairs and Trade and by our ambassador in the United States, Mr Hockey. I've been at pains to explain that Mr Hockey represents us in the United States.

Senator Wong: Who was the point of contact?

Senator Cormann: And the point of contact in the United States on matters on behalf of the Australian government—the first point of contact—is Mr Hockey, as our ambassador to the United States.

Senator Wong: Who is the point of contact the Prime Minister referred the President to?

Senator Cormann: I will take on notice whether I can add anything further to it, but I repeat: the first point of contact in relation to matters involving the Australian government in the United States is our outstanding and distinguished ambassador to the United States, my good friend Joe Hockey.

Senator Wong: Okay, Senator Cormann: we have the leader of the United States calling the leader of Australia, and the leader of Australia has told the Australian people that it was to ask for a point of contact, and I'm asking, who was identified as the point of contact?

Senator Cormann: I'm happy to keep repeating it. I've taken on notice whether I can add anything to it, but I'm making the point again that the lead responsibility rests with the Department of Foreign Affairs and Trade, as has been indicated by PM&C officials consistently now for some time too. But of course the primary contact for US officials when it comes to matters related to the Australian government in the US is our ambassador to the US, Mr Joe Hockey.

Senator Wong: So, did the Prime Minister tell the President that Mr Hockey was the contact?

Senator Cormann: I have taken on notice whether there's anything I can add—

Senator Wong: Who he told the President was—

Senator Cormann: Well, I've taken on notice whether I can add to it.

Senator Wong: It's a pretty simple question. The President of the United States—

Senator Cormann: I was not in the conversation—

Senator Wong: No, but do officials know who the Prime Minister identified as the point of contact to the President of the United States?

Senator Cormann: I have already taken it on notice. I've already indicated to you that I was not part of the conversation. The officials weren't part of the conversations. But I'd just point out again that the reason we have an ambassador like Mr Hockey in the United States is to have a primary contact for the US government on Australian matters, as we have...
ambassadors and high commissioners in countries all around the world, to be the primary contact.

**Senator WONG:** Have you been asked who the primary contact is by any of your US counterparts, Mr Hayhurst or Deputy Secretary Millar?

**Mr Hayhurst:** No.

**Senator WONG:** Do you know who the Prime Minister identified to the President of the United States was the primary contact?

**Mr Hayhurst:** I don't know what was said in the call, no.

**Ms Millar:** No, neither do I.

**Senator Cormann:** None of us were part of the call.

**Senator WONG:** No, but you're here representing.

**Senator Cormann:** And that is why I've dutifully taken the question on notice. You can persist with asking us to answer a question that we can't assist you with any further than what we've already indicated to you.

**Senator WONG:** Is DFAT leading the Australian government assistance with the Barr inquiry?

**Senator Cormann:** The first point of contact in the US on Australian government matters is our ambassador, Joe Hockey, who is an employee of the Department of Foreign Affairs and Trade.

**Senator WONG:** This is about cooperation. Moving on from the fact that you won't tell people who the point of contact that Mr Trump was told was, that's okay. I'm leaving that for the moment. It's pretty remarkable but, given that's what he said, you don't want to tell people that. Leaving that aside, I'm now moving to the next point. We have offered cooperation and assistance. I want to confirm, is DFAT the department who is coordinating any requests for assistance to the Australian government in relation to the Barr inquiry?

**Senator Cormann:** I've previously taken it on notice at the operational level to provide you with whatever assistance we can sensibly provide to give you an indication of how that cooperation is taking place or will take place. I'm not aware to what extent there have been actual steps taken to this point. I'm genuinely not aware. I wouldn't expect to be aware. But what the Australian government has indicated is a general—

**Senator WONG:** Perhaps you could allow some of the remaining time to Mr Hayhurst—

**Senator Cormann:** If I may finish—

**Senator WONG:** You haven't actually allowed anybody of—

**Senator Cormann:** the answer. The government has—

**Senator WONG:** It's the public's right to know.

**CHAIR:** Order!

**Senator WONG:** It's the public's right to know.

**Senator Cormann:** You're desperately trying to—

**CHAIR:** Minister and Senator Wong, please both come to order. Senator Wong, you have been hypersensitive to the minister interrupting your questions early. I think you should give
the same courtesy to him in allowing him to answer the questions, and then you can ask your follow-up questions if need be.

Senator Cormann: What the government has done, in a pretty unremarkable fashion, is provide a general indication that, of course, we stand ready to assist the US government with their inquiry. That is entirely unremarkable. It would be very strange if we hadn't been prepared to do so. To what extent that has translated into specific operational steps in practice, as I sit here with you today, I don't know. But what I will undertake to do on notice, because our government is fully committed to the public's right to know, is provide you with whatever information I can in order to assist you with that inquiry.

Senator Wong: The Prime Minister has said of the US Attorney-General: …we will cooperate with inquiries that he makes, and again in accordance with our interests. He then went on to say:

These are matters that are being dealt with by officials at this stage.

Can you tell me which officials he is referencing?

Senator Cormann: That is just another way of saying precisely what I've just said. There is an indication that the government—

Senator Wong: I'm just ask which department.

Senator Cormann: If I may: there's a high-level indication by the Australian government that, of course, we stand ready to cooperate with a US government inquiry. Obviously, that sort of inquiry is then not operationalised.

Senator Wong: No, that's not right. That's why—

Senator Cormann: It is operationalised at an official level. I've already taken on notice the question of who is involved and what may or may not have occurred since these statements were made, bearing in mind that the correspondence is essentially only three or four weeks old.

Senator Wong: No, that's not correct. Here we go. This is the Prime Minister again, '…the engagement is being had at officials-level'. He is asked:

And are these foreign affairs officials or are they?

The Prime Minister responded:

They're Australian Government officials.

And:

Well I'm not going to go into which ones they are.

I want to know who they are.

Senator Cormann: And I've taken it on notice.

Senator Wong: It is a reasonable question.

Senator Cormann: It is.

Senator Wong: The Australian government has been asked by the US government to assist in the Barr inquiry. I am asking you in this forum: officials from which department are handling that request? Could you please answer that question?
Senator Cormann: I have taken that question on notice. I've told you that I will, on behalf of the government, provide the information that we can appropriately provide in response to that question.

Senator WONG: Has the Prime Minister discussed the investigation with Mr Downer?

Senator Cormann: Not that I'm aware. But, again, I would have to check that on notice to be absolutely sure.

Senator WONG: Have any ministers to your knowledge or the Prime Minister's knowledge discussed the investigation with Mr Downer?

Senator Cormann: Not to my knowledge. I would have to take that on notice.

Senator WONG: Have the PMO discussed this investigation with Mr Downer?

Senator Cormann: Not to my knowledge.

Senator WONG: Has anyone from PM&C had a discussion about this investigation with Mr Downer?

Ms Millar: Not to our knowledge.

Senator WONG: The ABC has reported Mr Hockey met with Mr Barr on the morning of 24 June 2019. Are PM&C aware of that meeting?

Ms Millar: I don't think we were. As I said to you previously, we haven't really been following this issue closely. It has been handled by the Department of Foreign and Trade.

Senator WONG: Including the coordination on any requests?

Ms Millar: Yes, that's correct.

Senator WONG: Thank you for answering the question that Senator Cormann has just spent a long time avoiding.

Senator Cormann: That's just not true.

Senator WONG: Do you know who initiated the meeting between the US Attorney-General and Ambassador Hockey in June?

Senator Cormann: That is a matter that should be addressed to Foreign Affairs and Trade.

Senator WONG: I am just asking—

Senator Cormann: She just said that they weren't aware at the time. It is a matter that should be addressed to Foreign Affairs and Trade portfolio.

Senator WONG: But PM&C may be aware. I am entitled to ask whether they were aware.

Senator Cormann: This is a matter that goes directly to Foreign Affairs and Trade.

Senator WONG: I am asking: was the International Division of Prime Minister and Cabinet aware of those meetings?

Senator Cormann: No, that's not what you asked. You asked who had organised the meeting.

Senator WONG: No, that was the previous question. Please keep up. I am asking: were you aware of the meeting with Mr Hockey?
**Senator Cormann:** That was your previous question and the answer was that they weren't aware at the time.

**Senator WONG:** When did you become aware of the meeting, Ms Millar, and how?

**Ms Millar:** As I keep saying to you, I'm really sorry that I can't be more helpful but we have not been following this issue closely at all—

**Senator WONG:** It is not a small issue between Australia and the US—

**CHAIR:** Order, Senator Wong! Senator Wong, not only are you interrupting an official—

**Senator Cormann:** It is—

**CHAIR:** Minister, please allow me to deal with this. Not only, Senator Wong, are you interrupting a witness who is a public servant about 15 seconds into her answer; you are also providing commentary on her answer, which is totally out of order. A journalist tweeted before that senators should be going to bed without dinner. I really don't think we are enhancing the stature of the parliament with this display so far today. I would ask all participants in this process to lift the standard.

**Senator WONG:** If people could answer questions that would normally be asked and answered we would do a lot better. That has not been the practice today, neither from officials nor from the senator.

**CHAIR:** I am making a reflection on all of our participation collectively in this, not on any one individual.

**Senator Cormann:** Just responding to this, if you are choosing to address questions to officials in relation to matters that they did not have direct involvement in instead of directing them to those officials that are directly involved then that is the consequence. I have to go back to what I said earlier. You are participating here in this international left-wing conspiracy that there is something remarkable about an Australian government offering assistance in relation to an inquiry conducted by the United States government. There's nothing remarkable about it. It would be very strange if our government had done anything other than to say, 'Of course we stand ready to assist with any inquiries that you are conducting through your government.'

**Senator WONG:** I agree. It would be. What is remarkable is that people are not willing to answer questions about process around cooperation. I agree that it would be remarkable.

**Senator Cormann:** We are happy to answer questions, but this is not the department that dealt with—

**Senator WONG:** It is normal for PM&C officials to be asked about how they are became aware of certain things. I will ask DFAT. I just want to know this: how did PM&C become aware of the meeting between Mr Hockey and Mr Barr?

**Ms Millar:** I would need to take that on notice. I don't recall.

**Senator WONG:** Are you aware of, or have you been advised of, any other meetings between Mr Barr and Mr Hockey?

**Ms Millar:** I am not aware.

**Senator WONG:** Is anyone else? Mr Hayhurst?

**Mr Hayhurst:** I am not aware.
**Senator WONG:** Have you had any engagement with the US state department, the US justice department or Attorney-General Barr in relation to Mr Barr's inquiry?

**Ms Millar:** No, we haven't.

**Senator WONG:** I again go back to the Prime Minister's answer in relation to US and Australian government engagement:

… the engagement is being had at officials-level and there is nothing that has come to me that would warrant any clearance of information being provided at my level.

So I am wondering: are you involved in this engagement at the officials level that the prime minister is describing?

**Ms Millar:** As I mentioned earlier, the Department of Foreign Affairs and Trade is leading that engagement and, no, we have not been involved.

**Senator WONG:** Thank you. There have been media reports that Mr Downer was interviewed by the FBI. Has PM&C got any knowledge of that?

**Ms Millar:** Senator, the topic you mention is the subject of an active foreign government inquiry and traverses sensitive matters, and for these reasons we wouldn't propose to engage further. We don't go to operational intelligence matters.

**Senator WONG:** There's a public report. I'm asking if you had any knowledge of that.

**Ms Millar:** Of the public report?

**Senator WONG:** And the FBI is a law enforcement agency, and this is a law enforcement investigation.

**Ms Millar:** I'm not in a position to provide any information on that.

**Senator WONG:** On what?

**Ms Millar:** On the questions you just raised about whether or not Mr Downer provided information to the FBI. That's a matter of a foreign government inquiry and traverses sensitive matters. Due to the potential harm to our bilateral relationship with the United States, I would have to take the question on notice.

**Senator WONG:** Okay. I am asking whether or not Mr Downer's engagement has been whilst or since being high commissioner, because it would seem to me that they're different propositions if he's still an official or if he's no longer an official.

**Ms Millar:** We're not in a position to provide any comment on what engagement Mr Downer may or may not have had with the United States given that this topic is a matter of a foreign government inquiry.

**Senator WONG:** Okay. Have you received—has PM&C or the Prime Minister received—any summary of Mr Downer's evidence?

**Ms Millar:** I'll just refer to my previous answers: as the matters are subject to an active foreign government inquiry, I'm not in a position to engage further.

**Senator WONG:** Have there been any requests for legal assistance from Mr Downer to the Australian government of which the department is aware? That doesn't go to content.

**Ms Millar:** I'm not aware.
Senator WONG: I do want to understand this. There are public claims that Mr Downer didn't simply report to Australia via diplomatic cable but informed a US diplomat in London in July 2016 of issues associated with Mr Papadopoulos. This has been reported in The Wall Street Journal and, I think, The New Daily. I don't want to go to the content, but I wonder if you can assist about this: if officials such as ambassadors receive information about actions of foreign governments, would it be normal that those matters would simply be communicated back to Canberra? Is it unusual for someone to take it on themselves to inform another government?

Ms Millar: Given this matter is the subject of an active foreign government inquiry, I really cannot comment on the question that you've asked.

Senator WONG: In relation to the Prime Minister's trip to the United States, I assume PM&C provided briefing ahead of that.

Mr Hayhurst: Yes, we did.

Senator WONG: In writing?

Mr Hayhurst: We did.

Senator WONG: Given that the president had raised the Barr inquiry, I assume you briefed him on the Barr inquiry issues prior to his going to the US.

Mr Hayhurst: We briefed him on a range of matters, but precisely what I'd have to check.

Senator WONG: It's just interesting, because today so little has been disclosed. It is a key bilateral issue. You must have known enough to brief him.

Senator Cormann: I think you're overstating the importance of the matter when you say 'key bilateral issue'. I think that there are many, many more significant issues that we're dealing with in the bilateral relationship than essentially our offer to assist with a US government inquiry. This is entirely business as usual, surely, for an Australian government to agree to provide assistance to a US government inquiry.

Senator WONG: Sure, but this is a matter raised by the President of the United States to the Prime Minister of Australia, so it's by definition a key bilateral issue, currently. Who accompanied the Prime Minister on that visit?

Mr Hayhurst: From the Department of the Prime Minister and Cabinet, the secretary accompanied the Prime Minister. I accompanied the Prime Minister and there were other officials—support-level officials—as well.

Senator WONG: Approximately how many officials went with him from PM&C?

Mr Hayhurst: I would have to defer to my colleague in the Ministerial Support Division, who would have a better sense of the numbers.

Mr Martin: There were 10 PM&C officials in total who travelled to Washington, DC in support of the PM's visit. That includes the secretary and Mr Hayhurst, who travelled directly with the Prime Minister.

Senator WONG: Sorry, 10? Including—

Mr Martin: The secretary of PM&C and Mr Hayhurst, who travelled with the Prime Minister.
Senator Wong: Were there any DFAT officials travelling with the PM? Is it possible for you to table a list of officials who accompanied the Prime Minister, please, and PMO and members of staff?

Mr Martin: Yes, we should be able to get that for you shortly.

Senator Wong: Thank you. Now, in terms of the handling—

Ms Foster: Senator, just to clarify, as with our normal convention, we would provide the names of the SES officers and the roles of the others.

Senator Wong: Sure. Who was involved? Mr Martin, were you involved, or was it handled by the PMO—the engagement with the White House about the visit and arrangements of the visit, including various protocols, the state dinner, the rally—those sorts of things? Was that discussed at officer level or primarily the PMO?

Mr Martin: The basic logistics would have been discussed between the department and our post in Washington in the first instance.

Senator Wong: I really don't like 'would have been'. I'd like to know what happened or what did or didn't happen.

Mr Martin: The logistic arrangements were discussed between our post and PM&C in the first instance.

Senator Wong: Who in PM&C?

Mr Martin: It would have been with the team of protocol officers who were deployed to deliver that particular visit.

Senator Wong: Did you lead that?

Mr Martin: I did.

Senator Wong: So, you can answer questions about this.

Mr Martin: I can.

Senator Wong: In terms of the state dinner: the state dinner was at the White House's suggestion?

Mr Martin: Yes.

Senator Wong: When did we become aware that the White House was contemplating a state dinner?

Mr Martin: Towards the beginning of July I think we got an indication of what the program was starting to look like.

Senator Wong: What did we do as a consequence? Did we have to do anything?

Mr Martin: No, we didn't have to do anything at that point, because the arrangements are a matter for the host country to decide.

Senator Wong: At any point did PM&C provide an indication of potential attendees?

Mr Martin: I think any matters relating to the compilation or consideration—

Senator Wong: I just asked you—

Senator Cormann: Can you let him answer the question, please?
Mr Martin: I think any matters relating to the compilation or consideration of the guest list for a state dinner provided by the US would be a matter that might impact on international relations and one might need to consider that.

Senator Wong: You've got to be kidding. I'm not even asking you at this stage who's on it. All I am saying is that normally my recollection is that for official dinners like this we would provide an indication of some of the people who we think should attend—if there were particular businesspeople we thought would be appropriate to attend et cetera. Was such a list provided from PM&C?

Senator Cormann: I think what the official said in his previous answer was that ultimately the decision as to who attends a state dinner offered by another country is a matter for that country.

Senator Wong: Of course.

Senator Cormann: And that is precisely what happened on this occasion. The host country—in this case the United States—makes the decisions in relation to who does or who doesn't attend the state dinner.

Senator Wong: All I'm asking at this point—and I know why everyone's worried about this—is whether or not we provided, as would be normal, any suggestions for inclusion on the invitation list at an officer level. That's my question to you, Mr Martin. I haven't asked you whom; I just asked you: did we?

Mr Martin: Not from PMC.

Senator Wong: But a list was provided from PMO?

Mr Martin: I think any matters relating to the compilation or consideration—

Senator Wong: Who did you discuss that answer with, Mr Martin?

Mr Martin: I've had discussions within the department.

Senator Wong: Why won't you tell me whether the PMO provided a list?

Mr Martin: I'm afraid I've answered that question—

Senator Wong: No, you haven't—

Mr Martin: I haven't got anything else to add at this point.

Senator Cormann: The official has nothing else to add. That's his evidence.

Senator Wong: Did the PMO provide a list?

Senator Cormann: I'm going to take on notice what may or may not have been provided. I make the point again that this is a state dinner that was offered and hosted by the United States, and the decisions in relation to who does and doesn't attend such a state dinner are, of course, made by the United States. If there's anything else we can add to that, then I will provide that information on notice.

Senator Wong: Was Pastor Brian Houston on the list that PMO provided?

Senator Cormann: I've just taken on notice the question of whether or not, and to what extent, there has been engagement, and you're now completely ignoring the fact that I've just done that, and essentially asking us a question asserting and assuming a different answer to that which I've provided.
Senator WONG: Okay.

Senator Cormann: You have pursued this in Senate question time last week, of course, and the Prime Minister has addressed that particular topic. It is not our practice to comment on unsubstantiated and unsourced rumours. But what I'm prepared to do, in an abundance of helpfulness, I'm going to take on notice your interest in relation to these important matters in the bilateral relationship, and if there's anything else we can add to it on notice, then we will of course do so.

Senator WONG: Mr Martin, you said you discussed the answer you gave me with the department. Was Mr Gaetjens involved in that discussion or just Ms Millar? Or was it someone else?

Mr Martin: The secretary wasn't involved in that discussion.

Senator WONG: Who was?

Mr Martin: I would've discussed that with Ms Foster—

Senator WONG: Ms Foster, could you tell me why you think it is acceptable for an official at the table to refuse to tell me something that is in his knowledge, and that is that the PMO provided a list?

Senator Cormann: I completely reject the underlying proposition of that question. We haven't refused to answer—

Senator WONG: Okay, he has.

Senator Cormann: We've taken the question on notice. That is not a refusal to answer. It is an effort to ensure that the answer that is provided is accurate and appropriate. This does go to the bilateral relationship between Australia and the United States and you are obviously seeking to create controversy in relation to something that was a great honour not just for the Prime Minister, but for the Australian people.

Senator WONG: No, I just think—

Senator Cormann: And that is that the US administration decided to offer a state dinner, of which the composition of the guest list is entirely and 100 per cent in the purview of the US administration, as you would expect. But in an abundance of helpfulness, I've agreed to take further questions on notice.

Senator WONG: I think the public has a right to know whether our Prime Minister asked for Mr Brian Houston to go to the White House. I think the public has a right to know that. If he did so, he should be, frankly, man enough and brave enough to answer the question.

Senator Cormann: I've got nothing to add to the statements the Prime Minister has made, but I'm happy to take on notice whether the Prime Minister wishes to add anything to—

Senator WONG: Ms Foster, can I ask you, before these estimates, why you helped construct the answer that Mr Martin gave?

Senator Cormann: No, sorry—

Senator WONG: I'm entitled to ask that question.

Senator Cormann: Okay, and I'm going to take the question on behalf of the government.

Senator WONG: It's nothing to do with—
**Senator Cormann:** In the lead-up to any Senate estimates, whether that is under your government, under previous governments, or indeed under this government, of course officials prepare themselves for their appearance at Senate estimates. That is hardly a revelation. Of course that happens. That is in the ordinary course of Public Service work, as we go through this three-times-a-year cycle. In relation to these matters, we've canvassed them before, this has been dealt with before, and we will continue to provide answers to the questions that we've taken on notice.

**Senator WONG:** Ms Foster, I would like to understand why you felt it necessary to assist Mr Martin with providing that answer to a question about the White House guest list?

**Ms Foster:** We will always, as the minister said, prepare ourselves to come to senate estimates. One of the elements of that preparation is where there might be information that might, for example, prejudice international relations or some other aspect.

**Senator WONG:** How does it prejudice international relations? Please, tell me how whether or not Mr Houston was asked by the Prime Minister to be on the list prejudices international relations?

**Senator Cormann:** You are making assertions again. We have already taken on notice to what extent any communications occurred in relation to the composition of the guest list—or the potential guest list, I should say—of that state dinner. But obviously the decision as to who is on the guest list or not on the guest list is a matter for the US administration, and you are essentially asking us questions that go to, ultimately—

**Senator WONG:** No.

**Senator McALLISTER:** Questions of fact.

**Senator Cormann:** You are making assertions again. We have already taken on notice to what extent any communications occurred in relation to the composition of the guest list—or the potential guest list, I should say—of that state dinner. But obviously the decision as to who is on the guest list or not on the guest list is a matter for the US administration, and you are essentially asking us questions that go to, ultimately—

**Senator WONG:** No. That's not correct.

**Senator Cormann:** It is the responsibility of the US administration to determine who does or does not attend the state dinner.

**Senator WONG:** No, actually, we are asking questions of fact. We are asking whether or not this Prime Minister or his office sought for Mr Brian Houston to be on the guest list. The Prime Minister has been asked that 10 or 20 times. He has refused to answer. You have been asked that and you have refused to answer. What is most concerning is that his officials have discussed prior to this hearing a way to avoid answering that question. I do not understand—

**Senator Cormann:** I completely reject that characterisation.

**Senator WONG:** I think Ms Foster and anybody watching this will know what Mr Martin was asked to do. It is only out of respect for him that I'm not going back to him. What I would say is this: I think it is entirely reasonable for Australians to know whether or not the Prime Minister asked for Mr Houston to go, given the concerns about Mr Houston's background and the fact that he has refused to answer this on so many occasions, and that you have refused to answer this in the Senate chamber and here. Worse, public servants have been asked not to answer this question; that really says something about this Prime Minister's commitment to the truth.
Senator Cormann: That was political commentary; that wasn't a question. You know I have taken the actual question which was previously articulated on notice.

Senator WONG: I have a lot more, but I think Senator McAllister also has drought questions.

CHAIR: Senator McAllister.

Senator McALLISTER: I do want to ask about the drought. I understand the Prime Minister's trip to the United States took place between 19 and 27 September this year. It was an eight-day trip?

Mr Hayhurst: They are the dates; that's right.

Senator McALLISTER: On 23 September, while he was in Chicago, the Prime Minister said in a public speech: 'The drought at this moment is breaking the nation's heart and, while I am a long way away from home, this is something I am getting regular reports on.' During those eight days, how many briefings on the drought did the Prime Minister's office provide to the Prime Minister?

Mr Hayhurst: I will have to defer to other colleagues to answer that question.

Mr Duggan: We are in constant communication with the Prime Minister, through his office, on the latest developments in relation to the drought. I don't have in front of me exactly how many briefings were provided in that eight-day window but I can take that on notice.

Senator McALLISTER: Any? More than one?

Mr Duggan: From my recollection, yes, certainly, with his office. And, as I said, reasonably informal communications, because it's a situation that is evolving.

Senator McALLISTER: What do you mean 'with his office'? What does that mean?

Mr Duggan: So we will be in constant phone communication with his office and we will send them email updates as things evolve.

Senator McALLISTER: So is your evidence that you provided briefings to the Prime Minister's office during that time?

Mr Duggan: I will have to take on notice precisely how many we did, but my recollection is that, yes, we did provide updates to his office through that period.

Senator McALLISTER: Were they formal briefings or just email updates?

Mr Duggan: I will have to take that on notice.

Senator McALLISTER: Can I ask you to provide on notice the dates on which the Prime Minister's office or the department provided briefings to the Prime Minister? You made reference to material you provided to the PMO. I am asking you about material that was provided to the Prime Minister.

Mr Duggan: Yes. I can take that on notice.

Senator McALLISTER: And the dates on which that occurred. Can copies of those briefings be provided, please?

Senator Cormann: We will consider that on notice. We will see what we can help you with.
Senator McALISTER: Can I ask also about the work of the Coordinator-General for Drought, Major General Stephen Day, and the Joint Agency Drought Taskforce he led. That was established within the Department of Prime Minister and Cabinet; is that correct?

Mr Duggan: That's correct.

Senator McALISTER: And that work has now concluded?

Mr Duggan: That's correct.

Senator McALISTER: What date did it finish up?

Mr Duggan: So the Joint Agency Drought Taskforce officially concluded on 28 June. The Coordinator-General finished on 15 July.

Senator McALISTER: What was the total cost for the Joint Agency Drought Taskforce and the work of Major General Stephen Day?

Mr Duggan: I don't have that information in front of me. I will have to take that on notice.

Senator McALISTER: There has been a published figure of $5.6 million. Is that in the ballpark of the cost?

Mr Duggan: I wouldn't want to guesstimate. I will have to take that on notice.

Senator McALISTER: So this issue, which is a priority issue, we don't have any information from the Prime Minister about the investment that has been made in this drought task force?

Mr Duggan: I've got a lot of information on—

Senator McALISTER: I wonder if anyone sitting behind you can assist, because it is ostensibly a high-priority issue for the Prime Minister. Surely someone knows.

Mr Duggan: I am happy if there is someone who can provide information. I am very happy to provide it, but I don't have that information in front of me. I doubt that any of my colleagues would have that information either.

Senator Cormann: But I am sure they will be able to provide extensive and detailed information on notice.

Senator McALISTER: On notice. Do we think that it is more than $1 million, though? Does $5.6 million sound like about the cost of running this task force?

Mr Duggan: It would definitely be more than $1 million. When the Coordinator-General's task force was up and running, we had approximately 20 people on the task force, so just in staffing costs alone it would have exceeded $1 million.

Senator McALISTER: Okay. So the bulk of the expenditure would have been on salary?

Mr Duggan: Salary. But also the Coordinator-General's job was also to do extensive consultation with communities, so there was quite a travel associated with that as well, which would have also been financed out of that appropriation.

Senator McALISTER: Okay. On 29 August this year—so I guess six weeks or so after he finished up—the Coordinator-General gave an interview in which he said:

In April of this year the Drought Taskforce completed a strategy that included a series of recommendations for government. We delivered the strategy not long before the election …
Can you confirm the date that the Coordinator-General provided his final report to government?

Mr Duggan: I don't have the precise date, but it was around April. I can take the precise date on notice.

Senator McALLISTER: Is there any official who can help you?

Ms Foster: We are just seeing if there is someone who can, and we'll get an answer to you as quickly as we can if that is available.

Senator McALLISTER: Who was the report delivered to in government?

Mr Duggan: The report was delivered to the Prime Minister.

Senator McALLISTER: So directly to the Prime Minister?

Mr Duggan: That's correct.

Senator McALLISTER: That took place in April. Is there a reason it hasn't been publicly released?

Mr Duggan: This was actually the subject of a motion in the Senate. Minister Littleproud wrote to the President of the Senate to explain that Major General Day's final report has gone into deliberations of cabinet with respect to both short-term and long-term measures surrounding the drought. So the minister at that time explained to the President of the Senate that he wasn't in a position, due to cabinet circumstances, to provide the report.

Senator McALLISTER: So I can conclude from your answer, Mr Duggan, that short-term measures were proposed as well as long-term measures?

Mr Duggan: It certainly informed the government's short-term measures, but the focus of the report was a long-term strategy.

Senator McALLISTER: So the Prime Minister has had recommendations about short-term measures since April. It's now October. Have any of those short-term measures been implemented?

Mr Duggan: There have been a number of measures implemented since that time, as you would be aware.

Senator McALLISTER: And the recommendations from the coordinator-general's report?

Mr Duggan: The report has of course informed the government as its made decisions since April through to the present time.

Senator Cormann: We're happy to give you a list of all the announcements that we've made to support drought affected communities since that report was received. Indeed, as the official quite rightly pointed out, that report helped to inform our deliberations in relation to that very important government priority—and continues to inform it.

Senator McALLISTER: Why does the report have to be a secret?

Senator WONG: Everything is a secret!

Senator Cormann: Do you know what? We are acting under the same Westminster conventions as you did.

Senator WONG: It's all secret—
Senator Cormann: This is from a former minister who was in the cabinet when you wanted to regulate the media. You were part of the government that wanted to regulate the media. Don't give us lectures here on government transparency!

Senator McALLISTER: Minister, you've been sitting on a report that, from the evidence this morning, cost millions and millions of dollars, making recommendations about short-term and long-term strategies to deal with the drought.

Senator Cormann: The deliberative processes of cabinet——

Senator McALLISTER: Why can that not be seen by the public, irrespective of the deliberative processes of cabinet?

Senator Cormann: It's very important that the Westminster traditions are maintained, for good and public interest reasons, and we are acting consistently with the same convention that your government did and that governments in the Westminster tradition in relevant countries around the world for about 300 years have.

Senator McALLISTER: Given that a big fanfare was made about the appointment of a coordinator-general and media releases were put out talking about the role the coordinator-general would play in consulting with communities, do you think the public expected that the work of the coordinator-general would ultimately be kept secret and would be kept secret for six months during one of the most serious droughts that the country has ever experienced?

Senator Cormann: I'll tell you what the Australian people expect. The Australian people expect their government to take action.

Senator McALLISTER: Could you please answer the question?

Senator Cormann: I am answering the question. You asked me a question about public expectations. The public expectations were expressed at the most recent election on 18 May, and the Australian people decided to——

Senator McALLISTER: So you stopped listening at that point?

Senator Cormann: No.

Senator McALLISTER: It sounds like it.

Senator Cormann: I completely reject that proposition. You are referencing something that we've been addressing since well before the election and consistently since then. The Australian people know what we've announced by way of measures and the substantial additional support we're providing. Indeed, the deliberative processes of government in relation to how best to respond to the drought are continuing and ongoing. We will continue to do everything we can to provide the appropriate levels of support. But we will also continue to do that following the proper and well-established processes of government decision-making.

Senator McALLISTER: When will you release the report?

Senator Cormann: That is not a decision for me to make. But what I am putting to you is that we will continue to consider all of the advice in front of us, including and in particular from that report, to make sure that we provide the most appropriate policy and program response that we possibly can.
Mr Duggan: Senator, if I may add to a previous answer—I can confirm that $5.6 million was allocated to the drought coordinator's task force over two years.

Senator McALLISTER: Right. And was it expended?

Mr Duggan: I am informed that not all of that money was expended at the end.

Senator McALLISTER: How much was expended?

Mr Duggan: I will have to take that on notice.

Senator McALLISTER: It was allocated over two years, and yet, in the end, Major General Day wound up by 15 July.

Mr Duggan: That's correct.

Senator McALLISTER: But, when you look at the task force, the task force was supposed to 'ensure meaningful support reaches farmers affected by drought through the planning, coordination and rapid delivery of measures included in the government's drought response'. Is that function no longer required?

Mr Duggan: On the announcement of the cabinet, Minister Littleproud was given the responsibility as a minister for the drought.

Senator Cormann: Exactly.

Mr Duggan: So now those accountabilities rest with the minister.

Senator Cormann: We have a specific dedicated cabinet minister with responsibility for the policy and program response to the drought.

Senator McALLISTER: So Minister Littleproud is doing these jobs?

Senator Cormann: Yes.

Mr Duggan: Yes.

Senator McALLISTER: All of the jobs?

Senator Cormann: His job now is to coordinate the government's efforts in terms of our response to the drought.

Senator McALLISTER: So, on items 1 to 10 in the terms of reference of the task force, we can be certain that Minister Littleproud is doing all of those things?

Senator Cormann: You can be certain that Minister Littleproud is doing the absolute best he possibly can to ensure that the Australian government provides whatever response we appropriately can to drought affected families and communities.

Senator McALLISTER: Okay. Item 9 of the terms of reference went to working closely with the special envoy, so I might ask some questions about that. The special envoy's role was announced by the Prime Minister on 26 August 2018—that's correct?

Mr Duggan: That's correct.
Senator McALLISTER: And his role ceased on 26 May this year—that's correct?

Mr Duggan: That's correct.

Senator McALLISTER: How was that communicated to the envoy?

Mr Duggan: I'm not aware.

Senator McALLISTER: Minister, do you know?

Senator Cormann: How does what relate to the envoy?

Senator McALLISTER: The special envoy's role ceased on 26 May this year.

Senator Cormann: Yes.

Senator McALLISTER: He had been appointed less than a year previously, on 26 August. My question is: how was the termination of that role communicated to the envoy?

Senator Cormann: I'll have to take the specifics on notice, but I would again point out that the cabinet line-up now has a dedicated cabinet minister with responsibility for the policy and program response by the Australian government to the drought. In terms of the specific communications, I'm not personally aware, so I'll take that on notice and see whether we can assist.

Senator McALLISTER: In The Australian on 28 May, Strewth reported that, after Sky News tweeted a video of the soon-to-be ABC employee David Speers announcing that Joyce hadn't retained the role of Special Envoy for Drought Assistance and Recovery, Joyce replied: Just found out from you guys then.

He told Sky News:

I would have (expected to receive a phone call), but I didn't and that's life.

How important was the special envoy to Prime Minister Morrison?

Senator Cormann: Incredibly important, and he did a great job.

Senator McALLISTER: But you abolished it without telling him.

Senator Cormann: I am not aware, as I've indicated to you, of the communications that did or did not occur, but I've taken that on notice.

Senator McALLISTER: We'll have to take Barnaby's word for it. Given that the drought is still continuing, why was the special envoy's role abolished?

Senator Cormann: Because we replaced that role and the other role with a dedicated cabinet minister with specific responsibility for the Australian government's policy and program response to the drought.

Senator McALLISTER: And that wasn't able to be performed previously by the Minister for Agriculture?

Senator Cormann: We didn't have, previously, a dedicated minister with responsibility for the Australian government's policy and program response to the drought. We still continue to have a very hardworking Minister for Agriculture, and of course the Minister for Agriculture takes a very close interest in all these matters, but the coordinating responsibility across the government, at a very senior level in the government, now rests with Minister Littleproud.
Senator McALLISTER: Did the former special envoy provide any advice to the new minister about how he might perform this function based on his experience? He had nine months experience as the special envoy.

Senator Cormann: To be frank, the communications between the former special envoy and the now minister for drought are probably a matter that is best pursued with the relevant portfolio area that deals with the portfolio of the minister for drought.

Senator McALLISTER: But the special envoy was responding to the Prime Minister, so presumably—

Senator Cormann: I don't have any visibility. You asked me about communications between Barnaby and Minister Littleproud. I don't have direct visibility of those, neither would you expect me to. But I'm sure that Mr Littleproud's portfolio will be only too happy to provide responses to those questions.

Senator McALLISTER: What was the total expenditure on the position of Special Envoy for Drought Assistance and Recovery?

Mr Duggan: The special envoy wasn't remunerated for that particular role, but it was provided with staff from the staffing pool. I understand it had two staff members associated with that function.

Senator McALLISTER: And what would be the approximate cost of those staff members?

Mr Duggan: Again, I don't want to guess what the cost would be.

Senator Cormann: We can take it on notice and see what we can provide.

Senator McALLISTER: The Guardian has reported that there were $675,000 in expenses for Mr Joyce in that nine-month period, plus approximately $200,000 for staff, which suggests that the cost was in the order of $875,000 for nine months. Does that sound about right?

Senator Cormann: We're not going to give an about-right answer. We've taken it on notice. I'm going to give you a precise answer with the precise number. We want to make sure that the public has the right information and not a roundabout estimate, a guesstimate.

Senator McALLISTER: It's tricky, isn't it, because the public has so little information at the moment?

Senator Cormann: I disagree.

Senator McALLISTER: Of course I'm not the first person to ask questions about what it was exactly that Mr Joyce did with the resources provided.

Senator Cormann: I pride myself on getting answers back on time and as fully as we possibly can.

Senator McALLISTER: Can we please have a breakdown of the expenditure by Mr Joyce, including on travel, staff, allowances and any other resources that were provided to him?

Senator Cormann: I will take that on notice.
Senator McALLISTER: On 18 September, in response to an order for the production of documents, a letter from the Minister for Drought was tabled in the Senate, which read in part:
The request for the former Special Envoy for Drought Assistance and Recovery's report cannot be complied with as he did not prepare a final report and as such no document exists.
Did the former Special Envoy for Drought Assistance and Recovery provide a final written report to the Prime Minister, his office or the department?
Mr Duggan: No, Senator, he didn't.

Senator McALLISTER: He has repeatedly and publicly said that multiple reports were sent directly to the Prime Minister. As an example he told the ABC on 20 September that he sent reports of the drought to the Prime Minister via text message. The quote is:
I'm not going to tell you what they said, they were directed to the Prime Minister, if he wants to tell you what they said, that's up to him … I can assure you, I directly sent reports.
If you say a report is a written segment to the Prime Minister … then they definitely went to him, I definitely sent them, I sent them by SMS to him and they were read.
To say that they were not sent or not compiled is incorrect.
I can table a copy of that, if that is helpful.

Senator Cormann: I'm aware of the report, but I'm happy for you to table it. Let me make this point in response to that question. Barnaby Joyce worked extremely hard as Special Envoy for Drought Assistance and Recovery—very, very hard. He did provide advice and feedback to the Prime Minister and to the cabinet. So as well as engaging and listening to drought affected families and communities in relevant parts of Australia he did provide feedback, which was one of the inputs into the government's consideration of our response to the drought affecting large parts of regional Australia. A lot of the decisions that have since been made have been informed by, among other things, the advice and input provided by Mr Joyce. Of course, after the election the decision was made to appoint a dedicated cabinet minister with direct responsibility for the Australian government policy and program response to the drought, which is an indication of the high priority that the government places on this as a continued serious issue across a large part of Australia.

Senator McALLISTER: Was that decision on the recommendation of Mr Joyce?

Senator Cormann: I am not aware, obviously, whether Mr Joyce has made a specific recommendation in relation to the appointment of a cabinet minister into drought assistance and recovery, but I am happy to check that on notice to make sure that the answer is absolutely accurate.

Senator McALLISTER: How many text message reports were sent to the Prime Minister by the special envoy?

Senator Cormann: Sorry, say that again?

Senator McALLISTER: Mr Joyce has said publicly that such reports as he did provide were provided by text message. It's a very 21st-century way to conduct yourself, but that's what he says. That's his public statement about how he did his job. My question is: how many text message reports were sent to the Prime Minister by the special envoy?

Senator Cormann: I would have to take that on notice.
Senator McALLISTER: Does Mr Joyce, as the special envoy, communicate by any other platform aside from text message, such as WhatsApp or Signal?

Senator Cormann: Obviously, I am aware that Mr Joyce provided direct verbal briefings, but to what extent he communicated using other platforms, I would have to take that on notice and see to what extent we can assist you with that.

Senator McALLISTER: He has provided a fairly full-throated defence of how he acquitted his duties. He is very clear that the way he did his job was through text message and it seems reasonable that we understand a bit more about them. Could we find out what dates these text message reports were sent?

Senator Cormann: I've already taken that on notice. You've asked me about the number and the dates—

Senator McALLISTER: I asked you how many and now I am asking you on what date.

Senator Cormann: I will take on notice what we might be able to provide in relation to that.

Senator McALLISTER: Can each of these text messages from the former envoy be provided to the committee?

Senator Cormann: Sorry?

Senator McALLISTER: Can the text messages from the former envoy to the Prime Minister be provided to the committee?

Senator Cormann: I will consult and we will make a decision on notice to what extent we may be able to share the information that was provided to the Prime Minister and the cabinet in relation to drought assistance and recovery.

Senator McALLISTER: Sorry, would you mind just repeating that? What are you going to have regard to?

Senator Cormann: I have said that I will consider on notice how we can best assist you in relation to the content of communications between the special envoy and the Prime Minister and the cabinet in relation to drought assistance and recovery.

Senator McALLISTER: The Guardian report dated 25 September also provides an account of a Facebook video posted by Mr Joyce. In the Facebook video, Joyce films folders of correspondence that he claims relate to his work as drought envoy, and quotes from several letters from Morrison that he says are correspondence and reports pertinent to the drought. Mr Joyce says:

You may not believe me, and a lot of people out there in media land don’t, so I am going to read you some of the letters from the prime minister …

He goes on to read:

Dear Mr Joyce, thank you for your letter … and your detailed feedback on the impacts of the drought.

He quotes another letter that reads:

Thank you for your letters, your appraisal drawn from your on-the-ground experience and local contact with farmers and drought-affected communities plays an important part in forming our national drought response.

How many letters did Mr Joyce send to the Prime Minister in his capacity as special envoy?
Senator Cormann: I am not aware, but I will provide that information on notice.
Senator McALLISTER: Does anyone in the department know?
Senator Cormann: I've taken it on notice.
Senator McALLISTER: Even if somebody knew?
Senator Cormann: I've taken it on notice.
Senator McALLISTER: Yes, I know you've taken it on notice, but, conventionally, that's when you don't know the answer. I suspect someone in the department does know.
Senator Cormann: Convention and the rules, actually, are that the minister at any point can take matters on notice, and that is precisely how it was under your government.
Senator WONG: Generally people use it a little more judiciously than you've been using it today.
Senator McALLISTER: Not in response to every question.
Senator Cormann: I'm not doing it in response to every question, but where appropriate.
Senator McALLISTER: Every question I have asked you about the drought envoy, you have taken on notice—pretty much every one.
Senator WONG: Or Houston or Barr or Downer or Hockey.
Senator Cormann: When you ask for specific dates and specific context—
Senator AYRES: All the questions you don't want to answer.
Senator McALLISTER: All right. These letters—
Senator Cormann: You were here when I was asking questions of Senator Wong and Senator Conroy—
Senator AYRES: I've been watching very closely. It was a lot better than this when I was watching it.
Senator Cormann: and if you don't remember how they took things on notice, you must not have watched very closely.
Senator McALLISTER: In relation to this correspondence that takes place between Mr Joyce and the Prime Minister, what are the dates of each of the envoy's letters to the Prime Minister?
Senator Cormann: You're now going through different platforms. I've said that I will take the number and the dates on notice and I will indeed provide, to the extent that that is appropriate—bearing in mind that these are communications that were made in relation to matters that ultimately were part of the cabinet deliberative process. So I will consider, on notice, what I can appropriately provide.
Senator McALLISTER: Was the drought envoy a member of the cabinet?
Senator Cormann: No.
Senator McALLISTER: No.
Senator Cormann: Not everyone who provides advice to the cabinet to inform the deliberative process of cabinet is a member of the cabinet.
Senator McALLISTER: Not everybody who writes to the Prime Minister is taking part in the deliberative processes of cabinet. I'm just trying to establish exactly what he was doing when he was writing to the Prime Minister—or texting him.

Senator Cormann: His advice helped to inform the deliberative process of cabinet—I think so much has long been established.

Senator McALLISTER: Will the text messages be cabinet-in-confidence as well?

Senator Cormann: Again, I'm not aware of the communications that did or didn't take place, so I can't assist you with that. But I have already long indicated to you that we will get back to you.

Senator McALLISTER: Do you think the WhatsApp messages will be cabinet-in-confidence?

Senator Cormann: Again, I'm not aware of the communications that took place.

Senator McALLISTER: Bearing in mind that you've taken a lot of things on notice, can you give consideration to providing to the committee a copy of each of the envoy's letters?

Senator Cormann: I've already answered on number of occasions.

Senator McALLISTER: That was about the text messages. This is about the letters.

Senator Cormann: The same principle applies.

Senator McALLISTER: We'd just like to know if they were long letters, short letters, little notes.

Senator Cormann: I'm unaware. We'll see.

Senator McALLISTER: Did the Prime Minister send letters back to Mr Joyce?

Mr Duggan: I'd have to check. I'll have to take that on notice. I'm not sure.

Senator McALLISTER: Could you also take on notice the dates of any letters that the Prime Minister sent to the envoy?

Mr Duggan: I can do that. Yes, I'll take that on notice.

Senator Cormann: Could a copy of each of the Prime Minister's letters to the envoy be provided? They're surely not cabinet-in-confidence.

Mr Duggan: I'll take that on notice.

Senator McALLISTER: Are there any written reports that go to the Prime Minister other than text messages and letters?

Senator Cormann: Why don't I clarify it for you once more. I've previously taken on notice that I will seek to assist the committee with advice on any or all lines of communication, through whatever platform, that may have occurred between the special envoy and the Prime Minister and the cabinet, to the extent that we can, given that obviously that information substantially helped inform the deliberative processes of cabinet.

Senator McALLISTER: The challenge is that you've got Mr Littleproud telling everybody that there was no final report from Mr Joyce. Mr Joyce, as recently as 20 September, tweeted: 'I compiled multiple reports, which were sent direct to the Prime Minister, as well as hundreds of representations on behalf of those affected by the drought.' I'm just finding the evidence—
**Senator Cormann:** Those statements are not inconsistent with each other, actually.

**Senator McALLISTER:** Let's find out. Did he provide any written reports other than text messages and letters? How long was each written report? It would be good if any written reports could be provided to the committee. We are just trying to understand what people got for their $875,000.

**Senator Cormann:** You've now summarised again what I've already agreed to take on notice. I would just say again that, in the context of families and communities affected by the drought, the job that Barnaby Joyce did as special envoy was incredibly important and he worked incredibly hard. He obviously went out and met with a lot of community members. He listened. He provided feedback and advice to the Prime Minister and to the cabinet, which ultimately fed into the deliberative processes and decision-making by the government around how best to respond, in a policy and program sense, to the drought affecting large parts of regional Australia. From that point of view, I reject the implication of the question, which appears to be that somehow this was not a useful exercise. From our point of view, it was a very valuable exercise.

**Senator McALLISTER:** It was so valuable you chose to discontinue the role at the first available opportunity, nine months later.

**Senator Cormann:** I completely reject that proposition. We upgraded the role. We took it to another level. We now have a senior cabinet minister with dedicated responsibility for drought assistance and recovery. So that proposition is just completely wrong.

**Senator McALLISTER:** Are you saying that David Littleproud is an upgrade from Barnaby Joyce?

**Senator Cormann:** What I am saying is that the position was upgraded from special envoy to a senior member of the cabinet.

**Senator McALLISTER:** All right, then. What team in the department is responsible for drought policy?

**Mr Duggan:** That comes out of the Industry, Infrastructure and Environment Division.

**Senator McALLISTER:** How many people are working on drought policy in PM&C?

**Mr Duggan:** It would primarily come out of the agriculture unit but also our infrastructure teams. So I would say in the order of six to eight people would be focused on the drought at the moment.

**Senator McALLISTER:** Across both. What are their roles and responsibilities? They are in agriculture and infrastructure. What are they doing?

**Mr Duggan:** What are they doing?

**Senator McALLISTER:** I am asking: what is the central agency doing as distinguished from the line agency that also has responsibility in this area?

**Mr Duggan:** We are keeping the Prime Minister abreast of developments and conditions as they evolve. We keep him informed of the Bureau of Meteorology's latest assessments of conditions on the ground and their assessment of how things may evolve going forward. Of course, they provide the usual briefings to the Prime Minister and the cabinet's deliberative processes to the extent that drought issues are being considered by the cabinet. They are also liaising with each of the departments that have a role in providing drought support,
particularly the Department of Agriculture, given that they have a whole-of-government coordination capacity here. But, as I said, there are a number of departments providing support, including the infrastructure department and the health department. So it is very much a whole-of-government effort that we are engaged in.

Senator McALLISTER: What drought affected communities has the team visited in the last 12 months?

Mr Duggan: The team is largely a policy function oriented team. We had people who were part of the task force who transitioned back into the team. They travelled with the Coordinator-General through his period. But, as to the specific travel arrangements of the people in that team, I would have to take that on notice.

Senator McALLISTER: Can you just clarify the relationship between you and the task force. Were these people in the task force? You said earlier there were 20 people in the task force. What's happened to them?

Mr Duggan: There were. They were drawn from different departments. In fact we had some state representation as well. Some of those people were PM&C people that we lent to the task force to assist the Coordinator-General in his work. Some of those people have since come back into different line roles within the department. So we have maintained a transition between the work of the task force and the new coordination arrangements that are run out of the Department of Agriculture. We wanted to make sure we had a good capacity left in PM&C to support the Prime Minister.

Senator McALLISTER: So in their capacity as staff members within PM&C have the team visited any drought affected communities since July?

Mr Duggan: I will have to take that on notice. I am not across their travel arrangements.

Senator McALLISTER: What role has the department played in the preparation of the so-called $7 billion drought package?

Mr Duggan: The usual role that PM&C plays in supporting the Prime Minister in consideration, to the extent that decisions are made through the cabinet process, would be our primary engagement, but we are also working with each of the departments to formulate and coordinate advice across government.

Senator McALLISTER: What are the key components of the $7 billion package?

Mr Duggan: The key components include the $5 billion Future Drought Fund. That will grow from $3.9 billion currently to $5 billion over the next 10 years.

Senator McALLISTER: So it is $5 billion over 10 years.

Mr Duggan: That's the capital value. The capital value at the moment in moving funds from the Building Australia Fund to the Future Drought Fund starts at $3.9 billion but will grow to $5 billion over the course of a decade.

Senator McALLISTER: So what's the expenditure over the forwards out of the Future Drought Fund?

Mr Duggan: It's in the order of over $100 million a year, commencing—
Senator Cormann: It's up to $100 million a year. That is, as you know, in the explanatory memorandum that was part of the legislation that was passed by the parliament. You know, of course, that the drawdown starts from 1 July 2020.

Senator McALLISTER: So in seven months time. Where does the other $2 billion come from?

Mr Duggan: There's $1 billion over four years for loans issued by the Regional Investment Corporation to make low-cost capital available for farmers.

Senator McALLISTER: So it's a loan scheme?

Mr Duggan: Yes, principally; that's correct. There is other support through the Drought Communities Program. This is providing up to $1 million to each of the drought affected local government areas to put projects in on the ground that are high priority for those local governments.

Senator McALLISTER: What are the relevant programs?

Mr Duggan: The Drought Communities Program?

Senator McALLISTER: Well, what is the expenditure through the Drought Communities Program over the forwards?

Mr Duggan: The total now is $123 million—so $1 million to 123 councils.

Senator McALLISTER: Is there anything else? That gets us to six and a bit.

Mr Duggan: Yes. There were changes made, as you'd be aware, Senator, to the farm household allowance eligibility requirements, concessional treatment for the forced sale of livestock, and a number of changes to things like the asset threshold et cetera that, together, amount to a cost to the budget of around $183 million.

Senator McALLISTER: That's a change to the farm household allowance, concessional arrangements for sale of stock and—what was the third thing?

Mr Duggan: Changes to the asset test threshold.

Senator McALLISTER: And that's $183 million over four years?

Mr Duggan: That's correct.

Senator McALLISTER: So I'm correct in understanding that of the $7 billion in drought expenditure, in fact, $6 billion of that is in capital either for the establishment of the Future Drought Fund, which goes for 10 years, or for low-cost capital for drought affected communities. So, in terms of actual expenditure on communities operationally on the ground, we're really talking, over the next four years, maybe $1 billion.

Mr Duggan: In excess—around $1½ billion.

Senator McALLISTER: So $1½ billion is the actual amount that will be spent in drought affected communities over the next four years?

Mr Duggan: But, in addition, as the minister said, the Future Drought Fund will start making disbursements in the order of $300 million to $400 million over the forward estimates, and then you'll get—

Senator McALLISTER: Cumulative over the forward estimates?
Mr Duggan: That's correct. Then the Regional Investment Corporation loans will also provide for funding going directly into those communities over the next four years.

Senator McALLISTER: Right. So, best case, we can get to $2 billion expended on drought over the next four years—

Senator Cormann: No.

Senator McALLISTER: by your calculation?

Senator Cormann: This is the additional spend on top of the substantial ongoing spend, obviously. What you are reflecting on is the variation compared to what was in place before. But, of course, there is already a substantial spend. For example, through the social services budget on the family—

Senator McALLISTER: No, Minister, that is entirely inconsistent with the advice I've just been provided about how we get to $7 billion. If you want to add some other things into the $7 billion, that's fine. But I've asked for an accounting of $7 billion, and it didn't go to these baseline issues.

Senator Cormann: I'm just telling you that, beyond that, there is the ongoing expenditure that occurs as a matter of course through the ordinary processes of government.

Mr Duggan: That's correct, Minister. So the $7 billion is the addition that the government has made—

Senator Cormann: On top of—

Mr Duggan: on top of—in recent times. For example, with the farm household allowance, I mentioned the figure of $183 million over the forwards. The farm household allowance, of course, provides a lot more assistance than that to drought affected communities.

Senator McALLISTER: The government's been talking about $7 billion, but the actual expenditure over the next four years, which is the meaningful time frame in terms of drought affected communities right now, you have told me, is around $2 billion.

Senator Cormann: This is the additional expenditure based on policy decisions. When it comes to social services budget, for example, in the family household allowance, you would have to expect there would be additional expenditure just as a result of the program working as intended. And when you incur additional expenditure in the context of something like the drought, that becomes an estimates variation. If you want us to break down in detail—and this goes beyond PM&C; it's probably more a Finance area of responsibility, which comes up tomorrow. If you want us to go through the detail of how many additional costs have been incurred by the Australian government as a result of the drought and through its budget, I'm happy to provide that in some detail because the additional expenditure has been quite substantial and goes beyond what's just been listed.

Senator McALLISTER: I think you ought to, because I think that—

Senator Cormann: That's fine.

Senator McALLISTER: the Prime Minister walks around talking about $7 billion, but when it's really broken down, that's not there, not in any meaningful time frame for any drought-affected person. Instead of making up numbers that don't have any grounding in the way that money will actually roll out into the community, I think a transparent accounting of what is being spent would be helpful.
Senator Cormann: I don't agree with the proposition that 'the money isn't there', and I don't agree with the proposition of 'just making up numbers'; that is not correct. But—

Senator McALLISTER: Well, the $7 billion is loose.

Senator Cormann: If I may—there are different components, obviously. There is the component of demand-driven government programs working as intended, providing support in the community, and there is an additional expense that flows from that. But, on top of that, you've got the additional expenditure that is directly linked to specific policy decisions. What we will do on notice is provide you with a breakdown across both of those so that you get a full picture.

Senator McALLISTER: Prior to the drought summit, how many briefs did the department provide to the PMO on the drought and its impact?

Mr Duggan: It would have been numerous. I will have to take the precise number on notice.

Senator McALLISTER: Numerous—like, five?

Mr Duggan: I don't want to guesstimate. I'll take it on notice.

Senator McALLISTER: Less than 10?

Mr Duggan: I will take it on notice, Senator.

Senator McALLISTER: Last Thursday, the government introduced legislation into the House that makes changes to the farm household allowance scheme, including the introduction of lump sum payments for households that exhaust government's four-year cap. On Monday, the Prime Minister told the House that arrangements would not be changed. What changed between Monday and Thursday?

Senator Cormann: Obviously decisions were made, and I would encourage you to pursue that in the context of the appropriate portfolio.

Senator McALLISTER: The Prime Minister was directly involved. He told the parliament that arrangements would not be changed and, yet, by Thursday there was legislation changing the arrangements.

Senator Cormann: Well, there were obviously decisions made in the context of advice to government and, if you want to take that any further, I would encourage you to explore that with the relevant portfolio area.

Senator McALLISTER: Mr Duggan, was your area responsible for providing advice in relation to the farm household allowance relevant to this legislation?

Mr Duggan: Yes. That would fall within the remit of my area.

Senator McALLISTER: On what days last week did you brief the Prime Minister?

Mr Duggan: These were deliberations that were made in the context of cabinet decision-making. We did brief the Prime Minister, as we usually would for cabinet considerations. I will have to take on notice precisely when those briefings were provided.

Senator McALLISTER: We are talking about quite a short period of time between Monday and Thursday. There was a position that there would be no change on Monday, yet by Thursday we had a piece of legislation ready for introduction.

Mr Duggan: Yes.
Senator McALLISTER: It must be reasonably fresh in your memory. Something must have been happening in PM&C between Monday and Thursday?

Mr Duggan: I recall that we were providing a briefing in the run-up to those announcements being made. I just cannot recall the precise days on which those briefings were made.

Senator McALLISTER: Seriously? It was last week!

Senator Cormann: The government continues to make decisions in relation to the drought as it evolves, and obviously last week a decision was made and that was reflected with relevant announcements that were subsequently made. As I have indicated to you, the best area to pursue these questions is in the portfolio area of Minister Littleproud.

Senator McALLISTER: There is a team of six to eight people working on the drought in the Prime Minister's department so, with respect, it is reasonable to pursue these questions here. Is there anyone sitting behind you, Mr Duggan, who can refresh your memory as to what advice was provided, or the dates on which advice was provided, in relation to the farm household allowance last week?

Senator Cormann: I will take that on notice.

Senator McALLISTER: For heaven's sake!

Senator Cormann: You are going to cabinet deliberative processes and decision-making. You know that Mr Duggan cannot assist you in relation to this.

Senator McALLISTER: And you know that providing information about the timing of advice to the Prime Minister is quite reasonable.

Senator Cormann: Which is why I have taken it on notice.

Senator McALLISTER: To avoid answering the question.

Senator Cormann: No. To make sure the answer is accurate.

Senator WONG: Mr Duggan, is your answer really that you cannot recall when you briefed the Prime Minister? Do you have a diary you could look at?

Mr Duggan: It would have been Monday or Tuesday.

Senator WONG: You might have asked this; I might have missed it, Senator McAllister. Were there drafting instructions? What was your answer to when the drafting instructions were issued?

Senator McALLISTER: I didn't ask that question.

Mr Duggan: When the drafting instructions were issued?

Senator Cormann: This is not in your area.

Mr Duggan: No. That's the department of agriculture that would have provided those.

Senator WONG: Okay. Did you sight drafting instructions?

Mr Duggan: I didn't sight drafting instructions.

Senator McALLISTER: Back in October 2012, the then Prime Minister, Mr Abbott, announced the appointment of former Governor-General Michael Jeffrey as an advocate for soil health. Then, on 4 October this year, PM&C published a statement on its website saying the government has recalled Major General Michael Jeffrey to the role of national soils
advocate. Can I just confirm: is this the same job that Mr Abbott gave Major General Jeffreys seven years ago?

Mr Duggan: I might bring a colleague up to assist with this.

Ms Wilson: Yes. It is a similar but not necessarily almost identical role to the one Mr Abbott—I don't have the exact terms of reference for the role under Mr Abbott, but it is fair to say it is a very similar role.

Senator Cormann: And it is fair to say that of course former Governor-General Michael Jeffery has a great passion for the topic. I am personally aware—I mean, he came to brief me directly himself as well—that he was very keen in the context specifically of some of the current challenges that we're facing as a nation to focus on this issue to be re-energised, and that is precisely what we did.

Senator McALLISTER: 'Re-energised'? So we have recalled him to re-energised the issue.

Senator Cormann: Well, he has an ongoing passion and focus on this issue in a non-government not-for-profit sense—

Senator McALLISTER: So he is energised and he has been recalled?

Senator Cormann: He has been approaching the government with his advocacy, and the Prime Minister has given him the responsibility which you now reference.

Senator McALLISTER: When did he stop being soils advocate? So he was appointed as soils advocate mark 1 in 2012; has he stopped at some point?

Ms Wilson: He would have formally stopped, I suspect, when Mr Turnbull was Prime Minister. I will take that on notice. But I do think it is fair to say, as Mr Cormann has pointed out, that he has really continued in this role as an advocate for healthy soils tirelessly for many years.

Senator Cormann: That's right.

Ms Wilson: Particularly through his charity, the Soils for Life charity.

Senator McALLISTER: Okay. So we made him a soils advocate—I get confused between the advocates and the envoys—but we made him an advocate—

Ms Wilson: He's an advocate. That's right.

Senator McALLISTER: And then Mr Turnbull perhaps did not feel the need for an advocate and then, on coming to office, Mr Morrison might have been unaware of Mr Jeffrey's passion but now he has realised that he is passionate about it and we have made him an advocate again?

Ms Wilson: I think it is fair to say that it is slightly more than that. The role of the national soils advocate is to provide advice on the national objective to restore and maintain the health of the Australian agricultural landscape—

Senator McALLISTER: But who was doing this in the meantime?

Ms Wilson: In the meantime, I think the department of agriculture and relevant ministers were focused on soils health. But the Prime Minister met with the Major General prior to his announcing the reappointment at a speech in Dubbo, and I think he was very impressed by the work that the Major General had continued to do over the years—
Senator McALLISTER: But unfunded. So he didn't receive any funding or support in intervening period?

Ms Wilson: Yes. That's right.

Senator McALLISTER: The statement from PM&C about the national soil advocate role indicates advocating on a global level. Do we anticipate travel for Major General Jeffery as part of this role?

Ms Wilson: Yes, we do.

Senator McALLISTER: Right. There are terms of reference and they have now been published. Do I infer from your earlier answer that they are slightly different to the previous terms of reference for this role?

Ms Wilson: I will have to take that on notice. I haven't got the previous terms of reference in front of me.

Senator McALLISTER: Were they used in drafting the current terms of reference, or relied upon in any way?

Ms Wilson: I think we did look at them, but I will have to take that on notice. At the time, the terms of reference were drafted in consultation with the Major General.

Senator McALLISTER: And he will provide a quarterly written update to the Prime Minister and Deputy Prime Minister?

Ms Wilson: Yes.

Senator McALLISTER: Will those written updates be made public?

Ms Wilson: I'd have to take that on notice and check.

Senator McALLISTER: Presumably they'Il be formal reports?

Ms Wilson: Yes.

Senator McALLISTER: So your expectation would be that that'd be a written document, on paper?

Ms Wilson: Yes.

Senator McALLISTER: Why does the Minister for Agriculture not receive the written updates?

Ms Wilson: That would be a decision for the Prime Minister and for the government.

Senator McALLISTER: Do you know, Minister?

Senator Cormann: I don't, but I think the officer has directed you to the appropriate source for that information.

Senator McALLISTER: Sorry, I didn't—

Senator Cormann: The relevant minister with responsibility for it is the person that can provide you with that information.

Senator McALLISTER: That's precisely the point. The written updates are going to go to the Prime Minister and the Deputy Prime Minister; they will not go to the Minister for Agriculture. At least, it is not specified that they will. So I am asking why that is, because that seems odd.

Senator Cormann: I'll have to find that information on notice. I'm not personally aware.
Senator McALLISTER: It does seem odd, doesn't it?

Senator Cormann: I am not aware of what the context is. But I will provide that information to you on notice.

Senator McALLISTER: Will there be any officials supporting Major General Jeffery's work?

Ms Wilson: Yes.

Senator McALLISTER: Could you tell me more about that.

Ms Wilson: We're still in the process of finalising with the major general the exact profile of the staffing, but we envisage between two and four staff will be in the Department of Prime Minister and Cabinet to support him in this role.

Senator McALLISTER: Will they sit with Mr Duggan in that same group that you all work within?

Ms Wilson: Yes, they will.

Senator McALLISTER: Why is this a Department of Prime Minister and Cabinet position and not a Department of Agriculture position?

Ms Wilson: Because that's the decision of the Prime Minister and, when he made the announcement, he said that the office to support the major general would be in his department.

Senator McALLISTER: Minister, can you elaborate or provide any insight into this?

Senator Cormann: I think the officer has answered that question.

Senator McALLISTER: No, she said that was what was announced publicly, which is self-evident. You are part of the government—

Senator Cormann: And she also made the point that that is a decision—

Senator McALLISTER: Could I just finish asking the question?

CHAIR: Yes, that's a fair point, Senator McAllister.

Senator McALLISTER: Minister, I'm asking for an explanation as to why the government has made this decision. I understand what the decision is. I am asking why. Ms Wilson can't elaborate; she has received her directions, presumably. Can you explain why?

Senator Cormann: Because that is the judgement the Prime Minister has made.

Senator McALLISTER: You are here representing the Prime Minister. What is the basis or the reasoning for the Prime Minister's judgement in this regard?

Senator Cormann: He made the decision that the most appropriate place for this position to be based was within his portfolio. I think it's very self-evident that he made that decision based on his assessment of where the most appropriate place for it would be.

Senator McALLISTER: With respect, Minister, I am asking you: what is the rationale? 'It is appropriate' is not a rationale.

Senator Cormann: The Prime Minister does have the prerogative to make these judgements.

Senator McALLISTER: I'm not saying he doesn't. I'm asking why.
Senator Cormann: He made that decision because, in his judgement, that was the appropriate place for it to be.

Senator Wong: 'It is because I say it is!'

Senator McAllister: It is very circular logic.

Senator Cormann: If you were the government and Mr Shorten had been the Prime Minister, he could have decided who would take responsibility for various things. We were re-elected, and the Prime Minister made that judgement, as he is entitled to do. That is the decision that he has made.

Senator McAllister: The Prime Minister is certainly entitled to make many decisions—not unlimited but many decisions. He also has an obligation to explain those decisions to the public because, with the thematics of the day, the public does have a right to know why certain decisions are being made, and I am asking for you to provide an answer.

Senator Cormann: I have provided you with an answer. The Prime Minister is of the view that the most appropriate place for this position to be located is within his portfolio, the Prime Minister and Cabinet portfolio. That is the decision he has made. In the end, every part of government comes back at the centre to the Prime Minister. In relation to this matter, he has made a decision which he is entitled to make to keep that particular position within his portfolio. That is his prerogative.

Senator McAllister: Is Major General Jeffery being remunerated for his role?

Ms Wilson: No.

Senator McAllister: Is there a budget allocation for the function?

Ms Wilson: Yes, there will be, but, as I said, we are still finalising the details of that in consultation with the major general.

Senator McAllister: Minister, can I ask you to undertake to get an answer to my question: why does the Prime Minister consider it appropriate that this function be located in PM&C instead of in the department of agriculture?

Senator Cormann: I have answered that question so I am not proposing to take it on notice. You've been complaining all morning that I'm taking too much on notice and now you want me to take more on notice.

Senator McAllister: You have answered a different question.

Senator Cormann: I feel I have answered that question.

Senator McAllister: If you don't want to answer it, that is fine.

Chair: Thank you, Senator McAllister. Senator Wong.

Senator Wong: Mr Duggan, I noticed there were some discussions about communication platforms. Just generally, on which platforms do you communicate with the PMO?

Mr Duggan: Typically in written form, over email. That would be the main—

Senator Wong: Are you on a WhatsApp group with any members of the Prime Minister's staff?

Mr Duggan: Yes, I am.
Senator WONG: Why did you not you answer that in your first answer?
Mr Duggan: I was starting to take you through the communication—
Senator WONG: Good. Take me through the list of ways you communicate with the PMO.
Mr Duggan: In terms of written form, email is the most common way that I would engage with the office. We talk numerous times a day. In fact I'm up at the hill three times a day most weeks to talk to the Prime Minister's office, and, yes, I am on a WhatsApp group with some members of the Prime Minister's office.
Senator WONG: Signal?
Mr Duggan: No, not with members of the Prime Minister's office, I don't think.
Senator WONG: So Signal with other colleagues, like public servants or others?
Mr Duggan: Yes.
Senator WONG: Wickr?
Mr Duggan: No.
Senator WONG: What's the other one—Slack?
Mr Duggan: No.
Senator WONG: What is the WhatsApp group called?
Mr Duggan: I can't recall.
Senator WONG: Well, look it up, on your phone. You're sitting there. You just look under 'chats' and it will be in there.
Mr Duggan: I am happy to do that, Senator.
Senator WONG: Thank you.
Mr Duggan: 'Strategic policy'. Then, other than that, just with individuals not groups.
Senator WONG: Who is the administrator of the strategic policy group?
Mr Duggan: I am.
Senator WONG: And who asked you to create that group?
Mr Duggan: The Cabinet Secretary and one of the Prime Minister's advisers.
Senator WONG: Which adviser?
Mr Duggan: His strategic policy adviser.
Senator WONG: I'm sorry, I don't know who that is—I genuinely don't.
Senator Cormann: Do you really want us to go through names now? He has given you the position.
Senator WONG: Okay. Strategic policy adviser and the Cabinet Secretary; is that right?
Mr Duggan: That is correct.
Senator WONG: When did they ask you to do that?
Mr Duggan: I set it up off my own back. I wasn't asked to.
Senator WONG: Sorry. I thought you just said—you did—you might want to just check with Ms Foster and just be clear about what your evidence is. I'm happy to wait.
Mr Duggan: Just to clarify, I set it up myself. I wasn't asked to do so by anybody. The people who were involved in that, which I thought was the question—

Senator WONG: Why did you set that up?

Mr Duggan: Because I felt it was—I just wanted an informal, quick way of communicating.

Senator WONG: 'Informal'?

Mr Duggan: That's correct.

Senator WONG: What does 'informal' mean?

Mr Duggan: Like a text message.

Ms Foster: For logistics and stuff.

Mr Duggan: Yes. I use it for logistics. We will often get together at short notice to meet—

Senator WONG: Do you back up that chat?

Mr Duggan: Sorry, what was that, Senator?

Senator WONG: The chat can be backed up on iCloud. Do you back it up?

Mr Duggan: No.

Senator WONG: Do you delete it all?

Mr Duggan: No.

Senator WONG: So, if we FOI'd any aspect of a chat described as 'strategic policy' from your phone, you would be able to appropriately respond under FOI legislation to that?

Mr Duggan: If that's an official record, then that would be part of—

Senator WONG: Is it an official record or not? You described it as 'informal'. But it is engagement with the Prime Minister's office.

Senator Cormann: The normal laws would apply, Senator Wong.

Senator WONG: So what do you say are the FOI processes to retrieve WhatsApp or Signal messages, Ms Foster?

Ms Foster: When an FOI request comes in, it will typically specify what modes of communication it wants checked, and the officer allocated as the decision-maker for that FOI will then task the collection of that data.

Senator WONG: Right. Well, first, unlike a server or email—where, even if you delete something it can be found, correct?—WhatsApp depends on what people in the chat do as to whether or not it can be retrieved. So, in order to ensure FOI is complied with, are there any directions or procedures applying to departmental officials about communications on WhatsApp?

Ms Foster: All officers are made aware of their obligations to maintain official records.

Senator WONG: With respect, that is using clever words—

Ms Foster: Could I just finish?

Senator WONG: Is it official records?

Senator Cormann: Senator, can you please let her answer the question?
CHAIR: That's a fair point, Senator Wong.

Ms Foster: Senator, if the communication over any communications mechanism constitutes an official record, then it is that officer's obligation to maintain it in some way.

Senator WONG: Are any of the messages on the WhatsApp group that Mr Duggan is on what you regard as official messages?

Ms Foster: I haven't seen them, so I couldn't speculate. Typically, whether it is between departmental officials or with others, people tend to use those sorts of informal mechanisms that Mr Duggan is talking about as ways to, for example, say, 'Are you free to meet?' So, it is, yes.

Senator WONG: Sure. But the point is FOI doesn't—you can FOI an email or a document that is about a meeting, because it may go to the timing of a meeting. So it can't be airily dismissed as 'informal' or 'logistics'.

Ms Foster: Again, it is every officer's obligation to keep, and they are able to delete, messages over whatever mechanism, if they do not meet the definition of a formal record.

Senator WONG: What about with Signal? Do you autodelete your Signal communications with APS colleagues?

Mr Duggan: I would have to check my settings. I don't know.

Senator WONG: Because it's your obligation to retain messages that might be official communications. Messages between officers—even if they're on Signal—may well be official communications and subject to FOI legislation, or in fact be the subject of an OPD from the Senate. If your settings are autodelete, you're not complying with that. Why are there no indications or procedures about that?

Mr Duggan: I don't delete anything from there that is an official communication. Those communications, as my colleague just described, are of the order of, 'Do you have time to catch up for coffee tomorrow?' But, yes, I don't delete anything—

Senator WONG: Well, you wouldn't need to put that on Signal. Signal is used in part for security reasons and confidentiality reasons.

Ms Foster: I think people have started using things like Signal as a simpler way to communicate than a telephone call because it means that the person can access the message at their convenience.

Senator WONG: Well, it's the same with text messages.

Ms Foster: That's correct.

Senator WONG: The is an additional reason for it. Yes, there are some functions that are useful, but the primary reason is its confidentiality. And the problem is this government is not—and none of your answers today seem to me to confirm that the FOI legislation is being complied with. Mr Duggan can't even tell us whether or not he autodeletes. Now, those clearly are messages that would need to be considered if they were within the scope of an FOI application.

Mr Duggan: On reflection, there is no deleting from my Signal—

Senator WONG: 'On reflection'?

Mr Duggan: Yes.
Senator WONG: Okay.

Mr Duggan: I was just thinking through as you were asking the question. There is no deleting; I have access to all my Signal. So there is no deleting that happens from any of those accounts.

Senator WONG: Ms Foster, when did you discuss with Mr Martin the script of the answer he gave to the question about the White House?

Ms Foster: I wouldn't characterise it as discussing a script. So prior to—

Senator WONG: When did you discuss with him the words of his answer?

Ms Foster: Prior to any Senate estimates process, I have a number of sessions with my staff.

Senator WONG: When?

Ms Foster: I don't know the exact dates of all of those sessions because it is an iterative process.

Senator WONG: Did Mr Gaetjens or the PMO ask you to make sure that this issue was prepped for estimates?

Ms Foster: No, that is initiative. I go through with all of my staff all of the issues that we consider might come up. As you know, it's a fairly standard process.

Senator WONG: Ms Foster, you are aware of the APS values and the legislation.

Ms Foster: I am.

Senator WONG: Can you tell me why you participated in what I think the public have seen as a cover-up in relation to those issues?

Senator Cormann: I completely reject that proposition.

Senator WONG: She's—

Senator Cormann: Hang on, that is an offensive assertion to make.

Senator WONG: I'm offering her the opportunity to respond.

Senator Cormann: Let me just make this point: the preparation that takes place within the Public Service in the lead up to Senate estimates is precisely the same preparation that has and would have happened under governments of both political persuasions. There is nothing wrong with public officers preparing themselves to ensure that they can provide appropriate answers that are consistent with all of the requirements that are on them, in terms of the way they have to deal with these sorts of issues. There are, from time to time, in relation to some matters, public interest issues that might have to be considered. There is absolutely nothing wrong with the Public Service preparing themselves for their appearance at estimates, and the implication that you've just put that somehow this makes the Public Service part of a cover-up is offensive and wrong.

Senator WONG: Sure. I'm sorry; we're just going to have to agree to disagree. I think anybody watching—

Senator Cormann: You're saying it didn't happen under your government—preparation for estimates?
Senator WONG: No, I'm saying we're going to have to disagree about the view that it was participation in a cover-up.

Senator Cormann: You didn't supply questions on notice as a minister?

Senator WONG: May I finish? I just listened to you. We've asked the Prime Minister and you questions. We asked questions today, and Ms Foster and her colleagues refused to answer them.

Senator Cormann: No, that is not right. I have used my prerogative as the minister to take questions on notice, which is quite different to the characterisation that you've just put on it.

Senator WONG: It was a scripted answer. It was a carefully scripted answer, and, if I may say this—and Ms Foster, you may disagree—I am disappointed that that's the way in which PM&C has approached this and the signal it sends to the rest of the Public Service about that. I have one question, Mr Duggan, on—

Ms Foster: I would like to respond.

Senator Cormann: You've got to give her a right of reply.

CHAIR: Thank you, Minister. I was just about to suggest that.

 Senators Cormann: Sure. She is entitled to respond.  

CHAIR: Order! Senator Wong, if you're going to throw accusations out there like that—

Senator WONG: I just said she's entitled to respond.

CHAIR: Thank you. You were about to move on to another question.

Senator WONG: Yes, I was, but that's fine.

Ms Foster: Senator, what I have undertaken with my staff in preparation for this Senate estimates is what I do with my staff prior to every Senate estimates. We make sure that we're across our subject matter. We game the kind of questions that we might get asked to make sure we have the answers readily available to us and so that we are able to assist the Senate. I do not accept that I have participated—

Senator WONG: So can you tell me how answering a direct question about whether PM&C was aware of a list going to the White House—what was the phrase?—‘compromises international relations’?

Senator Cormann: It goes directly to a public interest immunity ground that was actually identified by the Senate itself. Relations with other countries is a matter that the Senate itself has identified as a proper ground for a public interest immunity claim. You know that. That is the reality of it. But, in any event, in order to be helpful in that context, I have taken all of these questions on notice, and you know that I pride myself in providing timely answers to questions taken on notice.

Senator WONG: I have one last little group of questions. Ms Foster, you say that, theoretically, WhatsApp messages could be disclosed via FOI, correct?

Ms Foster: That's correct.

Senator WONG: Can you confirm that actually on no occasion yet has PM&C disclosed a WhatsApp message through an FOI request?
Ms Foster: I would have to check. I don't recall any.

Senator WONG: How can that be? How can it be that no WhatsApp message could have been part of, or within the remit of, an FOI request?

Senator Cormann: It depends on the FOI request submitted. I think that what the officer has said is that she will check on notice to make sure that we provide you accurate information in response.

Senator WONG: Okay. Ms Foster, I heard what you said, but I maintain my position. I am disappointed in the position PM&C has taken in relation to those questions today.

CHAIR: Senator Kitching, do you have a quick one?

Senator KITCHING: I have just one question. I hope it's quick, Chair. Does anyone use Confide?

Senator Cormann: I've never even heard of it.

Senator KITCHING: Confide is a platform that automatically deletes—so, as soon as you press return, to return a message, it automatically deletes the message, and, if you attempt to screen grab it, it will notify the other party that you've attempted to screen grab the conversation.

Ms Foster: I do not, and I am not aware of any of my colleagues doing so.

Senator KITCHING: Good. Thank you.

CHAIR: On that, I think we might take a break and return with Senator Ayres's questions.

Proceedings suspended from 15:44 to 16:00

Senator AYRES: This morning, across all of the national newspapers a campaign— I think it's titled 'Australia's right to know'—ran. Did the department brief the Prime Minister about this campaign?

Ms Foster: Not to my knowledge, but I'll just ask Mr Reid whether he'd like to join me, because he would know, if I don't.

Mr Reid: The answer's no.

Senator AYRES: Okay. So, there were no meetings, no discussion?

Mr Reid: No.

Senator Cormann: This is a media advertising campaign that you're talking about?

Senator AYRES: Yes.

Senator Cormann: I might just make the general point, given that the topic is now coming up, and it might help define and inform the remainder of the question—I just want to place on record that the government is absolutely committed to freedom of the press, and freedom of the press is obviously central to our democracy, but it's also the government's first duty to keep Australians safe, and these considerations have to be, and we'd argue always are, carefully balanced. I think this committee would also be aware that the government has asked the Parliamentary Joint Committee on Intelligence and Security to inquire into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press.

Further, I should point out that the search warrants executed by the AFP relate to investigations under all laws that the Liberal-Nationalists government repealed and replaced
with provisions that have strong protections for journalists. Operational decisions are of course a matter for the AFP and are made independent of executive government, as they must be. The warrants were executed without the knowledge or instigation of any government minister. While I understand the public interest and the sensitivity in particular, from the press, in relation to what is a very important and democratic principle, this is now a matter before the courts and it is difficult in that context for us to provide too-extensive commentary about the specific instances that have triggered that kind of campaign.

Senator AYRES: According to the recent annual report, PM&C 'seeks to lead the Australian Public Service'. What role does PM&C have, Ms Foster, in showing leadership across the Public Service and ensuring the public's right to access information?

Ms Foster: One of the functions through which we fulfil that function is the open government partnership, which PM&C co-leads with civil society. Under that partnership there are a number of initiatives that seek to promote openness and transparency.

Senator AYRES: Does PM&C consider itself an exemplar for the Public Service in relation to compliance with freedom of information laws?

Ms Foster: As I was explaining to Senator Patrick before, I think we have an exemplary record at the moment on our responses to FOI. We are certainly striving to be a model respondent. That is in part because we had gone through a period of real difficulty. I can give a little context: at the time that we were struggling to respond, we had had a series of FOI requests from one requester, just before the Christmas break in 2017, in which he lodged 87 individual FOI requests. Because each one has to be assessed individually, we were unable to mount any kind of argument back about our capacity to do it, because we could only do each individual one, and it just made our system fall over for a period. But we got it back on track, and, yes, we do our best to respond as quickly and as comprehensively as we can. I think our statistics are terrific.

Senator AYRES: I might come to that a little bit later on. In April 2016 the then PM&C secretary, Dr Parkinson, was reported in The Sydney Morning Herald as saying: The FOI act does not afford sufficient protection to public servants. He then went on to call for further exemptions from providing information to the public, and he is quoted as saying:
As leaders we need to use exemptions appropriately, but I would support going further and advocating for changes to FOI laws to protect the deliberative process. Does this reflect the department's current view?

Ms Foster: Our view is that we will administer the law that we have. We do our best to do that, as I said, as quickly and as comprehensively as possible.

Senator AYRES: But, at that point, the head of the department was advocating quite a different position.

Ms Foster: I recall the time at which Dr Parkinson made those comments. He was not advocating that we not meet all of our obligations under the current law; he was simply expressing a view that he thought the law could be modified and improved. That was his opinion. As you know, we wouldn't normally give an opinion in estimates. I think the fact is: we have the law as it is, and we apply it.
Senator AYRES: Is that a view that is alive and well in the senior leadership of PM&C—
that the laws need changing to protect public servants?

Senator Cormann: I think you are asking the officer for an opinion. The opening
statement by the chair states that officers are not to be asked their opinions. As a matter of
fact, of course the leadership and every responsible officer in the Public Service at all times
must comply with all relevant laws, including, and in particular, freedom of information laws.

Senator AYRES: I only ask, Senator Cormann, because, back then, the department head
was quite open about having a view. I'm not asking about the department's view or the view
of Ms Foster; I just want to know whether that kind of view is being prosecuted by people
within the senior reaches of the department. Or is it a view that is commonly expressed?

Ms Foster: It's not a discussion that we have. I can't recall the last time that there was a
discussion about the merits or otherwise of the act. My focus is on responding to the act as it
is.

Senator AYRES: Has PM&C undertaken any work on increasing exemptions for release
of information under the act?

Ms Foster: I'm not sure I quite understand your question, but we look at every FOI
request on a case-by-case basis.

Senator AYRES: No, I mean: following Dr Parkinson setting out that view, was any work
done by the department on furthering what exemptions might look like—what a change to the
law might look like?

Ms Foster: So in terms of procuring advice?

Senator AYRES: Yes.

Ms Foster: Not to my knowledge. I would make the general point that any change to the
policy position of the government would come from the Attorney-General's Department and
so I would not expect my officers or I to be doing that work if, in fact, any work were being
done, and I don't know that it is.

Senator AYRES: Would you be able to take on notice whether there was any work
provided to the Attorney-General's Department?

Senator Cormann: We can take it on notice or you can ask questions at the Legal and
Constitutional Affairs Committee directly of the officers of the Attorney-General 's
Department.

Senator AYRES: I am asking PM&C, following what the department head had to say—

Ms Foster: I will take on notice whether PM&C did any work to make changes.

Senator AYRES: Thank you. There are some guidance notes on the FOI section of the
PM&C website dated July 2011. Are they still current?

Ms Foster: I will need to ask for help from one of my staff.

Senator AYRES: I'm happy to wait.

Ms Foster: I think I am being advised that they have been updated. Can I just get more
information and then I will answer you more comprehensively?

Senator AYRES: Yes. Do you want to come back to it?
Ms Foster: Yes.

Senator AYRES: Okay. We will come back to that soon. I would also be interested in knowing when they were last reviewed. Do all PM&C officials know that these are the guidelines that they should be following? We might have to come back to that whole question, I suppose.

Ms Foster: We have a team within our legal policy area which supports the department in responding to FOI requests. Every time an FOI request comes in, they make a decision about who the best decision-maker is. Typically we will go to the branch head who has policy or content knowledge of that area so that they can make an informed decision about the potential risks of release. But it is the central team which has a body of expertise which will provide advice to every decision-maker and have a team there to support them. In that process, the decision-maker gets a lot of briefing and support on what their obligations are under the act.

Senator AYRES: So at a policy level, which was the kind of question that Senator Wong was asking about platforms, who would develop a—

Ms Foster: When the FOI gets allocated to a staff member, one of the bits of guidance they get is that they need to think broadly about sources of information that could fulfil that request. Often the FOI requester is very specific. I am thinking about the last few I looked at. One said, 'I would like emails or formal briefs between this date and this date.' We will often work, as you know, with decision-makers to define the scope of their request so that we make sure we are getting to the heart of what they are looking for.

Senator AYRES: Let's come back to that. I want to refer you to text messages sent by the Prime Minister's head of media, Andrew Carswell, to the Channel 10 political editor Peter van Onselen on 18 September this year. These messages, which were relayed by Peter van Onselen to his 125,000 Twitter followers, read as follows. Apparently Mr Carswell said:

Not in the habit of sending the PM your packages. But boy I'm going to him that one. He will love it, and remember it forever.

Then he said:

Mate, Ten has an ideological bias against the PM. Always has. Always will. It's not journalism. It's advocacy and opinion.

Finally, in relation to Mr van Onselen's plan to accompany the Prime Minister on his visit to the United States, there was this text message:

No one is forcing you to go. I mean, it's not like you'll be given access or anything.

Mr van Onselen told his Twitter followers that this is how the Prime Minister deals with the media. Is he right? Is this how Mr Morrison's office deals with journalists?

Senator Cormann: You are relating a specific conversation with a specific journalist that has been publicly disclosed, so I am not sure that there is anything else I can add to that. I know why you are raising it and for what purpose, but all of the information is in the public domain. I think that what you are asking the official for there is to express an opinion. The official is obviously not in a position to provide an opinion. What I would say is that, across the government, of course, the engagement always ought to be professional, always ought to be appropriate, and reading out some of the stuff that you've read out—well, I'm sure that the Prime Minister would have appreciated being provided with that information.
CHAIR: Unfortunately we only had the benefit of one half of the conversation; we only got to see the incoming messages, not the outgoing ones, which might have been more illustrative.

Senator AYRES: It says:
But boy I'm going to send him that one. He will love it, and remember it forever.
Is that the kind of professionalism that you're talking about?

Senator Cormann: So you're saying that there is something wrong with saying the Prime Minister will love the package and remember it forever? I would have thought that the journalist would be quite pleased that the Prime Minister would enjoy his package and remember it forever.

Senator AYRES: Is that really your answer?

Senator Cormann: If you're going to ask me about matters like this, you're quoting something to me, and I'm taking the quotes at word value.

Senator AYRES: That's it—it's fine; it's professional? It's not a sort of culture of bullying journalists?

Senator Cormann: I completely reject the proposition of that sort of culture. There is engagement between government, and I'm sure between opposition, and the media, and I'm aware—if you want me to start running through a series of the examples of engagements that have taken place between senior Labor shadows and journalists, even just in recent weeks, I'm happy to go through that. But the truth is that there is, obviously, a level of engagement between the government of the day and the media, and the opposition of the day and the media. The media's got a job to do, which of course we respect, but, by the same token, we are entitled to defend our position when we feel that we're being unfairly criticised in relation to one matter or another. This was obviously a private conversation. It wasn't something that was complained about to anyone up the line, but, on the basis of what you've just read out to me, this is a private conversation that I would describe as being part of the day-to-day business of government and opposition engaging with the media.

Senator AYRES: That's the nature of this kind of behaviour, though, isn't it—that it's private? That's what makes it effective, isn't it? When somebody says that they're going to hold coverage that they don't like against individual journalists, what—

Senator Cormann: Well, that is you now verballing what is said. You've read out to me that the Prime Minister would love that particular item and would remember it forever. You're deciding to draw further conclusions in relation to this. Let me just say—

Member of the committee interjecting—

Senator Cormann: What? To say to the Prime Minister, 'We love the piece and remember it'? I was always happy when my teacher said that they loved a particular piece of mine that I put forward.

Senator AYRES: Did that happen very often?

Senator Cormann: Not as often as I would have liked.

Senator AYRES: I'll try something else that's maybe a bit less capable of being taken in the way that you have. In relation to Mr van Onselen accompanying the Prime Minister to the United States, what does 'it's not like you'll be given any access or anything' mean?
Senator Cormann: I'm not aware what the access arrangements for individual journalists were on that particular trip. If you want to ask questions about media arrangements, there are obviously officials available that can answer those questions for you. But it's a statement of fact that, obviously, nobody is obliged—and that applies in a general sense—to participate in particular trips. That's just a statement of the obvious.

Senator AYRES: But Mr van Onselen was participating on that trip, and the threat—

Senator Cormann: As I understand it subsequently, and that's—

Senator AYRES: is, 'it's not like you'll be given any access or anything'.

Senator Cormann: So, somewhere along the way, the proposition was put, 'You don't have to come,' which is a statement of the bleeding obvious. And then you're saying, 'but he did participate', which is of course great. And I can only assume that he participated on the same basis as every other journalist.

Senator AYRES: And you think that's a professional level of engagement for Mr Carswell with a journalist?

Senator Cormann: You are relating to a private correspondence which, as I'm advised, was released without Mr Carswell's consent. Let me just say, if you want to explore this much further, I am aware of communications between very senior shadow ministers, and perhaps even higher up the chain, with journalists that were quite robust. In this business you will find that journalists, quite appropriately, scrutinise the activities of government and opposition, as they must. But we're not just punching bags, and, from time to time, it's quite appropriate for us to push back if we do not agree with a particular proposition or with the motivation that might be behind a particular proposition being pushed. It is a two-way engagement, and to suggest otherwise is not being consistent with reality.

Senator AYRES: But Mr Carswell isn't a minister in the government, is he? He's a functionary. Has he been authorised by the Prime Minister to behave in this way?

Senator Cormann: You have chosen to name a staff member, which is something that I never did, and which is something that former Senator Faulkner, who was part of your side on the Labor Party, always stressed was important for us not to do. I'm disappointed that you've chosen to reference an individual staff member by name, but, nevertheless, now that you've named him, you obviously are aware that he's got specific responsibility in the media space. So, from that point of view, he's obviously on the frontline when it comes to the engagement between government and the media in relation to matters involving the government. Again, this sort of proposition that somehow this is unique to the individual or the position involved is obviously not accurate; it's quite false. I think you will find, across the—

Senator AYRES: But it's common, this kind of—

Senator Cormann: No, I was just saying what I've said before: across the opposition, I am aware of a number of very robust exchanges with journalists post coverage. I mean, a politician complaining or being unhappy about an item of coverage, whether that is in print or television media? Stop the presses! Stop the presses! Are you really suggesting—

Senator WONG: No, no, hang on. Sorry to interrupt, Senator Ayres. People complain—I generally try not to, because I think it shows that they've got to you—but this is not just
complaining; it is threatening to take away access because they don't like the content of the story. That's bullying.

Senator Cormann: If you want me to go further down this path, I'm aware of a very specific incident where the Leader of the Opposition, before the last election, threatened not to provide information about opposition policies to a particular newspaper. The sad thing was that it was a one-newspaper town, and that was probably not a very smart proposition. Was it a good thing for the Leader of the Opposition at that time to have done that? Probably not. But, at various times, with the level of engagement between politicians across the board and the media, there are occasions when politicians feel that they've got to defend themselves against what they perceive to be, at a particular point, inaccurate or—

Senator AYRES: This is a member of ministerial staff, isn't it, not a politician? The guidelines say—maybe Mr Carswell doesn't understand them, but you would—that ministerial staff must 'treat with respect and courtesy all those with whom they have contact in the course of their employment'.

Senator Cormann: Indeed.

Senator AYRES: Is this conduct consistent with those mandatory standards?

Senator Cormann: The level of engagement—whether that be by senior government staff engaging with the media or senior media staff in the opposition engaging with the media—is, I think you will find, broadly consistent. I think there's a level of hypocrisies playing out here, because one journalist has chosen, without the consent of the staff member concerned, to publicly release private conversations.

Senator AYRES: So the conduct is perfectly fine, is it?

Senator Cormann: That is not what I said. I'm not here to provide commentary or defences, I'm just explaining the context.

Senator AYRES: No wonder the government's in the business of threatening to lock up journalists, if you don't respect the work they do.

Senator Cormann: Honestly! You obviously haven't listened to a single thing that—

Senator AYRES: I've listened very carefully to—

Senator Cormann: No, no, I've got to really—

Senator AYRES: Fifteen minutes of a—

CHAIR: Order! Senator Ayres.

Senator Cormann: No, you are now mixing things that are dangerous and inappropriate to be mixed. You are now inappropriately mixing different things. The law enforcement investigation initiated by the AFP was based on an independent decision, an independent assessment, by the AFP. It had nothing to do whatsoever with any minister or any politician within government. To now try to sort of fudge those two issues into one is, quite frankly, completely inappropriate and misleading.

I should also again say that the search warrants that were executed by the AFP relate to investigations under old laws, and that, since then, the Liberal-National government repealed and replaced those old laws with provisions that have strong protections for journalists. Beyond that, of course, we have asked the Parliamentary Joint Committee on Intelligence and
Security to enquire into the impact of the exercise of law enforcement intelligence powers on the freedom of the press.

I think you are trying to inappropriately conflate two issues that are completely unrelated. I think you will find that any elected member of parliament will, on occasion, have a few about whether or not something that they were involved in was accurately reported and presented by the media, and I think you will find that politicians of all political persuasions provide varying degrees of feedback in relation to reporting on their activities.

Senator AYRES: My question was about staff.

Senator Cormann: I'm getting to that. Senior officers, in particular, have the responsibility to engage with these matters, because, obviously, the Prime Minister or the Leader of the Opposition, for that matter, have a whole series of calls on their time and they can't pursue every individual engagement in relation to these matters themselves.

Senator AYRES: That behaviour is fine, but let me just come to—

Senator Cormann: You are completely and utterly misrepresenting this.

Senator AYRES: I think anybody watching this would form that conclusion.

Senator McALLISTER: May I just take a point of order, Chair?

CHAIR: You may.

Senator McALLISTER: Senator Ayres is engaged in fairly straightforward questioning. The minister, I understand, is trying to provide his perspective, but he is providing very long answers. I just wonder if perhaps the minister might keep his answers a little tighter.

CHAIR: Can I share an observation there?

Senator Cormann: If you keep asking political questions—

CHAIR: Thank you, Minister; I don't need any assistance. Deputy Chair, I generally agree with you, except for the fact that Senator Ayres previously implied that the government was seeking to lock up journalists—

Senator McALLISTER: They are.

CHAIR: I think it would be fairly expected that the minister would seek to respond at some length to a serious accusation like that.

Senator AYRES: I won't interrupt him if he doesn't—

Senator Cormann: You sought to conflate inappropriately a law enforcement investigation with political engagement between members of parliament.

Senator AYRES: It is just a deflection and an evasion—like the rest of the day.

Senator Cormann: No, it's not. I completely reject that. That is completely ridiculous.

Senator AYRES: Your approach to questions from this group—

CHAIR: Senator Ayres, it is not necessary for you to provide commentary. Please stick to questions.

Senator AYRES: If we are going to go to prosecutions of journalists, has the government ruled out prosecutions with Ms Smethurst, Mr Oakes or Mr Clark for doing their job?

Senator Cormann: That is a completely inappropriate question to ask of the government because these are not decisions for the government.


**Senator AYRES:** It is completely inappropriate that you just don't want to answer it—like all the other questions.

**Senator Cormann:** The naivete of asking that question is unbelievable. So you are now suggesting that there should be political decisions in relation to whether or not somebody is—

**Senator AYRES:** That is precisely what the law provides for. The Attorney-General—

**Senator Cormann:** You're now suggesting that there should be political decisions on whether or not a particular law enforcement investigation should be triggered, how it should be performed and who is charged or not charged. You are now suggesting that these should be political decisions by the elected government.

**Senator AYRES:** The Attorney-General is in the position of being able to rule out prosecutions. Has he done that?

**Senator Cormann:** If you want to ask questions about the performance of the statutory functions of the Attorney-General, you should ask that of him. But let me just stress again that the government is not involved in AFP decisions around initiating law enforcement investigations or how they conduct law enforcement investigations. I think Australians should be very concerned that the Labor Party appears to be of the view that these sorts of decisions should be made based on political discretion. If we ended up living in a country where the politicians made a decision on whether or not to initiate investigations of these sorts, and how to conduct them, God help us!

**Senator McALLISTER:** The charges require the involvement of the Attorney-General. You are providing a bizarre answer.

**Senator Cormann:** No, I'm not providing a bizarre answer; I am telling you that law enforcement investigations should not be pursued based on political considerations.

**Senator AYRES:** Well, I'll decide the questions that I pursue. Let me ask a different question, then. Has the Secretary of the Department of the Prime Minister and Cabinet referred any matters, including alleged leaks to the AFP, since August of last year?

**Senator Cormann:** Sorry; what is this question now about?

**Senator AYRES:** Have there been any alleged leaks referred to the AFP since August of last year?

**Ms Foster:** I will have to take that on notice; I don't have that detail to hand.

**Senator WONG:** Cabinet division reports to you, correct?

**Ms Foster:** Yes, that's right.

**Senator WONG:** And they would be consulted on any cabinet leaks. So could you at least answer that question—whether, to your knowledge, any leaks in relation to the cabinet have been referred?

**Ms Foster:** I genuinely don't know and I will have to ask. The other thing I don't know is in relation to any leaks that weren't related to cabinet. I will find that out.

**Senator Cormann:** Sorry, let me just clarify. What you were asking me before was essentially whether the government would rule out consent to an investigation even before any advice is received from any of the relevant agencies. My advice is that would be unprecedented and unlawful.
Senator AYRES: There is a series of questions in relation to Ms Smethurst and the other two journalists. Now what I want to know is that since August last year, since these matters became public and the government had a bit to say about the approach the government would take to these kinds of issues, have there been any referrals to the AFP in relation to leaks that would fit in the same—

Senator Cormann: The officer has taken that on notice.

Senator AYRES: Could I also get on notice, Ms Foster, details of those referrals and the dates of those referrals, to the extent you are able to provide those?

Ms Foster: I have an answer too to your earlier question on the disclosure log. The guidance that is on our website still was put up in 2001. It remained unchanged while we had responsibility for it. It was quite general guidance about the operation of the disclosure log, which, as you know, came into play in 2011. A couple of years ago, we transferred the policy responsibility to Attorney General's Department, so the extent to which those guidelines give guidance to the whole of the APS, that is a question for them, and what they have up as current. As I said, they are quite general. What we have for PM&C are more detailed business rules for our own staff. They were released under FoI and are on our disclosure log.

Senator AYRES: So what is on the website is the current guidelines for PM&C that are consistent with whatever Attorney General's has developed?

Ms Foster: So the guidelines you are referring to were put up by us in 2011. We don't believe that the obligations around disclosure logs have changed and we believe they are still current, but the only caveat I am making is that formally that is now a question for the Attorney General's Department. But I am acknowledging they are on our website and we believe them to be current.

Senator AYRES: So they are or they are not current?

Ms Foster: We believe them to be current, but we no longer, in PM&C, have whole-of-APS policy responsibility for that. So I am just putting a slight caveat on that saying that, to get a definitive answer, you would want to ask the Attorney General's Department.

Senator AYRES: Well, you should be in that position to answer whether or not the guidelines that PM&C has up on its website are the correct guidelines.

Ms Foster: And we believe they are.

Senator AYRES: You believe they are?

Ms Foster: Yes, and then, separately, just for our department not for the whole of the APS, we have detailed business rules about how we handle and process FoI. They were themselves the subject of FoI recently, they were released and they are up on our disclosure log. We have, for example, 45 decisions to release documents to applicants this calendar year, from 1 January to 14 October; 35 of those are published on the website, so the documents themselves are; and 10 have not been published because of one of the exceptions to publication. Typically for us that is because of personal information, where it would be deemed unreasonable to publish that about the person or unreasonable publication about business, commercial, financial or professional. They are typically the only reasons we would use not to publish. We try hard and typically meet the 10-working-day rule to publish on the disclosure log.
Senator AYRES: And what is the average number of days it takes to process an FoI?

Ms Foster: I think our obligation is 30 days. As I said earlier, for this calendar year, the vast bulk of them, I think it was 87 per cent, were done within the statutory time frame. And of those that were not, all but one were finalised within one day. So that sometimes is where it just takes us that last little bit to get the arguments right.

Senator AYRES: So when a FoI is processed, who signs off on the response, and is that decision recorded internally?

Ms Foster: Yes. The decision-maker is, as I said, typically one of our band 1 officers and it is their decision. Our business rules say that those decisions should be sent to me for noting and, in some cases—where they are straightforward—they will actually go to Mr Reid for noting.

Senator AYRES: I suspect you might want to take this on notice but can you provide statistics on how many FoI requests the department has received over the last five financial years, and then how many of those were provided in full or answered in full? How many were provided in a redacted form, excluding particulars like names and how many were rejected? Are you able to provide that on notice?

Ms Foster: I hope our records are that good; I will attempt to do that.

Senator AYRES: So do I. Does the department provide FoI reports to the relevant ministerial offices?

Ms Foster: When you say reports, like—

Senator AYRES: When you have processed an FoI request, do you provide it to the relevant ministerial office?

Ms Foster: We do. Our business rules, which are up on our website, have the process of the decision going to both me or Mr Reid and the PMO for noting. If it is a different minister, so, for example, when Indigenous affairs was in our portfolio, it would go to the Minister for Indigenous Affairs' staff for noting.

Senator Cormann: And that is as a courtesy for information, not for clearance—just to be really clear.

Ms Foster: As the noting to me is not for clearance—

Senator AYRES: So it is provided once it has been finalised, not before it is finalised?

Ms Foster: It is provided as the decision-maker's decision. So there might be occasions on which I query either way, such as, 'Could you just please take me through why you have chosen to exempt—'

Senator Cormann: This is you?

Ms Foster: This is me: 'Could you please explain to me why you have chosen to exempt that material because the argument is not making sense, so either I think it should be released or I think you need to tighten the argument up.' So it is a quality control, not a second decision-making, and I would do that on very rare occasions.

Senator AYRES: And what is in those reports? Do they get the full report or do they get a sort of version of—
Ms Foster: What I would get, and this would be replicated, are the decision-maker's decision, the full documents and the documents with any proposed redactions.

Senator AYRES: So the decision is made on the FoI, and then the ministerial office gets what sort of input into the final product?

Ms Foster: They get what I get; they get the decision on the documents. I can't think of an example, and I have been in this role for nearly two years, where I got anything other than them back. So it is sent to them literally for noting—that is very clear in the business rules—and they typically just come back saying 'noted'. It is so they get an awareness of what is about to be released.

Senator AYRES: Can you provide a copy of the business rules?

Ms Foster: Yes, and, as I said, they are on our disclosure log.

Senator Cormann: They are publicly available.

Senator O'SULLIVAN: I just have a request on those. If you can provide us also the number of freedom of information requests that have specifically come from the opposition party, please?

Ms Foster: Yes, I can do that, Senator.

Senator AYRES: And how many people are in the department's FOI team?

Ms Foster: We're both wanting to say about seven or eight, but we're just checking the exact number for you.

Senator AYRES: Thank you.

Ms Foster: We've had a relatively significant increase in the number of requests that we've been getting over recent months, and so—

Senator AYRES: And that's what you were trying to take me to at the beginning of the discussion?

Ms Foster: I've authorised some additional resources on a short-term basis to try and make sure that we keep our head above water and that we keep meeting the deadlines. Because what I find is that, once we start missing, it becomes a very slippery slope. So, at the moment, we are still managing, even with quite increased numbers, to meet the deadlines.

Senator AYRES: Would you be able to give me the average staffing level over the last five years?

Ms Foster: Again, I'll try to do that, yes.

Senator AYRES: Would you be in a position to do that today?

Senator Cormann: We'll take that on notice and see what we can do.

Ms Foster: I'm not sure that I'll be able to do that, because—

Senator Cormann: We've taken it on notice.

Senator AYRES: Is it a team that's under pressure at the moment—would you describe it that way?

Ms Foster: It is currently 6.5 ASL. It's busy and, as I said, we are all—both the team and we, as the management group—trying to adjust to the increased numbers coming in. And, as I said, I authorised some additional funding to go to that. Frankly, Senator, most of the teams
within PM&C operate at a really high tempo, so is this team under any more pressure than the others? I'm not sure.

Senator AYRES: Have you had to allocate additional staff to deal with workload pressures into the FOI team from time to time?

Ms Foster: Yes. For example, in the period I was talking about at the start of 2018, I think we increased the team by three or four at that point because I didn't think what was there was actually managing. And we will adjust it, obviously, depending on the demand. I should make the point also that it's not just the FOI team; it's all the decision-makers out in the department. And so, where there's a rush of FOIs on a particular topic, we can find one poor decision-maker with a lot of FOIs. And, again, we are managing to maintain the deadlines, but that is a challenge.

Senator AYRES: So has the FOI team ever raised workload issues with FOI applicants?

Ms Foster: Certainly, when we were trying to process that batch of 87 FOIs, initially the department's response was just to try to do it—just to struggle through. We then went back to the applicant and explained the impact it was having and how our workload was distributed, and we actually refined the priorities that the applicant had. And so I think at that stage we had maybe processed half of them, and then we agreed a schedule for doing the others. Where there's an enormous number, we will actually speak with the applicant about priorities.

Senator AYRES: Thank you. Has there been any internal requests for additional resources for the FOI team?

Ms Foster: As I was just saying, Mr Reid, who runs that division and I speak on a weekly basis about FOI, so we have a weekly catch-up and one of our outstanding items is FOI. That allows me to keep a finger on the pulse and to understand when we might be getting resource pressures. And, recently, as I said to you, I authorised some additional expenditure so that we could cope with the current influx.

Senator Cormann: I should make you aware, Senator Ayres, that I'm being inundated with feedback from journalists who are quite bemused about your line of questioning about the engagement of government staff with the media. Apparently—

Senator McALLISTER: Inundated?

Senator Cormann: Some journalists have reminded me, for example, of the particular unhappiness in the lead-up to the election of Channel 10 coverage and particularly robust exchanges that took place with journalists when they covered some of Mr Shorten's appearances.

Senator WONG: Is this the media or the PMO?

Senator Cormann: I'm about to point you to some public—like Renee Viellaris. I think you might know Renee Viellaris, Senator Wong. She's obviously a very senior press gallery journalist from the great state of Queensland. She went public on Twitter to make the point, addressed to you, Senator Ayres, that she has:

… some doozies & "feedback" from both sides, but more so from the ALP before the election, which put to shame the ones you're talking about.

You might want to take that on board.
Senator AYRES: It's interesting, isn't it? I'm very grateful for the advice. The questions that I was asking were really about the culture in the Prime Minister's office—

Senator Cormann: There's a very good culture in the Prime Minister's office.

Senator AYRES: and the way that the staff in the Prime Minister's office deal with journalists.

Senator Cormann: And what about the staff in the Leader of the Opposition's office, current or former?

Senator AYRES: I haven't heard you talk about staff yet. There's an argument about sensitive politicians, Senator Cormann.

Senator Cormann: Senior staff, I think you'll find, often extend the views and the feedback from the members of parliament they work for to journalists. I think you'll find that happens on the Labor side.

Senator AYRES: So inundation is one; can we maybe get to two? It's a sort of drought of feedback, if I could put it that way.

Senator Cormann: I invite journalists to perhaps shared some of the experiences they've had with Labor staffers.

Senator AYRES: That's #HelpMathias, is it?

Senator Cormann: Let me tell you, I didn't seek it; it was completely unprovoked. There's a level of bemusement about Labor concerns—

Senator AYRES: It's a cry for help—I think that's the way I would put it. How many orders for the production of documents did the department handle in the last financial year?

Ms Foster: We don't have the figures with us for senate orders for production, so we'll have to take that on notice.

Senator AYRES: At the same time, could you advise us how many of the orders for production of documents met the specified deadline?

Ms Foster: Yes, we'll do so.

Senator AYRES: And did the department refuse to comply with any of them?

Ms Foster: We will do so, Senator.

Senator AYRES: That's all I've got.

Senator Cormann: Chair, this may be an appropriate time. There are two officers who would like to correct some evidence they provided earlier today, having been made aware of something that—

Ms Foster: That they didn't recall when they were answering the question.

CHAIR: Sure.

Ms Millar: Thank you, Senator Cormann. I would just like to correct the record on some questions this morning. In response to a previous question, Mr Hayhurst and I said we had no knowledge in advance of the letter from Ambassador Hockey to the US Attorney General on 28 May. Since providing that answer, a colleague from DFAT has forwarded an email dated 28 May sent to Mr Hayhurst, who, in acknowledging it, copied me in. The email advised that
Ambassador Hockey would write to the US Attorney, indicating we would be willing to assist. I therefore wanted to correct the record, as we had forgotten about that message.

**Senator WONG:** I appreciate that. Thank you for correcting it so quickly. Ms Millar, could you tell me who the DFAT officer was?

**Ms Millar:** Yes, it was Philip Green who sent the message to us just then.

**Senator WONG:** Are you able to table that?

**Senator Cormann:** Let us consider that, because obviously we have to review what is in the communication.

**Senator WONG:** Sure.

**Senator Cormann:** This is for no reason other than to make sure that it's appropriate for us to table.

**Senator WONG:** Did you take any action as a consequence of receiving that, Mr Hayhurst, other than responding and CCing in Ms Millar?

**Mr Hayhurst:** No, I didn't. I acknowledged receipt, I said I would like to be kept informed and I copied in Ms Millar on the way out. I have no recollection of that message or any subsequent ones, but I'm obviously going to check them carefully.

**Senator WONG:** When you said you would like to be subsequently informed, what further communication after that date was provided to you by DFAT in relation to this matter?

**Mr Hayhurst:** To my recollection, there wasn't any, but I want to check because I didn't recall that message either.

**Senator Cormann:** We already indicated that on notice we will go through all of this. That is why it is so important, in relation to some of these matters—

**Senator WONG:** I'm not actually going to have a go at them.

**Senator Cormann:** to take them on notice to make sure that the answers are accurate. In complete good faith, I am sure that everyone around this table cannot remember all of the messages that they have been copied in on, across all topics, over months and months on end.

**Senator WONG:** Thank you.

**Senator McALLISTER:** Minister, can I take you to the House resolution on registerable interests?

**Senator Cormann:** The House is obviously responsible for its own declaration of interest arrangements, the same as the Senate is for its.

**Senator McALLISTER:** Sure. I am going to ask some questions about Mr Taylor, which go to his compliance with the Statement of Ministerial Standards. I think that his compliance with the House obligations are relevant, because the Statement of Ministerial Standards says:
Ministers must declare and register their personal interests, including but not limited to pecuniary interests, as required by the Parliament from time to time.

So the ministerial standards go very directly to the obligations that Mr Taylor has by virtue of his being a member of the House of Representatives so that is why I am asking. So 2(a) requires direct or indirect shareholdings to be declared and 2(n) requires the declaration of any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

Senator Cormann: You are sort of now reading out the public record. My advice, and the consistent advice and the consistent statements that we made, is that Mr Taylor, as the Minister for Energy and Emissions Reduction, has disclosed his interest in compliance with the Statement of Ministerial Standards and the relevant rules as they apply in the parliament. That is something that you've pursued extensively through Senate question time, House of Representatives question time and, indeed, through Senate estimates and various other inquiries and that is our consistent answer.

Senator McALLISTER: I do want to ask you a little more about the basis for that answer and what you are relying upon, because the text in the House resolution makes a clear and explicit reference to direct or indirect interests. And the need to declare indirect or subsidiary interest has been confirmed by the now Clerk of the House, Claressa Surtees, to the media. She made comments in relation to another matter to Greg Brown, a journalist at The Australian, back in February, where she is quoted as saying:

Where interests are held in a private holding company, then all subsidiary companies and any subsidiary companies held by those subsidiary companies should be named …

Do you disagree with that proposition?

Senator Cormann: Again, I am personally not aware of all of the structures of all of the interests as they relate to minister Taylor. I am aware that he has consistently made clear that he has complied with all of his obligations, all of his reporting obligations, and that obviously has been tested now for some time. I am not aware of anyone who has actually been able to provide evidence otherwise.

Senator McALLISTER: Mr Taylor has acknowledged that he has an interest in Jam Land to the parliament.

Senator Cormann: He doesn't have a reportable interest in Jam Land.

Senator McALLISTER: No. But he has an interest.

Senator Cormann: You say, 'I know', but that is the whole point. There are rules as to what you need to declare and how it has to be declared and Mr Taylor has complied with those requirements. I should also say, because, we know, of course, where this is going, that Mr Taylor has made it very clear that he has not made any representations to federal or state ministers in relation to his family investment company. That is a pretty explicit denial, and, again, nobody has been able to demonstrate otherwise. This is just part of an ongoing smear and political witch-hunt.

Senator McALLISTER: Minister, Mr Taylor, on the 24 July 2019, said this, and this is a direct quote from Hansard:

My indirect interest in Jam Land has been widely reported in the media and was declared in accordance with the rules.
That is his assertion. I am asking you, has Mr Morrison ever made any inquiries as to why Mr Taylor has never explicitly declared Jam Land on his statement?

Senator Cormann: Mr Morrison is satisfied that Mr Taylor has declared his interests consistent with the rules. It is indeed widely known that there is an indirect interest in a form that is not required to be declared, and that is all there is to it. Mr Taylor is right to say, based on everything we know, that he has declared his interests consistent with the rules as they apply in the House of Representatives and, indeed, the rules under the Statement of Ministerial Standards.

Senator McALLISTER: You are confirming your view that Mr Taylor is in compliance?

Senator Cormann: That is absolutely our firm view. I can confirm that I've said that on the record many times. That continues to be my view and the Prime Minister's view. That is the government's view. That is, indeed, what we have continuously indicated ever since Labor and the Greens have sought to pursue what is a political witch-hunt.

Senator McALLISTER: Ms Foster, has Mr Morrison ever sought a briefing of any kind in relation to section 2(a) of the House resolution of registrable interests as it might relate to Mr Taylor?

Ms Foster: Not to my knowledge.

Senator McALLISTER: Has he ever sought a briefing on section 2(n) of the House resolution of registrable interests as it might relate to Mr Taylor?

Ms Foster: Not to my knowledge. The Department of the Prime Minister and Cabinet provides advice to the Prime Minister on the application of the ministerial standards.

Senator WONG: But not on the application of the House standing orders—is that what we infer from your answer?

Ms Foster: That's correct.

Senator WONG: Who would provide him with that advice? It would be at a political level? There's not a departmental officer?

Ms Foster: There's not a departmental role in that.

Senator McALLISTER: Ms Foster, on that question: 2.2 in the Statement of Ministerial Standards, as I indicated earlier, says:

Ministers must declare and register their personal interests, including but not limited to pecuniary interests, as required by the Parliament from time to time. The ministerial standards require Mr Taylor and, indeed, all ministers to be in compliance with the parliament's obligations—that's correct?

Ms Foster: That's correct.

Senator McALLISTER: But you're telling me that Mr Morrison has never sought any advice as to whether or not Mr Taylor is or is not in compliance with those same standards?

Senator Cormann: Mr Taylor is in compliance with those standards.

Senator McALLISTER: I'm not asking whether or not he is; I'm asking about advice. The evidence to this committee is that no advice has been sought.

Senator Cormann: You're conflating different things again. An executive government agency does not have primacy over the parliament. The House of Representatives is in charge
of its own arrangements in the same way as the Senate and the register of senators' interests is in charge of presiding over those arrangements. The two chambers have their own responsibilities in that regard. They set the rules and they publicly report consistent with people's declarations of interests.

**Senator McALLISTER:** When the ministerial standards, at 2.3, say:

Failure to declare or register a relevant and substantive personal interest as required by the Parliament constitutes a breach of these Standards.

Are you saying to me that that is essentially unenforceable, because the Prime Minister—

**Senator Cormann:** That's not what I'm saying.

**Senator McALLISTER:** Explain to me how it is that the Prime Minister has satisfied himself that Mr Taylor is not in breach of 2.2 or 2.3, and therefore not in breach of the standards?

**Senator Cormann:** Because it is very obvious—it is a longstanding rule that minority non-controlling interests further down the line are not required to be declared. I think you'll find that many, many Labor MPs would have to provide substantially more information on their register of interests in the Senate and in the House of Representatives if the rule and the standard that you are seemingly seeking to impose were employed across the parliament. If every member of parliament had to declare the minority interests of companies in which they hold shares several levels down, I think you'd find that the register of interests disclosures would become significantly more cumbersome.

**Senator McALLISTER:** The ministerial standards also require that a minister may not use public office for private purposes.

**Senator Cormann:** He hasn't.

**Senator McALLISTER:** On 26 July this year, Mr Taylor told ABC Illawarra:

One of the landholders is me. I'm a farmer, so are many, many people in my electorate and many people who'll be listening to your broadcast right now.

**Senator Cormann:** The equivalency of that argument is that if you are a taxpayer you are not allowed to have a view on tax policy.

**Senator WONG:** Oh, come on!

**Senator Cormann:** I know that the Labor Party doesn't understand about farming communities.

**Senator WONG:** That is ridiculous. That is a ridiculous equivalency.

**Senator Cormann:** That is precisely what you're suggesting.

**CHAIR:** Or a union member having an interest in industrial relations policy.

**Senator Cormann:** Why is it that union members in this parliament are allowed to vote on industrial relations legislation?

**Senator WONG:** It concerns his property. He's got a personal financial interest.

**Senator Cormann:** Will you absent yourself from the ensuring integrity bill because you have a clear conflict of interest? Will you not vote on the ensuring integrity bill?

**Senator McALLISTER:** There is no financial interest.
Senator Cormann: That is what you're suggesting. Every Liberal and National member of parliament is a member of the community. In the same way as policy decisions of government impact on other members of the community, a member of parliament is entitled to advocate on policy issues on behalf of their constituents. If a member of parliament were not allowed to advocate on behalf of constituents just because they also happen to live in that community, that would make members of parliament particularly ineffective.

Senator Wong: Can we just be clear: he's not advocating on behalf of his constituents; he's advocating on behalf of himself.

Senator Cormann: No, you're wrong. No, he's not.

Senator Wong: Most punters out there—

Senator Cormann: You're wrong.

Senator Wong: May I finish—don't have the opportunity to advocate for themselves.

Senator Cormann: That is not what he did. You are 100 per cent wrong.

Senator Wong: You keep telling people this is the appropriate community standard.

Senator Cormann: I completely reject that proposition.

Senator McAllister: Have Mr Taylor's subsidiary interests been considered by the governance committee of cabinet or by the Secretary of the Department of the Prime Minister and Cabinet?

Senator Cormann: Obviously all of the declarations that are made to the Prime Minister under the Statement of Ministerial Standards, as a matter of process and as a matter of course, are considered by the governance committee of cabinet. Again, I know that you're desperately trying to create this perception of controversy and conspiracy here. There is no conspiracy. This is entirely straightforward. People understand that Mr Taylor has made his declarations consistent with the rules. People also know that he has a minority non-controlling interest in relation to Jam Land, which is well understood. People also understand that Mr Taylor, as a local member representing a rural and regional community, should be entitled to represent that community in relation to policy matters of concern to a sizable proportion of that community. He has made very clear—

Senator McAllister: Except that Mr Taylor can't identify any of those who've made a request of him to make representation.

Senator Cormann: He has made very clear that he has not made any representations to federal or state ministers in relation to matters relating to his family investment company.

Senator McAllister: Mr Taylor hasn't been able to identify anybody who requested him to make this representation.

Senator Cormann: That is also false. That is misleading the Senate estimates committee.

Senator SCARR: Some bloke in Yass, I think, is what he said. Some guy in Yass.

Senator Cormann: That is wrong.

Senator SCARR: It's absolutely right.

Senator Wong: That's what he said: a bloke in Yass. I think he was in Sydney when he tweeted that.
**Senator Cormann:** It goes well beyond that.

**Senator McALLISTER:** When questions about Mr Pyne and Ms Bishop's compliance with the Statement of Ministerial Standards were raised, Mr Morrison released relevant correspondence. In particular, on 22 July he wrote to the Senate President in relation to the Senate order for the production of documents that was moved by Senator Gallagher at that time on behalf of Senator Wong. He released the information. Is there any correspondence relevant to this question that could assist the public and indeed the parliament to gain confidence that Mr Morrison has undertaken necessary representations and investigations in relation to these issues?

**Senator Cormann:** Relevant to which question?

**Senator McALLISTER:** There is a question about whether Mr Taylor is in compliance with the Statement of Ministerial Standards. Is there any relevant correspondence that indicates that Mr Morrison has undertaken investigations or sought advice about this question?

**Senator Cormann:** I will take that on notice. Let me just repeat again: there is absolutely no information that has been put into the public domain that in any way, shape or form provides a skerrick of evidence at all that there is any breach of ministerial standards. None.

**Senator McALLISTER:** That tells everything about what you think about the ministerial standards.

**Senator Cormann:** You are running a campaign of smear and innuendo as part of a transparent political witch hunt for partisan reasons. We understand that. We understand that you don't really care about the impact that certain policy decisions may have around farming communities around Australia and particularly in New South Wales, and we get that.

**Senator AYRES:** One farm.

**Senator McALLISTER:** Some bloke from Yass!

**Senator Cormann:** But let me just say not a skerrick of information has been provided that in any way, shape or form indicates that there was any breach whatsoever. There is not even a prima facie—

**Senator WONG:** Senator Cormann, have you ever advocated to another member of the cabinet in relation to a policy decision that directly affects your personal interests? See, I don't think you ever would. We have a lot of disagreements, but I don't think you ever would. And that is the problem. He actually thinks—

**Senator Cormann:** Let me answer.

**Senator WONG:** Mr Taylor actually thinks—and you are now having to defend him—that that is appropriate. As a cabinet minister—

**Senator Cormann:** I'm in the Economics portfolio. Let me answer this like this. The logical conclusion of your proposition there is that I should never, ever advocate in favour of lower taxes.

**Senator WONG:** No.

**Senator Cormann:** That is precisely what you are suggesting. I should not be pursuing an argument in favour of lower income taxes because I am one of 12 million taxpayers.
Senator WONG: This is a false equivalence, Mathias. There is a difference between those broad items of public policy and a specific issue which affects a particular region and particular properties, including Mr Taylor's property. It is a very different situation. I for one think that cabinet ministers should not be advocating to their colleagues in relation to policy propositions or compliance propositions which affect their personal interest, and I actually don't think you ever would.

Senator Cormann: Well, this is a broad policy issue that by the way it was framed affected a particular region because of the specificity of the policy issue concerned.

Senator AYRES: It is a very narrow question.

Senator Cormann: I completely disagree. There is absolutely nothing wrong with a local member of parliament making representations on behalf of his or her constituents in relation to policy matters that impact on that community. And that was obviously a particular policy issue that was very regionally focused in relation to that part of New South Wales. I reject that proposition.

Senator AYRES: The sense of entitlement. The property review involved went straight to the minister when he was in strife.

Senator Cormann: This is commentary. This is just part of the political commentary.

CHAIR: Order! I did promise I would go to Senator Waters, so this is probably a good segue for that.

Senator WATERS: To stay with ministerial standards: in the previous 12 months, how many times has a former minister met with current ministers or senior officials within the 18-month cooling-off period?

Senator Cormann: The answer should be at no point, but let me take on notice to make sure that I can provide you that assurance on notice. That is what the answer should be, obviously.

Senator WATERS: Yes, indeed, but what records are kept of when such meetings occur?

Senator Cormann: Obviously, if meetings haven't occurred, there would not be a record of the meeting that did not occur, but the ministerial statement of standards is very clear in relation to portfolio matters that were in the purview of the former minister: no lobbying of relevant officials and ministers should happen within 18 months. I'm not aware of any instances where that particular rule has not been complied with.

Senator WATERS: So what is the mechanism for ensuring that that ruler is complied with?

Senator Cormann: The rule is very clear, and ministers and senior public servants are not to take these types of meetings, if indeed they are requested, and I'm not aware of any instance where that ever has or would have happened.

Senator WATERS: So is there a mechanism to make sure that that rule isn't ever broken?

Senator Cormann: Yes. The mechanism is scrutiny at senate estimates, senate question time and you asking whether or not such meetings in breach of the rules have happened. For as long as we can provide you assurance, as I have, that no such meetings have taken place, then obviously there is compliance. That is the way the democratic process works. But, in an
abundance of caution, I will make sure that I verify the answer I provide to you on notice. But that is my understanding.

**Senator WATERS:** Okay. In November 2016 the Senate passed a motion that I moved to establish an order for continuing effect which requires the government to publish a list of meetings before every Senate estimates session, allowing ministers to scrutinise what goes on behind closed doors, particularly in relation to that cooling-off period. Has any such list of meetings been published prior to any of the budget estimates periods in the preceding two years and, if not, why not?

**Senator Cormann:** Well, you can't publish meetings that have not occurred. This is a circular argument too. There's a rule which says that for 18 months you are not to meet with ministers and senior officials in certain circumstances as prescribed in the ministerial statement of standards. I can't help you with providing a list of meetings that shouldn't have happened, and on the face of it, I believe haven't happened. So I am not quite sure where that answer goes. But it's very good you've asked for that, because that means that, if ever any such meeting did take place, it will of course be flushed out.

**Senator WATERS:** I am just wondering because there has been a rather haphazard level of compliance with that order of continuing effect. What action will be taken to improve compliance with that order?

**Senator Cormann:** I will take on notice to review what the level of compliance has been and to assess what else we might be able to do.

**Senator WATERS:** Okay. Surely, if there haven't been any relevant meetings, a simple statement would very readily be able to be prepared to establish that no relevant meetings have been held.

**Senator Cormann:** I don't disagree with you.

**Senator WATERS:** And we haven't had that, so I am interested in why and what will be done in future.

**Senator Cormann:** I will take that on notice.

**Senator WATERS:** Okay. What action, if any, has the Prime Minister taken in response to the recommendations of the Senate inquiry into compliance with ministerial standards by former Ministers Pyne and Bishop?

**Senator Cormann:** As I have indicated this morning, that matter is closed. There was no breach of ministerial standards, and there is no further action as far as the government is concerned. Obviously, if individual senators want to pursue these matters further, that's a matter for you.

**Senator WATERS:** So the prime minister hasn't taken any action in response to those recommendations? Is that what you're saying?

**Senator Cormann:** There was no further action warranted or appropriate.

**Senator WATERS:** Was there not a suggestion that Mr Parkinson's replacement go and reconsider the scope of the engagement?

**Senator Cormann:** There was a partisan suggestion by a Labor-Greens dominated inquiry to persist with something that clearly had long been dealt with.
Senator WATERS: Okay, and the Prime Minister is not going to do anything in relation
to that recommendation?

Senator Cormann: We're not going to take advice from Labor and the Greens in relation
to these matters. There was no breach of the standards. Mr Pyne and Ms Bishop are very well
aware of what their obligations are and, as I have indicated to the committee, they will
continue to comply with them for as long as they remain current.

Senator WATERS: How many times since the introduction of the current ministerial
standards has the Prime Minister undertaken an investigation into compliance with those
standards?

Senator Cormann: The appropriate way these inquiries are taking place is through an
independent senior public official. Of course, in relation to this matter, Dr Parkinson
conducted that inquiry. I can't off the top my head remember other previous inquiries, but I'm
happy to refresh my memory on notice.

Senator WATERS: It's useful that we've got independent senior public officials at the
table. Perhaps they could reflect on and answer the question. How many times since the
current ministerial standards have been on foot has the Prime Minister undertaken an
investigation into compliance with them?

Senator Cormann: I have taken it on notice.

Senator WATERS: Well, with respect, Minister, you've said that Parko did a letter, but
surely there are further actions have been taken. It's the Prime Minister's own standards. Does
he not want to uphold them?

Senator Cormann: We absolutely uphold the ministerial statement of standards 100 per
cent. I've taken the question you have asked on notice, and we will provide a proper response
on notice.

Senator WATERS: Will the proper response be longer than one sentence?

Senator Cormann: I can't pre-empt what the proper response will be. It depends on the
appropriate information.

Senator WATERS: I can take a good punt it won't be a very helpful response. Are you
sure you don't want to take the chance to provide a more fulsome response right now?

Senator Cormann: All of our responses are always very helpful. They are designed to be
helpful, anyway.

Senator WATERS: Helpful to your political objectives, maybe, not helpful to actually
seeking answers.

Senator Cormann: No, helpful to the public interest.

Senator WATERS: Secretary, how many times has the Prime Ministers sought your
advice regarding compliance with the ministerial standards?

Ms Foster: The way the standards are designed is that the Prime Minister will ask the
secretary of the department to enquire into a specific matter, and there have been a number of
occasions over recent years. I don't have the exact number to hand.
Senator WATERS: Okay. Are you able to check on that while we're still in session? That would be great, thank you. So it was a number of times. An inquiry was made? What were the words that you used—just so I am not verballing you?

Ms Foster: The way the standards work is that the Prime Minister can ask the secretary of the department to undertake an inquiry into a specific issue.

Senator WATERS: Are there any other instances where the Prime Minister can ask the secretary, or indeed has asked the secretary, for advice about compliance with the standards, as opposed to asking for a specific inquiry in a specific situation? Is there any general advice about, say, the scope of the standards or their interpretation or their application generally?

Ms Foster: From time to time, sometimes at a change of government, these things will be reviewed. But my understanding is that the ministerial standards have remained largely unchanged through successive governments since about 2007.

Senator WATERS: Okay. Just to confirm, you're saying that advice about the application of those standards or their scope or their interpretation—that's generally only occurred when there's been a change of government? Are there any other times the Prime Minister has sought advice on how to apply those standards?

Ms Foster: My memory is that they've always been related to specific issues.

Senator WATERS: There've been requests for an inquiry to be undertaken?

Ms Foster: And there is no provision for the secretary of the department to initiate—

Senator Cormann: But there's of course a very structural and systemic holding to account of ministers through the processes of the parliament.

Senator WATERS: Except when you take questions on notice, Minister, and then don't answer them.

Senator Cormann: No. I completely reject that proposition. The Statement of Ministerial Standards is public, and we are questioned in Senate and House Reps question time, as well as indeed during Senate estimates. In the end these matters are worked through the democratic processes, as they must be.

Senator WATERS: Minister, you just reject the premise of the question when it's actually question time; we unfortunately don't get answers there either. But I'm sure the public can draw their own conclusions from that conduct.

Senator Cormann: And, indeed, every three years at election time they get to pass judgement, and that's what they did on 18 May, and they'll have another opportunity to do that in 2022. That is the way the process works. You can expose what you feel you need to expose and then you can present yourself with what you've found to the Australian people. We present ourselves with our record and our plans for the future, and then people get to make a judgement, as they did and as they will do in the future.

Senator WATERS: Thanks, Minister. Secretary, how many times has action been taken in relation to noncompliance with the standards?

Ms Foster: I'm not aware, and so I will take that on notice and check to make sure I give you an accurate answer.
Senator WATERS: Okay, thank you very much. My last question on this topic: has any investigation or analysis been undertaken by the PMO regarding options to require disclosure of ministerial diaries, as happens in, I think, the New South Wales and the Queensland state ministerial arrangements?

Ms Foster: Was that question in relation to the PMO?

Senator WONG: Ministerial diaries, I think she said—whether or not you had provided advice about ministerial diaries.

Senator WATERS: Yes, ministerial diaries. Is anyone looking at whether or not the federal rules should be adapted to match the rules that Queensland and New South Wales apply in relation to disclosing ministerial diaries?

Ms Foster: Not to my knowledge.

Senator WATERS: And would that be something that the PMO would normally do, or is there a different body that would undertake that work, if that work were happening?

Ms Foster: I'm not trying to be tricky. When you say 'PMO' do you actually mean PM&C—the department—or the Prime Minister's office?

Senator WATERS: Either or both. I said PMO, but I'm also interested in PM&C, which obviously is more in your ability to answer.

Ms Foster: I'm just trying to think through where that would logically sit. And if it were an issue around FOI policy, it might go to the Attorney-General's department rather than to us.

Senator WATERS: Okay. If it's disclosure of ministerial diaries as opposed to FOI, which is a bit more responsive, would that still be A-G's, or would that be PM&C?

Ms Foster: I sort of feel like I'm getting into hypothetical territory, because it would depend what the request was and what the context was.

Senator WATERS: Okay. But no such request has been made to you?

Ms Foster: Not to my knowledge.

Senator WATERS: Or to PM&C. Okay, thank you. If folk don't mind me continuing, I have a few other issues, which will not take quite as long. Just on FOI, I notice other senators have asked similar issues. In relation specifically to an article in the Guardian in June, there was a report of an internal investigation into complaints about politically motivated delays in responding to FOI requests. Apparently several decisions were found to be unreasonable and in some cases unexplained delay, and there was mention of a whistleblower whose complaints had prompted an internal investigation and had since complained to the Information Commissioner. I followed this up with a question on notice and the response said that the department was not aware of any findings that had been made. I seek to understand: was a complaint made to the Information Commissioner? And where is it up to?

Ms Foster: Do you have a question on notice number, Senator?

Senator WATERS: Yes, I do. It's question No. 385. The relevant paragraph says: 'The department is not aware of any findings made by the Information Commissioner in relation to the matter referred to in The Guardian.' That goes to the findings, but are you now aware or is...
it just that the findings haven't been made yet? Is the complaint still on foot? Has it not got to findings being made yet? Where is it up to?

Ms Foster: The Information Commissioner wouldn't necessarily advise us, which is why we frame the answer in that way. That might be a question—

Senator WATERS: Maybe the findings have been made, but nobody has told you. Is that right?

Ms Foster: Maybe the question would best be directed to the Information Commissioner: have you made any findings?

Senator WATERS: Okay. If the Information Commissioner is talking about your department, it does seem reasonable that they would let you know. Is that normally what would happen?

Ms Foster: We haven't actually had experience of being on, as Mr Reid said, the wrong end of an Information Commissioner review, so we're just not sure what the answer would be. What you propose is logical, but I just don't want to put words into their mouths in terms of what their process is.

Senator WATERS: Let me assert that logic will always prevail. If you could please provide me, on notice, to the best of your ability, with as much information as you have to hand about the status of any such complaint, whether or not the Information Commissioner is still investigating and whether any findings have been made, that would be great.

Ms Foster: Certainly.

Senator WATERS: I have two more quick issues. On Adani, did the Prime Minister meet with Adani Mining CEO, Lucas Dow, between the dates of 1 April to 5 April, 2019?

Ms Foster: I will just ask my colleague Mr Duggan to come up.

Mr Duggan: Senator, I don't know the answer to that question.

Senator WATERS: Perhaps the minister?

Senator Cormann: I don't know the answer to the question either, but I'm happy to take it on notice.

Senator WATERS: Okay. If the answer is yes, could you please provide the agenda, the minutes and any other documents produced at that meeting? Did the Prime Minister meet with Senator James McGrath between 25 March and 9 April?

Ms Foster: I will just ask my colleague Mr Duggan to come up.

Mr Duggan: Senator, I don't know the answer to that question.

Senator WATERS: Perhaps the minister?

Senator Cormann: I don't know the answer to the question either, but I'm happy to take it on notice.

Senator WATERS: Okay. If the answer is yes, could you please provide the agenda, the minutes and any other documents produced at that meeting? Did the Prime Minister meet with Senator James McGrath between 25 March and 9 April?

Senator Cormann: I'd be surprised if they didn't have a level of interaction in that period, leading up to, obviously, the election being called, but I would have to take on notice whether or not there was any specific meeting during that period.

Senator WATERS: Thank you. And could you provide the agenda, the minutes and any other documents produced at such meetings?

Senator Cormann: We'll consider what we can appropriately provide.

Senator WATERS: Thank you. Did the Prime Minister, his advisers or officers of the department meet with Adani Mining CEO, Lucas Dow, last week, between 14 and 18 October?

Senator Cormann: I'm personally unaware, but I'm happy to take that on notice.
Senator WATERS: Thank you. Did any of the departmental officials have any such meetings last week?

Mr Duggan: No, Senator. There was no such meeting.

Senator WATERS: Also a no from you?

Ms Foster: No, Senator.

Senator WATERS: Thank you. Again, Minister, perhaps you could take on notice the purpose of any such meeting and the agenda and so forth.

Senator Cormann: If the answer is yes.

Senator WATERS: If the answer is yes, obviously. Thank you. My last tranche of questions are on behalf of Senator Steele-John. In appointing the commissioners to the disability royal commission, the Department of the Prime Minister and Cabinet consulted with disabled people and their organisations; however, apparently did not share your shortlist with the organisations for their feedback prior to the announcement of the commissioners. Why is that?

Ms Foster: Dr Baxter, I think, will take this question, Senator.

Dr Baxter: Could you repeat the question?

Senator WATERS: Sure. In appointing the commissioners for the disability royal commission, I understand that there was some consultation with disabled people and their organisations but that the shortlist was not shared with those organisations for feedback prior to the announcement of who the commissioners would be. Why is that?

Dr Baxter: The information that we sought from the relevant non-government organisations, as part of the roundtable with them and also through a series of consultations, was sought confidentially. We were aware that some of those organisations were willing to put those nominations on the record and others wished to make them confidential. So it was appropriate that the list wasn't shared.

Senator WATERS: Do you mean that the feedback people gave about who they thought was appropriate was confidential?

Dr Baxter: That's right.

Senator WATERS: That doesn't explain why you wouldn't then go back to them and say, 'Here's our short list. What are your views on that?'

Dr Baxter: The other thing is that that list comprises nominations that are made from those organisations but that also come from a number of other sources, and that's information that we would generally share with the Prime Minister's office. It's the Prime Minister who makes that recommendation to the Governor-General.

Senator WATERS: Yes, I understand. But, if you were keen to have the views of the sector taken into account, why not get their views on that short list?

Dr Baxter: We had a number of iterations with those groups. We talked to them initially about the sorts of characteristics that they'd be keen to see in commissioners. We had a number of processes talking about their sense of who may be appropriate commissioners. And we talked to them also about process in terms of reference. We didn't, as you say, go back to
them with a final list. That wouldn't be general practice for material and advice that we're providing for the short list—

Senator WATERS: The short list, though. Not the final list: the short list.

Dr Baxter: That's right—for the short list that we're providing to the PM and to his office. That's to ensure that they're able to take that under consideration themselves and apply their own considerations and also apply advice they may have received to the consideration of who might be appropriate royal commissioners.

Senator WATERS: Did you inform the states and territories when you came to a decision as to the appointments to the commission that the PM was going to announce?

Dr Baxter: Yes, we did.

Senator WATERS: When were they informed?

Dr Baxter: I'll just check whether I have the date with me of when they were informed.

Senator WATERS: Prior to the announcement?

Dr Baxter: They were informed prior to the announcement. That's correct.

Senator WATERS: Was it much prior?

Dr Baxter: No, it would have been a short time prior, but I'll just check if I've got the exact date with me. No, Senator, I'll have to take that on notice.

Senator WATERS: Thanks very much for doing so. Did any of those states and territories flag any concerns with any of the appointees?

Dr Baxter: As part of the general process of nominating potential commissioners, states, territories, other organisations and other people who provided advice flagged issues that they thought made people meritorious for commissioners and they also flagged things like potential conflicts of interest or perceptions of conflicts of interest. That was a pretty standard part of the process.

Senator WATERS: But when you told the states and territories who the appointees would be, were there any concerns raised about the individuals who'd been appointed?

Dr Baxter: Not, as I recall, concerns. In those discussions, there may have been issues raised around whether there may have been perceptions of conflicts of interest in relation to some of the commissioners. That would have been material that was then provided as part of the conflict of interest declarations.

Senator WATERS: I don't want to belabour this point, but I want to understand what you're saying. Are you saying that, when you told the states and territories who the appointees were going to be, there were concerns raised or there were not?

Dr Baxter: No, there was not at that stage. But, in the period of time when names were being discussed—and that was coming from the states and territories and also from non-government organisations—at that point, a range of different players, including, I think, some of the states and territories, would have said that there may be a perception of conflict of interest about this person that you may need to look into. That then fed into the process we did of providing that information through to the Prime Minister's office and also to the Attorney-General's Department.
Senator WATERS: You said that there may have been those concerns expressed. Were they expressed by any of the states or territories?

Dr Baxter: I don't know that I'd go so far as to say 'concerns'. But I think from both some state and territory governments and non-government organisations, there was information that they passed on to say that there may be a perception of conflict of interest about this person or that person.

Senator WATERS: So at least some of the states and territories did pass on a concern that there might be a perception of a conflict with one or more of the appointees; is that correct?

Dr Baxter: Yes, I think that's correct. And this is in the context that, in the appointment of royal commissioners, in the discussions we've had with all of the stakeholders, including states and territories, there's a very delicate balance between getting people who have the right expertise and experience in the disability sector—and perhaps have lived experience or perhaps have worked in organisations or in government departments—and balancing that against perceptions of conflict of interest. So it's generally part of a discussion about trying to make sure we have people with the right expertise and also managing some of those perceptions. Part of the process is also that the chief royal commissioner himself speaks then with royal commissioners about potential conflicts of interest. All of those are published on the website. That forms part of that series of discussions, also.

Senator WATERS: Was anything done about those concerns that were raised by the states and territories?

Dr Baxter: We take on board any material that's provided to us either from states and territories or from other stakeholders in the field. We provide that as part of the information that goes through to both the Prime Minister and his office and the Attorney General's Department in looking at conflicts of interest. That's then considered in the conflict of interest declarations. I understand then that Attorney-General's works with those potential commissioners to look at whether those conflicts of interest are ones that can be managed within the context of the commission. For example, the royal commissioner, I think, in the very first set of hearings indicated to everyone who came along that no-one would be required to tell their story to someone with whom they felt uncomfortable. In the public declaration of conflicts of interest, which appears on the commission's website, the commissioners indicate how they plan to manage some of those conflicts of interest. For example, commissioners who've had experience of the NDIS then look at making appropriate arrangements when the NDIS is being considered by the commission. And all of the commissioners resigned the posts that they held at the time of being appointed, because almost all, if not all of them, held posts that had a disability component to them. And, largely, that's why they were selected—for their expertise in the field.

Senator WATERS: Was Mr Sackville the department's first choice to chair the commission?

Dr Baxter: I would have to take that on notice.

Senator WATERS: Could you also take on notice whether anyone else was approached and perhaps declined, or if no-one else was approached and he was the first pick. I'm interested in his own admission that he has very little experience of disability. Why would
you pick someone to chair the commission who, by his own admission, has very little experience?

**Dr Baxter**: Is there a particular question for me in that, Senator?

**Senator WATERS**: Yes. Was he the first pick?

**Dr Baxter**: I have indicated I don't know, but I can take that on notice.

**Senator WATERS**: And if he was, the subsidiary question is: why, given his own statements?

**Dr Baxter**: I can certainly go to his expertise. He's a very experienced and well-regarded member of the judiciary. In a royal commission of this size, you're looking for a number of different qualities. Yes, you're looking for people who have a strong understanding and lived experience of disability, which we have in this commission, but also people who have an understanding of the way that royal commissions operate and the way judicial processes operate. And, in the case of this commission, you have many commissioners who bring the policy expertise, the experience with organisations and, the experience with consumers. Having that strong judicial voice would have been very important in the selection of Commissioner Sackville.

**Senator WATERS**: Who was given the task of making the recommendation to select the commissioners?

**Dr Baxter**: Commissioners are approved by the Governor-General on the recommendation of the Prime Minister.

**Senator WATERS**: Who fed the short list to the PM?

**Senator Cormann**: Now you are referring to processes of government. The cabinet ultimately makes the decision on who is put forward through the appropriate processes, and the Prime Minister obviously has got particular responsibility. And, as the officer has indicated, ultimately it's an appointment by the Governor-General.

**Senator WATERS**: Thanks, Minister. Thanks very much, Dr Baxter.

**CHAIR**: Senator Wong.

**Senator WONG**: Ms Foster, I think you made the comment that PM&C hadn't been the subject of an adverse comment previously by the office of the information commissioner. Was that you?

**Ms Foster**: What I said was that Mr Reid and I personally didn't have experience of getting an adverse finding, and therefore we weren't quite sure.

**Senator WONG**: There was a decision in January 2016, where the department's decision was set aside and the Information Commissioner substituted another decision, and were required to give me a copy of the document.

**Ms Foster**: What I said was that Mr Reid and I personally didn't have experience of getting an adverse finding, and therefore we weren't quite sure.

**Senator WONG**: There's an FOI application in in relation to whether there was a request to invite Mr Houston. It was due to be responded to by Wednesday. An hour after the
exchange we had about this the journalist was advised by your department that a 30-day further extension was required in relation to that FOI application. I wonder if you could explain why and what prompted the delay.

Ms Foster: I have no—

Senator WONG: Someone must.

Ms Foster: Your advice to me is the first time I've heard that.

Senator WONG: Does anyone know?

Ms Foster: We'll find out. So it's news to both Mr Reid and me. We didn't direct that and we didn't know it had happened.

Senator WONG: Was the officer watching? Is that what prompted it—watching the way in which he dealt with that question?

Ms Foster: I don't know, Senator. I'm going to have to ask.

Senator WONG: Okay. I'm coming off FOI and going to staff at official establishments. Mr Martin should remember that I pulled out at some point—

Ms Foster: Just before we move on, our staff have just advised us that the team sent it out, it didn't come for SES clearance, so it was a process issue, and that they had not seen that segment of estimates.

Senator WONG: So what's the reason for the 30-day further delay on something that had been in the public arena for some time?

Ms Foster: I'm guessing it is a consultation requirement, but let me find out.

Senator WONG: With whom?

Ms Foster: It's a procedural issue. The decision-maker was absent on duty for a significant amount of time, so we had sought I'm sure prior to estimates today—I will check that—

Senator WONG: Sorry, the decision-maker was not around?

Ms Foster: The decision-maker was travelling for work for a significant amount of that 30-day period, so we had sought from the Information Commissioner an extension to the period, and that was granted.

Senator WONG: Right.

Ms Foster: I'm just trying to answer—

Senator WONG: You know how it looks to the public. That may well be correct, but how convenient. In one interview alone with Mr Speers the Prime Minister refused to answer this question five times. The PM, Mr Morrison, has refused to answer it on many occasions. Senator Cormann has refused to answer it. Today you give the scripted answer that Mr Martin and you discussed it and now we have 30 more days on an FOI. How it looks from the outside is that you don't want to answer this question.

Senator Cormann: I completely reject that proposition. We've taken questions on notice. You are at liberty to lodge FOI requests, if that's what you choose to do. In the end we are operating under the same laws, the same conventions and the same standing orders as you did in government, and we are answering questions in precisely the same manner.
Ms Foster: Sorry, but the information is not quite accurate.

Senator WONG: Which information—yours or mine?

Ms Foster: Mine. I said that we had been to the IC. In fact, we simply went to the applicant to ask if they would accept an extension for these reasons, and it hasn't been granted. I will make sure that we check any further information so that what we're providing you is accurate.

Senator WONG: Can I now go to staff at official establishments again?

Ms Foster: Yes, Senator.

Senator WONG: Mr Martin, can you tell me how many staff are at each of the Prime Minister's official residences?

Mr Martin: There are three household staff employed at each of the official residences.

Senator WONG: So that is at the Lodge and at Kirribilli?

Mr Martin: That is correct.

Senator WONG: What function do the three in each place perform?

Mr Martin: There is a house manager and two household attendants at each premise. At the Lodge, one of those household attendants has the responsibility of being a chef.

Senator WONG: And, just remind me, are they employed under the MOP(S) Act?

Mr Martin: They are.

Senator WONG: So, although the public pays their salary, they're not public servants?

Mr Martin: That's correct.

Senator WONG: Given that MOP(S) staff are effectively terminated when principals, ministers or prime ministers lose their jobs or change jobs, I assume that there was a changeover of these staff when Mr Turnbull was replaced?

Mr Martin: No. Some of these staff have been in place for successive prime ministers.

Senator WONG: How many were replaced? Of the six, how many are unique, as it were, to Mr Morrison?

Mr Martin: Two.

Senator WONG: And where are they employed?

Mr Martin: At Kirribilli House.

Senator WONG: Both at Kirribilli?

Mr Martin: Correct.

Senator WONG: How were they employed? Was that simply done by Mr Morrison, or Mr Morrison and his family, or were departmental staff engaged with that?

Mr Martin: The department holds a delegation from the Prime Minister to employ and manage staff on the Prime Minister's behalf. The staff were employed at different periods at Kirribilli House as it became clear that, as it was then occupied and used as a residence, those staff were required.

Senator WONG: So these were net additional, were they?

Mr Martin: Yes, they were.
Senator WONG: Sorry. So it was three and one. Would that be right?
Mr Martin: That's correct.
Senator WONG: So there were three at the Lodge and one at Kirribilli with Mr Turnbull, and then there were two additional staff employed at Kirribilli for Mr Morrison.
Mr Martin: That's right.
Ms Foster: And the one at Kirribilli House prior to Mr Morrison was really in a maintenance role.
Senator WONG: Yes, I understand. Were there applications or were people just suggested to you? Was there an advertising process, an application process and a selection process, or was it less formal?
Mr Martin: No, it was less formal. Under the MOP(S) Act, as you know, they are not required to go through that process.
Senator WONG: So what was the process?
Mr Martin: The house manager at Kirribilli House identified that they needed additional staff, and the additional household attendants were employed at two different times.
Senator WONG: When were they employed?
Mr Martin: The most recent one was employed on 12 August. I am not sure about the previous one, but it was earlier than that.
Senator WONG: Perhaps you can come back to me on that. Who conducted the selection?
Mr Martin: The house manager undertook conversations with candidates and assured himself that they were fit for purpose, and then they were employed.
Senator WONG: Was there more than one candidate for either of those two positions on any occasion, or was there only one candidate?
Mr Martin: I would have to take that on notice. I don't think there was more than one candidate.
Senator WONG: Were those candidates suggested by Mr Morrison or Mrs Morrison?
Mr Martin: I think, in at least one case, a name was suggested through the Prime Minister's office to the house manager.
Senator WONG: Is that in relation to the person employed on 12 August?
Mr Martin: Yes.
Senator WONG: And that person, who the Prime Minister's office suggested, was employed?
Mr Martin: Yes.
Senator WONG: May I ask who in the Prime Minister's office made the suggestion?
Mr Martin: I'm not sure. I think it would have been a member of the program team.
Senator Cormann: We can take that on notice, if you like.
Senator WONG: Are all staff at the residence required to maintain a security clearance?
Mr Martin: Yes, they are.
Senator WONG: And do they have them?
Mr Martin: Yes, they do. The most recent employee is still in the process.
Senator WONG: The person employed on 12 August?
Mr Martin: Correct. They've undertaken their police check. The security check is in progress.
Senator WONG: What is the level of clearance required?
Mr Martin: We seek NV2.
Senator WONG: Does that require assessment of any family members?
Ms Foster: I don't think we can comment on the basis of the police check.
Senator WONG: No, the NV2 process. Obviously PV is a higher level of assessment. I am just trying to—
Ms Foster: Typically, with NV2, you fill out details of your family members and their dates of birth. There is a form, and there are spaces for you to fill out details of close family members.
Senator WONG: And the person employed on 12 August, the person suggested by the PMO, is still in the process of getting their security clearance?
Ms Foster: That's correct. A NV2 can take some months to process because of the requirements. If there is a concern or an immediate need, then we will try to ask the authority that does it to do it more quickly. But this is proceeding normally.
Senator WONG: Now, I've only become aware of this by reading media. There has been some media about QAnon, I think it is called—-I'm sure I don't know—which is a conspiracy theory. A media report from The Guardian, of Saturday 5 October, talks through this conspiracy theory. I don't propose to put on the public record some of the, frankly, extraordinary and bizarre views that are expressed. I can if people wish, but I'm assuming you have some knowledge of this; is that right? How do you have knowledge of this, Ms Foster?
Ms Foster: Mr Martin might correct me, but I think he drew it to my attention.
Senator WONG: Okay. I am giving you the opportunity to respond to a public allegation. The assertion is that a person called BurnedSpy, who tweets QAnon material daily, is a friend of Mr Morrison. Relevantly, for this purpose, the story asserts that the wife of this person is on the Prime Minister's staff.
Senator Cormann: So—
Senator WONG: I am asking you if that is the case.
Senator Cormann: I will have to take that on notice. Obviously, I am not aware either of the circumstances you have described or of what is asserted in that particular story. I would be disappointed if your suggestion was that the wife couldn't be appropriately employed because of what may or may not be the activities of her husband—if indeed there are activities, which I am not aware of.
Senator WONG: Hang on; I'm just asking questions. Please don't—
Senator Cormann: I'm just giving some context as to why I'm taking these questions on notice, because I am not comfortable—
Senator WONG: Please don't make assertions about what I am doing. I am asking questions about somebody who is employed on the Prime Minister's staff.

Senator Cormann: I have let this run very calmly, and the officer has answered all of these questions, but if you are now going to alleged allegations about the family member of a staff member, which goes beyond what I am comfortable dealing with on the spot without properly informing myself of the facts, then I don't think that is appropriate.

Senator WONG: Ms Foster, Mr Martin has brought this story to your attention—and I will be clear; I wasn't aware of these allegations until I read the story. Has the department taken any action or undertaken any investigations as a consequence of the claims made in this story?

Ms Foster: We would expect any action, if any action were necessary, would come through either a police check or a security check. Our role, as Mr Martin has said, is to, on the Prime Minister's behalf, employ the individual that has been proposed for employment.

Senator WONG: Okay. Senator Cormann, I understand you are taking this on notice. Can I put a series of questions—which you will take on notice, which I think are asserted in this article. Is a close friend of the Prime Minister one of Australia's leading proponents of the QAnon conspiracy theory?

Senator Cormann: I'll take that on notice.

Senator WONG: Is the partner of that person on the Prime Minister's staff? Has a QAnon conspiracist been invited to either Kirribilli House or the Lodge? Another assertion in the story is that information from this person has been passed directly to the Prime Minister.

Senator Cormann: For clarity, I'm taking all of these questions on notice?

Senator WONG: Yes, I understood that. Has the department made any assessment—it may be a different division or it may be somebody else—of any security risk posed by Australian adherence to this conspiracy theory?

Ms Foster: That's what I was trying to explain before. Any such assessment would be made by the appropriate authorities. So there's a police check and a security check.

Senator WONG: Through the NV2 process?

Ms Foster: Or the police check. There are two layers of checking, and we would not seek—we would be amateurs in that game.

Senator WONG: I also have some questions about the Prime Minister's Lowy speech. Ms Millar or Mr Hayhurst, did either of you or anybody who works in your group see a copy of the PM's Lowy speech prior to him giving it?

Mr Hayhurst: Yes. I saw a copy before it was delivered, and I think the speechwriting unit in the department likewise did, for comment and for fact-checking.

Senator WONG: Ms Millar, you're an official who's worked in a lot of multilateral areas. Are you able to explain to us what the difference is between positive and negative globalism? These are phrases the PM used. And perhaps you could also reference anywhere else in government that those phrases are used.
Ms Millar: I can't comment on where else those phrases may be used. I think it's fair to say that the Prime Minister, as he said in his Lowy speech, is very keen—and he has tasked the Department of Foreign Affairs and Trade on this—to look at a comprehensive audit of global institutions and rulemaking, to see where we have the greatest stake and where we should focus our efforts and resources. Some parts of the multilateral system, as you'll appreciate, work much better than others. Some that were instituted not long after the Second World War need updating and reforming. I think the Prime Minister's comments were made in that context, but I was not closely involved in the speech. That's my understanding.

Senator WONG: I was going to ask about the audit and PM&C's involvement, but I wondered if somebody could explain to me the difference between positive and negative globalism?

Ms Millar: I really don't have much to add to what I've just said.

Senator WONG: There's nowhere else you can refer me to where an Australian government official, or a publication, uses those phrases, other than in this speech? Is that right?

Ms Millar: I'm not aware of it.

Senator WONG: So it's sort of unique to the PM.

Senator Cormann: It was his speech. You've got to look at the speech in its totality and in context. It was a great speech, which was very well received by those in attendance at the Sydney Town Hall.

Senator WONG: Certainly One Nation thought it was great. Senator Roberts thought it was fantastic.

Senator Cormann: I think the quiet Australians, those who voted to re-elect the government on 18 May, against your expectations, very much supported the speech that the Prime Minister made. I know that you are trying to misrepresent by quoting snippets and aspects in isolation and trying to put your own interpretation on it—

Senator WONG: No, no, I don't think I was—I have made speeches—

Senator Cormann: but I think the Prime Minister's speech, very much, stands on its own merits.

Senator AYRES: Nobody except crackpots understood what he meant.

Senator WONG: I actually just asked the department what the difference between positive and negative globalism was. That's what prompted Senator Cormann's intervention. The Prime Minister, also in that speech, described our freedoms as being under threat from institutions that demand conformity rather than independent cooperation. Can someone advise me which institutions demand conformity?

Mr Hayhurst: The PM, in answer to a question in parliament about that, made reference to a couple of institutions. UNHCR, I think, was one. He also referenced climate change.

Senator Cormann: I'm happy to take this. This has been canvassed publicly for some time. I'm happy to use the Prime Minister's own words:

Well any time frankly that global organisations think that they have a greater mandate over a country than the country themselves. I mean I answer to no higher authority than the people of Australia. I don't answer to international institutions or global organisations, and our interests and our policies will be set
in Australia by Australians and by the will of the Australian people. Australia has an exemplary record when it comes to our international participation in constructive programs, everything from peacekeeping, to aid support, to our engagement in multilateral forums. That's all positive. But Australia's interests will determine our involvement and we won't be copping from any global organisation or institution any instructions or directions that are at odds with our national interest and with any presumption that somehow some global agenda is bigger than Australia.

I should make the broader point that I've made in answer to similar questions in Senate question time: we are, absolutely, a constructive participant in all of the relevant international fora. We are a founding member of the United Nations. We take our international responsibilities very seriously, but that doesn't mean that international organisations in all respects are perfect. It doesn't mean that the people who hold relevant positions, from time to time, necessarily reflect in their public utterances or decisions the decisions that we would consider to be in Australia's national interests. So of course we reserve the right to make judgements to advance Australia's national interests in that context, and I think that the Prime Minister's speech directly dealt with these things too. There are some key parts that I would commend to you:

The world works best when the character and distinctiveness of independent nations is preserved within a framework of mutual respect. This includes respecting electoral mandates of their constituencies.

We should avoid any reflex towards a negative globalism that coercively seeks to impose a mandate from an often ill defined borderless global community. And worse still, an unaccountable internationalist bureaucracy.

Globalism must facilitate, align and engage, rather than direct and centralise. As such an approach can corrode support for joint international action.

I couldn't have put it better myself.

Senator WONG: I'm sure.

Senator Cormann: That is a very good way of putting the fact that, ultimately, the Australian people are sovereign over the decisions that their elected government makes.

Senator WONG: Of course. Nobody disagrees with that. But he is proceeding on a premise that is incorrect, and, frankly, the stuff of conspiracy—

Senator Cormann: I disagree with you. I think it was a very important point to make.

Senator WONG: No, he's proceeding on a premise that is incorrect: there are no agreements that Australia has not entered into voluntarily.

Senator Cormann: From time to time, organisations seek to impose views on Australia where, quite frankly, we are quite within our rights to make judgements in the context of our national interest as we see it. Again, just because we are—happily and of course enthusiastically—members of certain international organisations, it doesn't mean that we have to agree with everything those organisations do from time to time, or with everything individuals in those organisations do from time to time.

Senator WONG: Mr Hayhurst, your answer to my question about the demanding of conformity was that UNHCR and the UNFCCC was—

Mr Hayhurst: I was referring to the answer the Prime Minister gave in parliament to a question.
Senator WONG: With the UNFCCC, we've signed up to the Paris Agreement voluntarily. That remains our position. Correct?

Mr Hayhurst: That is correct—

Senator WONG: Thank you.

Mr Hayhurst: but I don't know if the Prime Minister referred to that specifically.

Senator WONG: Sorry, I thought you said climate change.

Mr Hayhurst: He made a reference to it in his response. I don't have the full transcript of the Hansard in front of me.

Senator WONG: Okay. The Prime Minister also referenced 'unaccountable internationalist bureaucracies'. Can someone tell me who they are?

Senator Cormann: I think it's pretty self-evident. I don't think we need to spell it out for you. We are involved in a whole range of international organisations who do not have a democratic underpinning and who are supported by relevant public-service-like organisations—

Senator WONG: What! What are you talking about?

Senator Cormann: Well, it's—

Senator WONG: We don't have to agree!

Senator Cormann: That's right—

Senator WONG: The whole point is that we agree to go—

Senator Cormann: That is fundamentally the point he made—

Senator WONG: Hang on! You fund—yes, well—

Senator Cormann: That is fundamentally the point he made. Senator WONG: 'Unaccountable internationalist bureaucracy': frankly, this is the stuff— it's unsurprising that Senator Malcolm Roberts from One Nation was lauding the speech publicly—

Senator Cormann: I think he's been agreeing some of your positions to, obviously, at times—

Senator WONG: when this is language of the Australian governments that is the stuff of One Nation—

Senator Cormann: I have seen Senator Roberts and Senator Hanson vote with you on a number of occasions—

Senator WONG: May I finish?

Senator Cormann: in recent times.

Senator WONG: We're talking about the Prime Minister talking about internationalism—

Senator Cormann: I think the Prime Minister's comments—

Senator WONG: and using language which, frankly, is—

Senator Cormann: were highly appropriate.

Senator WONG: suggesting that somehow we're told what to do. We're not. We sign up to agreements and we choose to act under those agreements because we make decisions—the
government of the day makes those decisions. This suggestion that there is somehow some unaccountable international government—

Senator Cormann: Is true.

Senator WONG: is ridiculous! They're not a government: it's the UN. It's a collection of nation-states talking together.

Senator Cormann: Indeed, and they make judgements from time to time—

Senator WONG: Who is 'they'? 

Senator Cormann: and we don't have to agree with all of them.

Senator WONG: Who is 'they'? 

Senator Cormann: The body that you just referenced.

Senator WONG: The UN? 

Senator Cormann: Various bodies, from time to time—

Senator WONG: No, no, no! Will you tell me? Who are 'they'? You tell us who they are, Mathias—Senator Cormann.

Senator Cormann: I am referring in the broad to international organisations which make pronouncements from time to time that we don't always have to agree with—

Senator WONG: Sure! Great!

Senator Cormann: We are entitled to express our opinion, advancing our national interest—

Senator WONG: Yes, as any government can.

Senator Cormann: which is what the Prime Minister has said.

Senator WONG: Well, who are 'they'? When you said 'they'.

Senator Cormann: International organisations that we are—

Senator WONG: Which ones? 

Senator Cormann: I'm not going to go through a rollcall now.

Senator WONG: Oh, right—you don't want to say it.

Senator Cormann: I'm not going to go through a rollcall—

Senator WONG: Because it is ridiculous.

Senator Cormann: No, your response to this is bordering on ridiculous.

Senator WONG: I'm asking you to explain the PM's speech and all you're talking about is 'they'—this scary they out there.

Senator Cormann: No, in the context of the question that was asked I think that the Prime Minister's statement is very clear. It stands on its merits—

Senator WONG: Who are 'they'?

Senator Cormann: All of the international organisations that we are members of can, from time to time, make decisions supported by their relevant bureaucracies that we do not consider to be in our national interest.

Senator WONG: Well, which—
**Senator Cormann:** The point the Prime Minister was making, which I believe is a point that is widely supported across the Australian community, is that we take our instructions from the Australian people, as expressed at an election.

**Senator McALLISTER:** And how is that—

**Senator Cormann:** Our primary responsibility is to the Australian people, and we will continue to stand up for the Australian people. We will continue to advance our national interest as we see it as long as we are the elected government of Australia.

**Senator WONG:** If you're talking about the UN, decisions are made by member states. So whatever the Secretary-General says, ultimately, decisions are made by member states. Would you agree with that?

**Senator Cormann:** Of course, everybody knows what the decision-making processes are—

**Senator WONG:** Does the Prime Minister?

**Senator Cormann:** Well, the Prime Minister is very well aware of what the decision-making processes of the United Nations are. I think that most reasonable Australians have a good understanding of the fact that from time to time there are unelected international officials that want to give lectures to countries like Australia—

**Senator WONG:** All right, okay—

**Senator Cormann:** and the point that the Prime Minister reconfirmed, appropriately, is that we get our direction from the Australian people. Our first responsibility is to advance the national interest of and to be accountable to the Australian people. That is entirely appropriate—

**Senator WONG:** Right, well, that is the position of every government. So that's a but, but, but—

**Senator Cormann:** Well, then, I don't know why you're asking questions about this.

**Senator WONG:** Because he's using language which has not been used before, like 'negative globalism' and 'unaccountable internationalist bureaucracies'. That is not language that Australian prime ministers have traditionally—

**Senator Cormann:** There are unaccountable internationalist—

**Senator WONG:** So when you say this 'unaccountable internationalist bureaucracy', the only thing you can point to is that they give us lectures?

**Senator Cormann:** Well, they're not democratically accountable—

**Senator WONG:** No, can I finish?

**Senator Cormann:** to any elected government.

**Senator WONG:** Yes, sure. But you will agree that any agreement and any action we take is a decision of the government of the day. It is not a decision of these 'they' people that you keep talking about.

**Senator Cormann:** We will continue to make decisions as a government, advancing the national interest as we see it, and we will not take directions from unelected international officials.
Senator WONG: They can't direct us.

Senator Cormann: Indeed—

Senator WONG: Correct.

Senator Cormann: So I'm making that point. The Prime Minister has made that point.

Senator WONG: So why do we need this language about—

Senator Cormann: Because there are attempts to direct us.

Senator WONG: Can you tell us which ones they are?

Senator Cormann: You must have been living under a rock if you haven't perceived, in recent years and decades, attempts by international officials to direct us in relation to various matters from time to time.

Senator WONG: So why do we need this language about 'they' when the Prime Minister says 'they' tell us what to do. I have the audit that you reference in your first answer, Ms Millar—that 'the PM had requested DFAT to come back to me with a comprehensive audit of global institutions and rule-making processes where we have the greatest stake'. Is PM&C involved in that at all?

Ms Millar: Yes, we will be.

Senator WONG: How?

Ms Millar: Work has been taken forward by DFAT, but we are certainly going to engage closely with them and other agencies across government as needed. It is at a very early stage, so we will be talking to them about the scope of the audit and how they intend to proceed in the coming days and weeks.

Senator WONG: So we have no time line or process at this point? Is there a time line?
Mr Hayhurst: I don't think there's a confirmed timeline, but I know that work on it is already underway in DFAT. Our role will be to ensure that it is done well, consulted widely across government, and delivered as soon as possible.

Senator WONG: Are there any global agreements that Australia is a party to that we did not enter into willingly?

Mr Hayhurst: Not to my knowledge.

Ms Millar: Not to my knowledge either.

Senator AYRES: When was the Prime Minister informed of the events at the Earle Haven aged care centre? I have a couple of questions about that.

Ms Larkins: I don't have the date that the Prime Minister was advised of Earle Haven.

Senator AYRES: It was a shocking event. Scores of frail and elderly people were left to fend for themselves until the emergency services arrived. There was a lot of public commentary about what occurred there.

Ms Larkins: It was clearly a distressing event.

Senator AYRES: Was the Prime Minister involved in the decision to appoint Kate Carnell to inquire into the events at Earle Haven?

Ms Larkins: We worked closely with the department on how the situation was being managed, and provided regular advice to the PMO. I'm not personally aware of the Prime Minister's involvement in the decision to appoint Kate Carnell.

Senator AYRES: Is there something more definitive that can be provided to us?

Ms Larkins: We can certainly take it on notice.

Senator AYRES: Ms Carnell is currently employed in a full-time job as the Australian Small Business and Family Enterprise Ombudsman. Is she undertaking the review at the same time as she is doing that full-time job?

Ms Larkins: I don't have the answers to those questions. They would be better directed to the Department of Health, which will have more detail, and the Aged Care Quality and Safety Commission.

Senator WONG: Did you have any involvement in this appointment?

Ms Larkins: Personally, no.

Senator WONG: No, no—did the department have any involvement?

Ms Larkins: No.

Senator AYRES: So PM&C didn't have any involvement in the appointment of Ms Carnell?

Dr Baxter: Not to my knowledge, no.

Senator AYRES: So the Prime Minister had no engagement in the appointment?

Dr Baxter: We were in involved in the sense that we were in discussions with the health department when the incident occurred. We briefed the Prime Minister's office, and through that they briefed the Prime Minister. But actions around working with the Queensland government to secure the safety of people on the ground, looking then at what the appropriate investigatory steps were—they advised us that the Queensland government was undertaking
an investigation. My understanding is that the health minister's office and the Prime Minister's office worked together with Health around whether there also needed to be a component of looking at the Commonwealth piece in this, and that was undertaken between those offices and departments rather than with PM&C.

**Senator AYRES:** What I'm interested in is: when that appointment was made, was there any consideration given as to whether it was appropriate to have somebody who was employed by the government in a full-time job—apparently an important job—inquire into whether the legislative framework or Commonwealth or state government inaction, or any of those features, contributed to the events at Earle Haven? Who was in a position to give that consideration?

**Ms Foster:** I think the officers have suggested that the Department of Health would be best placed to take you through that process.

**Senator AYRES:** The appointment was a Department of Health appointment—the Prime Minister's Office or DPMC had no engagement?

**Senator Cormann:** It's an appointment in the Health portfolio. That is, I think, what the officer put to you.

**Dr Baxter:** That's correct. I indicated that we were involved in discussions about the incident and that there were investigations to take place, but we weren't involved in the appointment.

**Senator AYRES:** I think we started at this point: was the PMO involved in the appointment?

**Dr Baxter:** I would have to take that on notice.

**Senator WONG:** Does Senator Cormann—

**Senator Cormann:** It's been taken on notice. I'm personally not aware, but I think, as the official quite rightly pointed out, it's obviously an appointment in the Health portfolio, so that is where this appointment matter is probably best pursued.

**Senator AYRES:** When will the inquiry be completed?

**Senator Cormann:** I would have thought that that is a matter for the Health portfolio, fairly and squarely. It's not being conducted by Prime Minister and Cabinet.

**Dr Baxter:** No, it is not.

**Senator AYRES:** Has the Prime Minister sought briefings from the department in relation to the inquiry?

**Dr Baxter:** Not to my knowledge. We've not provided a briefing to the Prime Minister on this. The Prime Minister may have separately sought information from the health minister's office, but not from us.

**Ms Foster:** As Dr Baxter said at the start, at the time of the incident they briefed the Prime Minister's office, who briefed the Prime Minister.

**Senator AYRES:** In relation to the royal commission, there were briefings from DPMC?

**Dr Baxter:** The aged-care royal commission?

**Senator AYRES:** Yes.
Dr Baxter: Yes, that's correct. We were responsible for the initial advice to the Prime Minister about the appointment of aged-care commissioners, and then royal commissions are dealt with by the Attorney-General's Department.

Senator AYRES: Has the Prime Minister sought or been given briefings from DPMC since the commencement of the royal commission?

Ms Larkins: We'd have to take that on notice. We certainly have given advice to the office about the progress of the royal commission.

Senator AYRES: Have there been any changes in the way aged-care services are administered since the royal commission commenced?

Ms Larkins: Yes. There are a range of reforms that have been underway since the announcement of the royal commission, including the establishment of the Aged Care Quality and Safety Commission, the commencement of the new Aged Care Quality Standards and the Charter of Aged Care Rights and strengthened provisions around the use of restraints. I think, as the PM noted in establishing the royal commission, it's in addition to, not instead of, the actions the government is already undertaking and continues to take to reform the system and improve the standards and quality of care being provided. There's also been a significant additional investment in home care.

Senator AYRES: Has the Prime Minister sought or received any briefings in relation to aged-care matters unrelated to the royal commission?

Ms Larkins: I find it hard to separate those two things, because the briefings that we've been giving to the Prime Minister's Office have been about the aged-care system.

Senator AYRES: In early June, Mr Morrison said he was 'keen to see more in-home care services established.' Has the Prime Minister sought or received any briefings related to in-home care services?

Ms Larkins: As part of our briefings to the Prime Minister's office, yes, he will have—

Senator AYRES: So he's received some. It's not clear whether he sought those. Were there any briefings on aged-care workforce matters?

Ms Larkins: Yes, I think the briefings we've given have also covered the aged-care workforce, in the context, particularly, of the deliberations of the royal commission.

Senator AYRES: Since the Prime Minister spoke about in-home care services, how many additional in-home care services have been established since June?

Ms Larkins: The last investment into home care services was in the 2019-20 budget, with $282.4 million investment into 10,000 new home-care places across all levels. That was the last investment.

Senator AYRES: But, since June, how many have actually been established?

Ms Larkins: I don't have that with me. I'll need to take that on notice.

Senator AYRES: You can take that on notice too. That's all I have.

CHAIR: I'll just flag, for the management of the committee's time and for officials who are here, that it's likely that the committee will delay going to the dinner break in order to finish off with PM&C prior to the dinner break rather than recalling everyone afterwards. When that's confirmed, I'll let you know.
Senator WONG: Although, I shouldn't be helpful. I should just make Ms Foster come back at 9.30.

Senator Cormann: That would mean that you could perhaps give us advice on which agencies you don't require after—

Senator WONG: We're trying to finish this at seven so that we do not disrupt the evening.

Senator Cormann: We are trying to help too.

Senator KITCHING: Could I ask some questions about Mr Morrison's former chief of staff, who's now the secretary of PM&C? On what date did Dr Parkinson advise the Prime Minister of his intention to resign as secretary?

Senator Cormann: Following the outcome of the 2019 election, Dr Parkinson initiated a conversation with the Prime Minister about his appointment as the secretary of PM&C. While Dr Parkinson's term ran to January 2021, he told the Prime Minister that he had no intention of serving for the next three years and he believed the Prime Minister might wish to consider appointing a new secretary. Consequently, Dr Parkinson's appointment was terminated with the effect that is publicly known—to facilitate the appointment of a new secretary who would serve for the next three years. The Prime Minister considered Dr Parkinson's advice and decided he wished to appoint a new secretary early in his new term who would serve for the next three years of this term. Dr Parkinson's early departure was mutually agreed between him and the Prime Minister. The appointment was terminated under subsection 59(1) of the Public Service Act, with effect from 30 August 2019.

Senator KITCHING: When did the Prime Minister first speak to Mr Gaetjens about the job?

Senator Cormann: I'll have to take on notice when he first spoke to him, but I can indicate to the committee that, before recommending the termination of Dr Parkinson or the appointment of Mr Gaetjens to the Governor-General, the Prime Minister received a report from the Australian Public Service Commissioner, in accordance with section 58(6) of the Public Service Act.

Senator KITCHING: Did the Prime Minister consult Dr Parkinson on the appointment?

Senator Cormann: I hesitate to answer. I would be surprised if there hadn't been a level of conversation. As to whether that constituted a formal consultation, I'd rather take on notice the characterisation for whatever engagement or communications there have been between the Prime Minister and the former secretary of PM&C.

Senator KITCHING: On what date did the Prime Minister seek a report on Mr Gaetjens' appointment from the Public Service Commissioner?

Senator Cormann: I'll have to take that on notice. My advice is that questions about the commissioner's report should be addressed to the Australian Public Service Commissioner, who has appeared or will appear—

Senator KITCHING: No, I think he's coming.

Senator Cormann: He would be the appropriate person to provide help with that.

Senator KITCHING: I'll also ask the Public Service Commissioner about the date of the report.
Senator Cormann: I've just received advice that the commissioner's—sorry, no, it might be best if you ask the Public Service Commissioner.

Senator KITCHING: There was an article by Phil Coorey in the Financial Review, the headline of which was 'Meet the man who can read ScoMo's mind', dated August 2019. There's a link on the department's website. Does the department usually link to external profile pieces for its secretaries?

Senator Cormann: I'm not aware, obviously, of what you're referring to.

Senator KITCHING: I've got a copy I can table.

Senator Cormann: So that is an AFR story?

Senator KITCHING: Yes, and it's linked on the PM&C website.

Senator Cormann: You're not suggesting that government websites shouldn't link to stories by such an esteemed and distinguished press gallery journalist as Phil Coorey, I would hope?

Senator KITCHING: No, not at all. I'm just wondering whether it's usual to link to external profile pieces. Mr Martin?

Senator Cormann: Maybe we'll take that on notice, unless you've got a ready answer, Mr Martin.

Mr Martin: From time to time.

Ms Foster: I just wanted Mr Martin to come up so I wasn't misleading you. I think the answer is: where there's a significant piece that we believe will be of interest to our staff, for example, or more broadly, we will create such a link. But there aren't rules about it. It's a judgement issue.

Senator KITCHING: No, I can imagine. It would be hard to have a procedure for something that could be hit and miss. Did you tweet it as well?

Mr Martin: I'd have to check. I don't think so, but I'd have to check.

Senator Cormann: It would be a good story to tweet, though, I would have thought. Maybe you can tweet it.

Senator KITCHING: I'll take that on notice! In the interview, Mr Gaetjens stated, 'I can tell the rest of the Public Service what's in the Prime Minister's mind.' What did the secretary mean by that?

Ms Foster: The secretary is very conscious that PM&C, obviously including the secretary, can assist the Public Service to best meet the government's objectives by providing an insight into what those objectives are. PM&C gets a very special insight into the objectives of the Prime Minister and the broader government, and so he's very keen for all of us to make sure that we are utilising that special role we have in two ways. One is to make sure that we're sharing those insights with our colleagues, and the other is to use our special access to the Prime Minister to make sure that the advice we give him is as broad as possible.

Senator KITCHING: So—and I don't mean this in a pejorative way—you're a Prime Minister whisperer, if you will?

Ms Foster: I think the point was more: the greater the extent that we and someone like the secretary, who has obviously worked closely with the Prime Minister, can understand not
only the Prime Minister's priorities but also the motivations behind them et cetera, the greater the insight we can give the Public Service on how to respond.

**Senator KITCHING:** I want to go to a particular part of the interview where Mr Gaetjens said that energy policy is 'a work in progress'. Does the department consider that the energy policy work is now complete or does Mr Gaetjens still consider it to be a work in progress?

**Senator Cormann:** The reform effort is always a work in progress. I think no-one put that better than our distinguished former Prime Minister John Howard. Reform has an ever-receding finish line and you've got to continuously keep at it, responding to the issues and challenges that arise from time to time. I think it would be fair to say that the need for further reform will never come to a firm and formal conclusion.

**Senator KITCHING:** Thank you.

**Senator WONG:** I have some questions about ministry lists. I've looked at the ministry lists for the Turnbull ministry, December 2015; the Turnbull ministry, February 2016; the Turnbull ministry, November 2017; the Turnbull ministry, February 2018, March 2018; and then the second Morrison ministry on May 2019. Senator Cormann was designated as both finance minister and SMOS in the minister lists dated 18 February 2016, 26 February 2018 and 5 March 2018. He was also listed as both finance minister and acting SMOS, Special Minister of State, in December 2015 and November 2017. My recollection of having been finance minister and not being the SMOS—yay!—is that that was because dual designation would be necessary because they are two separate commissions, and there are references to the Special Minister of State in a range of government instruments, regulations and delegations; is that correct?

**Senator Cormann:** I'm sworn as the Minister for Finance to deal with all of the matters that come under the—

**Senator WONG:** No, hang on.

**Senator Cormann:** If I may—

**Senator WONG:** I haven't got to this on.

**Senator Cormann:** Finance portfolio—

**Senator WONG:** I haven't got to this one.

**Senator Cormann:** I know.

**Senator WONG:** I've got to the ones where you're sworn twice, where you're dual designation.

**Senator Cormann:** I know, If I may.

**Senator Cormann:** Obviously, the portfolio designations are a matter for the Prime Minister. But given that the Special Minister of State portfolio entirely falls within the Finance portfolio, the judgement was made that there wasn't a need moving forward for an explicit, specific and separate portfolio designation.

**Senator WONG:** So why was it previously—

**Senator Cormann:** But I'm, of course, sworn to administer all of the relevant acts of parliament, including the acts of parliament that are relevant to the Special Minister of State responsibilities. Why was that different in the past? On previous occasions, the previous
Prime Minister made a different judgement and, ultimately, that is a matter for the Prime Minister of the day. I'm entirely relaxed in practice. It makes no difference whatsoever.

Senator WONG: Okay. Were there references to the Special Minister of State in any regulations, instruments or delegations?

Senator Cormann: The answer is yes.

Senator WONG: Why won't you allow the department to answer?

Senator Cormann: Because it's actually my job you are talking about.

Senator WONG: But I'm asking them because they prepare the ministry lists.

Senator Cormann: The answer is yes and I'm appropriately sworn to administer all of the relevant acts of parliament and regulations that fall under the purview of the Special Minister of State portfolio.

Senator WONG: Okay. So there are references to the Special Minister of State in regulations, instruments and delegations, and other legal instruments?

Senator Cormann: Yes.

Senator WONG: Specifically to the Special Minister of State?

Senator Cormann: Yes.

Senator WONG: And would you agree that this is part of the thinking about why ministers previously have either had a separate swearing as a designation as the Special Minister of State or, in your case, where you have been both, that has been specified; correct?

Senator Cormann: Portfolio descriptions can change from time to time. If you look across the whole of the cabinet, or indeed across the whole of the ministry, I think you will find that the designations of individual ministers can evolve from time to time, and not always be entirely consistent with the way a particular position is described in legislation or regulations. What is important is that the relevant minister is appropriately sworn to administer the relevant acts of parliament—and, indeed, I have been.

Senator WONG: Rather than just give us a long lecture—because I'd like to try and finish by 7 pm—about how it is a matter for the Prime Minister, I want to understand the thinking behind previous dual designations and why that was necessary. Was it in part because there are, as you have conceded, legal instruments which specifically reference the Special Minister of State?

Senator Cormann: It wasn't necessary in the past. It was a choice that was made in the past. It is not necessary now. A different choice has been made now. It keeps the title somewhat simpler. I think you will find across the whole of the government that a number of ministerial portfolio designations are not entirely consistent with the designations that may have been included in legislation from time to time in the past. The key here is that relevant ministers have to be sworn to administer relevant acts of parliament that fall within their portfolio—and I have been.

Senator WONG: Why was the Parliamentary Business Resources Special Minister of State Delegation No.1 2017 revoked by you?

Senator Cormann: Are you asking me that question?

Senator WONG: Yes.
Senator Cormann: I would say that is SMOS question that goes into the finance portfolio tomorrow.

Senator WONG: You have answered a number of questions today. You don't want them to answer anything, so I am asking you now.

Senator Cormann: If you want to ask me about specific instruments in the SMOS portfolio, I suggest we traverse those when we get to the appropriate outcome in the finance portfolio tomorrow.

Senator WONG: You revoked a delegation. Was that because the current ministry list didn't include a SMOS?

Senator Cormann: No.

Senator WONG: Have any concerns ever been raised with PM&C about the SMOS designation not being included in the ministerial list?

Ms Foster: No.

Senator WONG: Was that a conscious decision not to include it?

Senator Cormann: Obviously any decision that I have made is a conscious decision.

Senator WONG: You are not the Prime Minister. I know that you like to everything, Senator Cormann, but you are not the Prime Minister.

Senator Cormann: You've just said that I've revoked—

Senator WONG: No; this is a different question. You weren't listening. Does PM&C understand that the Prime Minister made a clear decision not to have a Special Minister of State?

Senator Cormann: Well, the Prime Minister clearly made a decision—

Senator WONG: Why won't you let them answer?

Senator Cormann: That is actually not an official decision. The Prime Minister clearly made a conscious decision on the line-up of his cabinet and ministry and the designation of ministerial portfolios.

Senator WONG: Wow—so boring! Just let them answer.

Senator Cormann: That is not something that officials can assist you with.

Senator WONG: We'll have to bring them back and I don't want to bring them back, because I'd rather go and do something else.

Senator Cormann: Honestly—

Senator WONG: Seriously, why can't you allow them to answer?

Senator Cormann: Because it is actually not a matter for the Public Service.

Senator WONG: The question is: what did you understand the Prime Minister had decided in relation to the designation of a Special Minister of State at the time that you were preparing the ministry list?

Senator Cormann: The Prime Minister has decided to include that responsibility in the responsibilities of the Minister for Finance.

Senator WONG: What did you understand, Ms Foster?
Senator Cormann: I've answered.

Senator WONG: How can you refuse to allow her to answer this question?

Senator Cormann: There is absolutely no sensitivity to this, so I'm not quite sure—

Senator WONG: Just let her answer then.

Senator Cormann: I'm answering on behalf of the government. That is my job.

Senator WONG: Okay; so you are not allowing her to answer any questions about the ministry list?

Senator Cormann: I'm answering on behalf of the government.

Senator WONG: So you are not allowing PM&C to answer?

Senator Cormann: That has nothing—

Senator WONG: Did you make a mistake? Did you just forget the Special Minister of State?

Senator Cormann: No; there was no mistake.

Senator WONG: It looks like it.

Senator Cormann: There was absolutely no mistake. It was a conscious decision.

Senator WONG: Were PM&C aware of that conscious decision, Ms Foster?

Ms Foster: We take the ministry list provided to us by the PM or the PMO—

Senator Cormann: Which is why I am answering the questions.

Senator WONG: Wow! Just let her finish!

Ms Foster: We then produce that and put it on the website. But it is the Prime Minister who actually makes the decisions and provides that list to us.

Senator WONG: At any point, was there any advice to the Prime Minister or was it indicated to the PMO there wasn't a SMOS designated?

Senator Cormann: There is a SMOS; it's me.

Senator WONG: There wasn't a designated SMOS.

Ms Foster: We go through a kind of dual process. We get the ministry list from the Prime Minister, and then we go through and make sure that all of the functions are catered for and that all of the cross-swearings and delegations are provided for. That's the approach we take to that.

Senator Cormann: I should refer you to section 19 of the Acts Interpretation Act, which includes longstanding rules about how powers assigned to one minister under an old title are deemed to fit with the relevant new minister, which is precisely what occurred on this occasion.

Senator WONG: Was the Parliamentary Business Resources (Special Minister of State) Delegation (No. 1) amongst those things that PM&C advised would need to be revoked as a consequence of the ministerial list?

Senator Cormann: Are you referring to the decision that I made or that the Prime Minister made?
Senator WONG: I'm referring to Ms Foster's evidence in answer to the ministerial list question. Essentially, she was not answering the question about whether advice was given about whether there was a designated SMOS, but her answer was: we provide advice about what cross-swearing delegations et cetera are required. I'm asking whether the revocation of the delegation to which I have referred—I repeat: Parliamentary Business Resources (Special Minister of State) Delegation (No. 1)—was amongst those that PM&C advised would need to be revoked as a consequence of the decision not to include a SMOS.

Ms Foster: I'm sorry, but I'm going to have to take it on notice. Neither Mr Reid nor I can remember. But I can confirm that we did draw attention to the fact that there wasn't a separately designated SMOS, and we were advised: yes, that's a conscious decision.

Senator WONG: I'm happy to defer to my colleague.

Senator KITCHING: Could I ask some questions about George Christensen, the member for Dawson. In question on notice No. 90 in the Legal and Constitutional Affairs estimates, there was a response given by the AFP. Mr Colvin said:

I briefed the Secretary of the Department of Prime Minister and Cabinet in relation to the allegations—
That is, those made about Mr Christensen—and the fact that we were making an evaluation of that information.

They then confirmed that the date was 7 December 2017. Was the briefing initiated by the AFP or by the department?

Ms Foster: Unfortunately, because it's not one of our QONs, we don't have it with us.

Senator KITCHING: I've got it here.

Ms Foster: We're running a little bit blind.

Senator KITCHING: I'm happy to table this, Chair. I don't have a copy of it anymore, but it essentially says that Commissioner Colvin, as he then was—

Senator Cormann: We can get a copy pretty soon, right?

Senator KITCHING: Yes. Was the briefing initiated by the AFP or by the department?

Ms Foster: I don't know. We're trying the find out if we know the answer between us.

Senator KITCHING: There was a briefing on 7 September, as Commissioner Colvin, as he then was, states.

Ms Foster: This was in 2017.

Senator KITCHING: It was on 7 September 2017.

Ms Foster: I'm afraid that predates me. That's why I said that we're trying to find out if we have that information.

Senator KITCHING: That someone might be in the next room, or listening?

Ms Foster: I think it's likely that, given the time, we're going to need to take that on notice. I'm just running through the officers who might have some information, and I think they're all more recently appointed than that.

Senator KITCHING: What I want to ask—and we'll table the QON—is: was the briefing initiated by the AFP or by the department? Who was present at the briefing on 7 December
2017? Did the secretary create a file note? Did the department provide the AFP with any information? I see someone coming into the room with a folder. It might not be related.

Ms Foster: It's not related.

Senator KITCHING: I live in hope!

Senator Cormann: We still haven't got the copy, have we?

Ms Foster: As you're running through the questions, we're going to have to take them on notice. We just won't have that level of detail with us.

Senator KITCHING: Let me read through these, and then you can come back to me. Is 7 September 2017 the only occasion that the AFP met with the department on this matter?

Senator WONG: With respect, Ms Foster, you don't turn up and everything prior to you getting the job is year zero. You are the custodian of a lot of information. The department has a lot of people working for it, and you have—I hope—very good record keeping. This is most unusual. This is the AFP briefing the Prime Minister of the day about an investigation into a sitting member of parliament. Are you really asking us to believe you have no briefing and no capacity to get briefing while you're at the table about that matter?

Ms Foster: The point I was trying to make was we weren't anticipating a question on this. They're events that took place over two years ago. The only point in me saying I wasn't here is because I have no personal memory. What I was trying to explain was that I was seeking to establish whether there was someone in the room or in the waiting room, or watching us, who could assist with that answer. I wasn't saying it's year zero—

Senator WONG: In relation to how many other MPs has the AFP briefed a Prime Minister, as far as you're aware, ever?

Ms Foster: I don't know.

Senator WONG: Correct. It is most unusual. Are we able to find someone who can talk about this? Was anyone from PM&C present when Mr Turnbull was briefed?

Senator Cormann: Let me get this right: you are asking officials of PM&C to provide information to you about an alleged AFP investigation—

Senator WONG: No, it's not alleged.

Senator Cormann: an AFP investigation which was concluded with a finding of no wrongdoing.

Senator WONG: We're asking for the dates—

Senator KITCHING: Briefing.

Senator WONG: Senator Kitching was asking about briefing. I understand the AFP's evidence is that Mr Turnbull was briefed on six occasions. We'd like to know the dates of those and whether PM&C officials were present.

Senator Cormann: We've got to take that on notice—

Senator WONG: Sorry, Ms Foster, you're turning around?

Ms Foster: I was turning around to say I've just checked with the relevant area and there is nobody here who has the information that you're requesting.

Senator WONG: So it's year zero unless people remember. Surely, there are records?
Ms Foster: Absolutely, there would be. It's just that we weren't anticipating this particular question, so we hadn't done the research and brought that information with us.

Senator Cormann: Points 1 to 8—on the second page of the photocopy that we've just been handed—are the answers provided by the AFP. So the AFP has answered these questions

Senator KITCHING: I want to know whether 7 September 2017 is the only occasion the AFP met with the department on this matter?

Senator Cormann: That is what the AFP seems to indicate in their answer. Presumably, in providing an answer to that question, the AFP would have listed other days if there had been other days. I've only just come across this. I wasn't aware of either the line of questioning or the answers that have previously been tabled. I think the answers are clear there.

Senator KITCHING: According to the AFP, its evaluation of allegations concerning Mr Christensen commenced in early 2017, and it briefed the then Prime Minister Mr Turnbull on six occasions. On what dates did these briefings occur?

Senator Cormann: We'll have to take that on notice. It's not information that I have in my knowledge or I believe that any of the officers have in their knowledge.

Senator KITCHING: Has the current Prime Minister and the current secretary been briefed on these matters?

Ms Foster: Not to my knowledge.

Senator KITCHING: Would you take that on notice?

Ms Foster: Yes.

Senator Cormann: We can.

Senator WONG: As part of you taking this position, Ms Foster, were you briefed on PM&C's engagement with the AFP in relation to Mr Christensen, and the then Prime Minister's briefing of the AFP in relation to Mr Christensen?

Ms Foster: Not to my recollection. I don't recall anyone saying to me, 'This was a recent issue.'

Senator WONG: Anyone else? No-one knows about it?

Senator Cormann: Again, just to confirm, this is an investigation that the AFP—as an independent law enforcement investigation—finalised, saying that there was actually no issue.

Senator WONG: Were any members of the department interviewed by the AFP? The question on notice is in somewhat different terms, I think—'Met with,' I can't recall the wording. Were statements taken by any members of the department?

Senator Cormann: In the end, questions about the conduct of a law enforcement inquiry to the extent that it is appropriate for those questions to be pursued are best addressed to the AFP. I can't see in what circumstance the Prime Minister's department would be in a position to be involved in this type of inquiry.

Ms Foster: It may well be that this would have been handled by our national security area, and that is why I turned to ask that area if there was anyone—

Senator WONG: Why would it be handled by the national security area?
Ms Foster: That is because they have the shadow function. They have the interface with the AFP. I had checked within my organisation. I wanted to check theirs.

Senator Wong: I know I have asked this before, and I don't know if someone from national security division can answer—does that still exist or was that one of the ones you've abolished?

Ms Foster: It exists.

Senator Wong: It's pretty unusual for the Prime Minister to engage with this on—was it on six occasions?

Senator Cormann: This is former Prime Minister Turnbull you're referencing. I'm obviously not appearing here to answer on his behalf. I can't possibly comment, but I am making the point again that this is an investigation that the AFP finalised on the basis of there being nothing to further pursue.

Senator Wong: Sure, there was nothing that met the criminal standard. I am asking: on how many occasions did the department brief Mr Turnbull, the former Prime Minister, in relation to Mr Christensen? Did they brief him ahead of or subsequent to each of the six occasions on which he was approached by the AFP?

Ms Foster: We are trying to find that information. It is possible that the interaction was directly between the AFP and the Prime Minister and the department might not have been involved—

Senator Wong: That's relevant.

Ms Foster: but we are trying to find that out.

Senator Kitching: That's all I had on that particular topic, other than, if the secretary did take a file note, would they be electronically stored so they'd be easy to access?

Ms Foster: It would be unlikely.

Senator Kitching: Is that unlikely that the secretary would take a file note on such matters?

Ms Foster: No, that it would be electronic.

Senator Kitching: I'll move on to appointments to diplomatic posts. On 26 March 2017, then Foreign Minister the Hon. Julie Bishop told Paul Kelly on Sky News: I think people who write these articles or their sources don't understand the process of appointments to overseas positions, and they are totally within the discretion of the Prime Minister. If he chooses to exercise that discretion, the Prime Minister would say to me, Foreign Minister I would like to appoint x, y, z to a position, well then of course I'd have my views, but at the end of the day the Prime Minister has the call. Does this still reflect the diplomatic appointment process in the government?

Senator Cormann: My advice is that these are matters that are best dealt with and addressed by the Department of Foreign Affairs and Trade.

Senator Wong: No, hang on. The former foreign minister has basically indicated that these are calls for the Prime Minister. Senator Kitching has asked you whether that's correct.

Senator Cormann: Ultimately, obviously, the government of the day makes these decisions, but they fall under the purview of the Department of Foreign Affairs and Trade and...
the foreign affairs portfolio. The Prime Minister is the head of the government. All his ministers report to him. Ultimately, these are decisions for which the government takes collective responsibility, but questions about the appointment process of our foreign representatives are best addressed to the Department of Foreign Affairs and Trade.

**Senator KITCHING:** Can I ask PM&C if this is still the process or was the former foreign minister incorrect in her outlining of the process?

**Senator Cormann:** You're now asking for an opinion about a comment—I know it's late.

**Senator KITCHING:** No, not really. I'm asking whether that is the process, whether the deputy secretary—

**Senator Cormann:** You're asking whether she was incorrect in her comments.

**Senator WONG:** Please describe this process.

**Senator Cormann:** It's asking for an opinion, not a comment.

**Senator WONG:** Please describe the involvement of PM&C and/or the Prime Minister in making senior diplomatic appointments.

**Ms Foster:** I'll ask Ms Millar to correct me if she knows something different, but my understanding is that we—PM&C—do not have a role in recommending foreign diplomatic appointments.

**Senator WONG:** Considering or briefing?

**Ms Foster:** Considering or briefing.

**Senator WONG:** But the Prime Minister has?

**Ms Foster:** And I believe he takes his advice from the foreign minister through the foreign affairs department.

**Senator WONG:** Not from himself?

**Senator Cormann:** But, in the end, the Prime Minister is the head of the government and, across all of the portfolios of government, the Prime Minister has regular engagement with his ministers of course, and ministers provide advice. Sometimes it is a process that goes in both directions, as you would expect, and as I'm sure happened under your government. The Prime Minister of the day and our Prime Minister take a very close interest in the job we do as ministers and, from time to time, might have very helpful suggestions on how we could be even better ministers. So that is a two-way process, and I don't think that there is anything novel or revolutionary about this; however, if you have specific questions about specific appointments, I would encourage you to address them to the Department of Foreign Affairs and Trade.

**Senator KITCHING:** So when you heard Ms Bishop on David Speer's program you weren't surprised?

**Senator Cormann:** I can't say that I heard that particular interview.

**Senator KITCHING:** I've got a transcript.

**Senator Cormann:** I'm sure that you're happy to table that.

**Senator KITCHING:** Ms Foster you weren't surprised either when you heard the quote that I've just read out?
Senator Cormann: I think that what I've just indicated to you as an answer is broadly consistent with the proposition that the Prime Minister, as the head of the government, of course has got a particular responsibility across the whole of the government working in with his individual ministers who have specific portfolio responsibility in their respective areas. What you describe fundamentally, or what you are quoting Ms Bishop as having indicated, is essentially a way of describing that process.

Senator WONG: Can you just confirm: are you suggesting there are no PM&C briefs ever to the Prime Minister about diplomatic appointments? Is that your evidence, and do you stand by that, Ms Foster?

Ms Foster: Yes, that's what I said my understanding to be, Senator Wong.

Senator WONG: Can Ms Millar come to the table to confirm it. That's a very unusual piece of evidence, not my understanding of what has previously occurred. Ms Millar, you are welcome to the table—I'll promise to try and be nice.

Ms Millar: Could you please just repeat the question.

Senator WONG: I understood Ms Foster's evidence to be that there is no occasion on which PM&C briefs the Prime Minister about diplomatic appointments. That's not my understanding, and so I ask you to confirm if that's your understanding.

Ms Millar: I'm not aware of that.

Senator WONG: You're not aware of what?

Ms Millar: Of a process by which PM&C briefs the Prime Minister.

Senator WONG: Have you ever briefed the Prime Minister about diplomatic appointments?

Ms Millar: No, I have not.

Senator Cormann: When and how did the department become aware of Senator Brandis's appointment?

Ms Millar: Senator, I'm hesitating only because I can't remember.

Senator WONG: We'll just go through them: when and how did the department become aware of Mr Richard Court's appointment?

Senator Cormann: Again, going to the general process, the Prime Minister would discuss these matters, as is hardly surprising, with his foreign minister, and the foreign minister would take whatever actions the Prime Minister and the foreign minister agreed to her department. Obviously, that is the way that the process is working now. I'm sure—in fact I'm very certain—that that is the way that the process worked under your government.

Senator WONG: I'm just going to put some on notice actually. When and how did the department become aware of the appointment of Senator Sinodinos; when and how did the department become aware of the appointment of Senator Fifield; when and how did the department become aware of the appointment of former Senator Bushby; when and how did the department become aware of the appointment of Peter McGauran; and when and how did the department become aware of the appointment of Patricia Forsyth—if you could take those on notice.
Former Senator Bushby announced that he was resigning from the Senate, and less than an hour later the government announced his appointment as Consul-General in Chicago. When were PM&C aware of this appointment?

**Senator Cormann:** I think you've already asked that to be taken on notice, and we're happy to provide whatever information—

**Senator Wong:** Were you aware of it prior to the announcement, Ms Foster?

**Ms Foster:** Typically we would not be advised before a public announcement, because we have no role in the process—

**Senator Wong:** But?

**Ms Foster:** Heads of mission, heads of post and consuls general are generally considered without referral to the cabinet. If it went to cabinet then we would see them and we would have a role, as we do for all appointments that go to cabinet, to provide advice if we had any concerns.

**Senator Wong:** Did you provide advice on any of the ones I've outlined?

**Ms Foster:** Not to my knowledge. I'm not prevaricating. I'm just saying: I don't believe we did; I just want to make sure nobody did.

**Senator Wong:** It has been reported publicly that the Hon. Patricia Forsythe, who was appointed High Commissioner to New Zealand, is a personal friend of the foreign minister. Were there any issues of a potential conflict of interest raised that PM&C had to provide advice on in relation to that appointment?

**Ms Foster:** Not to my knowledge.

**Senator Wong:** How was the potential conflict managed?

**Senator Cormann:** These are questions to address to the Department of Foreign Affairs and Trade.

**Senator Wong:** I will ask them. I'm asking—

**Senator Cormann:** I know you will be asking them questions, because that's in your portfolio. PM&C has given evidence that they do not have a role.

**Senator Wong:** It was never flagged to you before today that there was a potential conflict of interest?

**Ms Foster:** No.

**Senator Wong:** Was PM&C asked to advise as to the legality of appointing somebody who, as yet, had not technically resigned from the Senate, on any occasion?

**Ms Foster:** Not to my knowledge. If we had, it would have come from my Government Division. I'll just invite either Mr Reid or Mr Rush to correct me if I'm wrong. No; the answer is correct.

**Senator Wong:** Were you asked to advise as to the timing of Senator Bushby's resignation?

**Ms Foster:** No.

**Senator Kitching:** Have you prepared a brief on the appointment of Mr Ciobo?

**Ms Foster:** No.
**Senator Cormann:** Is this now a fishing expedition? Firstly, the department have said they don't have any role in relation to international appointments. I'm not aware of any appointment along the lines of what you just put out there. But, if you do want to ask questions about appointments, Foreign Affairs and Trade is the appropriate portfolio.

**Senator KITCHING:** The only reason I ask is that there were many rumours about former Senator Brandis and there are rumours around Mr Ciobo. I just wonder if there's a brief that's been—

**Senator Cormann:** I'm not aware of any such proposition. I think that you're just trying to stoke a rumour.

**Senator WONG:** I have to say, anyone watching this today would wonder what Mr Morrison actually asks you for advice on. You don't advise on the Barr inquiry, a matter that's been raised between the President and the Prime Minister; you don't advise on appointments; you don't advise on ministerial lists. I could probably go through more. What do you advise him on?

**Ms Foster:** We do provide advice on ministerial lists, as I said. We make sure that they're correct and that all legal requirements have been catered for.

**CHAIR:** Senator Wong, I note we're one minute into our scheduled break.

**Senator WONG:** Thank you. We appreciate the extension of the time.

**CHAIR:** Thank you, Senator Wong. If there are no further questions for the Department of the Prime Minister and Cabinet, I thank you very much for your attendance and your evidence here this evening.

**Proceedings suspended from 18:59 to 20:33**

**Office for Women**

**Workplace Gender Equality Agency**

**CHAIR:** We will examine both the Office for Women and the Workplace Gender Equality Agency together. Please allow me to collectively to welcome the Hon. Marise Payne, Minister for Women, and officers from both agencies. Minister, do you wish to make an opening statement?

**Senator Payne:** Not in detail, Chair, except to say that it is a great pleasure to be here for the first time at these estimates as a formal capacity as Minister for Women rather than representing my colleagues from other places.

**CHAIR:** Indeed you are very welcome. Do either the Office for Women or the Workplace Gender Equality Agency wish to make an opening statement?

**Ms Beath:** I am pleased to provide the committee with an update on the work of the agency since our last appearance. The reporting period for the 2018-19 data collection has concluded and the agency is finalising the analysis of this year's data collection. Our data scorecard with the trends of the last six years of reporting will be released on 19 November. The results will be presented to employers and stakeholders at a series of events in capital cities. As we have discussed at previous hearings, our reporting system has reached the end of its useful life and requires a significant amount of maintenance work to keep functioning well. The work that we have done this year meant that we have experienced no major systems during our most recent reporting period. Pleasingly, the project to develop the new reporting
system is progressing well. It is on track to meet key milestones. The agency has completed the discovery and the architecture and design stages of the project. This work scoped the requirements of the new system. It also involved consultation with employers to identify their priorities for the new reporting system. We are currently completing the procurement and vendor selection phase of the project. We have one further year of reporting using our current system, with the new system due to be in place for reporting in April 2021. Since our last appearance, the agency has contributed to the update of KPMG's *She's price(d)less: the economics of the gender pay gap* research. This report provides a detailed analysis of the drivers of the gender pay gap and is a valuable resource for employers to understand where they can best direct their efforts. We are looking forward to seeing further positive results in our next data release at the end of this year.

**Ms Hawkins:** Since the last estimates I have been appointed as the new head of the Office for Women, which, as you know, is a division in the Department of the Prime Minister and Cabinet. So it is my first time appearing before this committee. I have appeared before your fellow committees, including the Senate Legal and Constitutional Affairs Committee when the minister back in the day was the chair.

**Senator Payne:** She has just aged us both!

**Ms Hawkins:** Off to a bad start!

**Senator Payne:** Not at all.

**Ms Hawkins:** My team and I are looking forward to assisting the committee.

**CHAIR:** Just for the benefit of your time management: we're a little bit constrained. We will start with Senator Waters, then go to the opposition and aim to stick to our allotted time in the original program even though we are running a bit late.

**Senator Payne:** May I suggest we ask questions of WGEA in their own right, as it were, and when we have completed questions of WGEA we allow them to leave and move on to the Office of Women, if that's amenable.

**CHAIR:** Sure, we can do that.

**Senator McALLISTER:** Then can we clarify what we're doing about time, because that changes—

**CHAIR:** Yes, that will change the time—

**Senator McALLISTER:** We had imagined doing it across both agencies. It doesn't make a difference to me.

**Senator Payne:** The only issue is that WGEA is a statutory agency as opposed to a department, so they have slightly different statuses before the committee. I am just trying to make sure that that stays tidy, if you like.

**CHAIR:** I am sure senators will be very careful in their questions to keep that tidy. I think our main objective is adhering to our time constraints and asking as many questions as we can. We will feel our way through it and, if there are any issues, you can point them out.

**Senator Payne:** We will be very concise.

**Senator WATERS:** I do have questions for you both, but—hope you don't mind—I might start with the Office for Women. Congratulations on your appointment. May you live long
and prosper and do good work in the role! I have a number of issues I would like addressed. Firstly, the Women's Budget Statement has been non-existent since 2014. I note that in the 2019-20 budget a women's budget snapshot was provided by the former minister. That obviously is a step in the right direction, but it is not a substitute for a women's budget impact statement. Is the Office for Women still recommending that the Women's Budget Statement be reinstated? Is there any work being undertaken to get us back to that original good summation of what the budget means for women and consideration of its impacts before the budget is finalised?

Ms Hawkins: How I would answer that question is probably to step back to talk about the role of the Office for Women. The Office for Women delivers on four key areas for the Minister for Women and the Prime Minister's gender equality priorities. Those four key priorities are: promoting women's safety, promoting women's economic security, doing targeted international work and improving women's leadership choices. They are very clear priority areas that the Office for Women delivers on for the Minister for Women and the Prime Minister. In addition to that we are developing some guidance material for other departments, so they can have a way to work out the gender issues for their policies. It is up to each department and minister across the board to look at policies for the whole of the Australian community, which obviously includes women. You're quite right in terms of your specific question about women's budget statements. While there hasn't been a particular one since 2013, there have been budget fact sheets that you'd be aware of that have been put out. The government, with Minister O'Dwyer when she was Minister for Women, put out the first Women's Economic Security Statement in November last year. That outlines a number of initiatives across areas: boosting women's workforce participation and looking at boosting women's earning potential. That is where the government is up to in terms of the priorities of the Office for Women—the four I articulated. There are those budget fact sheets and, very importantly, there was that major Women's Economic Security Statement last year.

Senator WATERS: Thanks for that summation. Just a follow-up: did the Office for Women provide any analysis or briefing to the PM or the Treasurer or the Minister for Women at the time regarding the budget's impact on women during the 1919-20 federal budget?

Ms Hawkins: I might have to go back. As you know, I've only been here for a couple of months. But, in terms of moving forward, as I say, the role of the office is delivering for the Minister for Women and the PM on those four particular areas. It's not the role of the Office for Women to be actually giving gender analysis across the board for other government departments. We focus on those four key areas. As I said in response to your first question, we are looking at doing some guidance material so that other government departments actually have the tools to look at those gender impacts themselves.

Senator WATERS: So that's a no on input into the budget, though?

Ms Hawkins: I didn't say it was a no, because I'd actually have to go and check that. I'd have to look at that particular one. But, in terms of looking at the role, moving forward—in terms of me as the new head of the Office for Women—I've articulated what our role is.

Senator WATERS: Thanks for that. Safer Technology for Women was a program announced in 2016 as part of the Women's Safety Package. I understand that some components of that have now have been extended, but I'm interested in whether or not the
Safer Technology for Women program within that broader package has any funding security. I understand that it's due to expire in June 2020 and there's been no guarantee that the funding will be continued. Is that something that the Office for Women has anything to do with?

Ms Hawkins: I understand that program is actually run by the Department of Social Services. We could take that on notice and get information from them to answer your question.

Senator WATERS: Okay. I was going to ask them that also, but is that something that the Office for Women has any input into?

Ms Hawkins: They are best placed to actually look at that historical one.

Senator WATERS: Does that mean no.

Ms Hawkins: It means that we don't run it—yes.

Senator WATERS: And you don't have any input into whether it's a good idea to keep funding it? Wasn't women's safety one of your four things?

Ms Hawkins: Yes, it is. What we have been focusing on, particularly at the moment, is the Fourth Action Plan that was released recently by COAG in August. That's why we were looking at each other—just to check whether it was one of those initiatives.

Senator WATERS: I believe it was. I think it was.

Senator McALLISTER: An action plan initiative?

Senator WATERS: Well, I don't know. Maybe.

Ms Hawkins: There are a number of packages and there were previous packages. Obviously there have been four action plans now, but also, between those action plans, there were other packages.

Senator WATERS: Yes, there were packages between. I don't know where it sits in the zoo. I'm just interested in whether your office has anything to do with recommending that meritorious programs like that continue to be funded.

Senator Payne: It's with DSS.

Senator WATERS: Does that mean the Office for Women doesn't have any input, even though it's about women's safety? I'm just trying to understand.

Ms Larkins: We would generally have input into measures coming forward in the budget context around women's safety—yes.

Senator WATERS: Do you generally have input in relation to this specific—

Ms Larkins: I think we're saying we'd have to take that on notice.

Senator WATERS: Thank you. There's the national DV toll. I passed a motion in the Senate on 4 July. And, Minister, I wrote to you. I know you're a very busy person, but I have written a couple of times asking about progress on establishing a real-time toll—akin to the road toll—for DV deaths. Has the Office for Women undertaken any work towards the establishment of such a national toll register?

Ms Bogaart: On a real-time national toll, the Australian Institute of Criminology, AIC, has been reporting its National Homicide Monitoring Program for the past 25 years. The AIC compiles homicide data from state and territory police and coronial records, including deaths
due to intimate partner violence. The data is credibly sourced through law enforcement, the National Coronial Information System and also other data sources as appropriate. It provides trend data which does inform government policy. The data is updated every two years. The Australian government does rely on that data, as well as data from a range of other sources, including the Australian Bureau of Statistics, the Australian Institute of Health and Welfare and Australia's National Research Organisation for Women's Safety, in forming and developing government policy. It's really important that the government uses data that's evidence based to inform its policy development. We do have to be careful to take the time to verify the needs of balanced and timely release of information.

Senator WATERS: Do you think two years is timely, though? I wouldn't have thought a two-year delay is timely.

Ms Hawkins: I think what it goes to is having data that is verified and has gone through the process of working out what did actually happen. That is the key issue here. We have been talking to the Australian Institute of Criminology about having a look at what kind of current data offerings they have. So we are having conversations with them.

Senator WATERS: Would you mind providing me a bit more detail on notice, given the time, about the nature of the discussions and the nature of what you perceive as the potential constraints, because I'd like to think on that further and possibly return to a dialogue about whether we can address those through the Senate.

Ms Hawkins: Sure.

Senator WATERS: I have some other questions about gender balance on boards, but given the time I think I will pop those on notice, as I will those on affordable housing. But, on the fourth action plan, I understand that the ANAO review of the third action plan effectively found that there should have been a better evaluation of the third plan in order to inform the fourth plan. That's my summary, not their words. Did the Office for Women take that ANAO suggestion on board? I know these are questions for DSS in detail, but what oversight, input or role has the Office for Women had in relation to developing the fourth action plan?

Ms Bogaart: The ANAO review was of the implementation by DSS of the national plan to reduce violence against women and their children, not the third action plan. The third action plan is currently being evaluated by the Australian Institute of Family Studies and that has yet to be released. So the ANAO report was about the overarching national plan, not the third plan.

Senator WATERS: Sorry, I got my terminology mixed up.

Ms Bogaart: That's okay. I just wanted to start with that because there are a lot of plans and I just wanted to be really clear on that.

Senator WATERS: Thank you.

Ms Bogaart: In terms of the response to that, what we have been working really closely with the Department of Social Services on, but also the states and territories, is the development of a national implementation plan for the fourth action plan.

Senator WATERS: That was another ANAO recommendation, if I remember correctly.
Ms Bogaart: It was. So it does take into account that recommendation and that will enable us, at all government levels, to be able to say how we will implement each of the actions and the measures that we have committed to—

Senator WATERS: Under the fourth action plan?

Ms Bogaart: under the fourth action plan. That will be reported on annually during the course of the three-year fourth action plan. There was also funding in the budget measure for evaluation of the fourth action plan and the whole national plan towards the end of its life.

Ms Hawkins: The short answer is that we are across that and have been involved in that. That evaluation phase is important to make sure that implementation going forward is good.

Senator WATERS: Okay, great. What is the time frame on finishing that implementation plan?

Ms Bogaart: The implementation plan is due to be released by the end of this year. We are working very closely with the states and territories, DSS and also the Commonwealth agencies that have measures in the fourth action plan to put out a really comprehensive document that demonstrates how it will be implemented over the three years of the fourth action plan.

Senator WATERS: Great. I look forward to that, and I'm sure I'll have some follow-up questions once we see the proposal to implement the mostly good actions in the plan. A criticism of the previous action plans has been the lack of funding. Forgive me if I should know this: is there a significant difference in the funding for the fourth action plan compared to the third?

Ms Bogaart: In the fourth action plan, the Commonwealth's funding commitment was $340 million through measures in the budget. The funding package of the third action plan was $100 million, but there was also the women's safety package of $100 million the year before that.

Senator WATERS: I might ask some further questions on notice about the breakdown of the funding.

CHAIR: Senator Waters, for your time management, this is your five-minute warning.

Senator WATERS: Okay, but I only started 10 minutes ago. I thought I had 20 minutes.

CHAIR: I had you starting at 8.35.

Senator WATERS: No, we had a discussion about how we would roll. I jotted down 8.40 as my start time.

CHAIR: The agencies are due to finish at 9.15. If the opposition takes over at 8.55 that would give them 20 minutes and you would have had 20 minutes, give or take.

Senator WATERS: Okay, thank you, I'll move along.

Senator McALLISTER: To be honest, that's not entirely satisfactory from the opposition's perspective.

Senator WATERS: Was the Office for Women consulted prior to the decision to establish the Joint Select Committee on Australia's Family Law System?

Ms Hawkins: No, we weren't.
Senator WATERS: Was the Office for Women consulted in relation to the terms of reference or the membership for that inquiry?

Ms Hawkins: Of the family law inquiry?

Senator WATERS: Yes.

Ms Hawkins: No.

Senator WATERS: Has the Office for Women received any correspondence from individual women or women's organisations concerned about the potential adverse impact of that inquiry on women and children?

Ms Hawkins: We have had representations from people who are concerned.

Senator WATERS: How many emails have you received?

Ms Hawkins: I couldn't tell you that. We could take that on notice.

Senator WATERS: Is it in the tens or hundreds or thousands?

Ms Hawkins: I would have to take it on notice.

Senator WATERS: I'm sorry WGEA. I thought I had 10 minutes with you, but I've got five. The next stats are coming out on the 19th. You collaborated with KPMG on that report, which I think said that gender discrimination is still the key driver of the pay gap. Is there any further policy work being done to reduce the discrimination that's driving the gender pay gap?

Dr Bredehoeft: The agency does address the different drivers in terms of we're addressing discrimination in work practices such as hiring, promotion and access to training. We've recently published a recruitment guide which encourages organisations to assess bias and gender discrimination in their hiring and promotion systems. We continue to encourage organisations to undertake gender pay gap audits and analysis and correct their gender pay gaps. We have also recently released our new gender pay gap calculator to help organisations with that.

Senator WATERS: How has compliance with the reporting requirements been tracking in the last 12 months compared to the lifetime so far of the reporting requirements? Are companies getting better or is there still significant noncompliance?

Ms Beath: We have very high compliance. I think we were at 95 per cent, and that's continued.

Senator WATERS: Has there been any move on naming and shaming the nonresponders? Has there been any move on naming and shaming the non-compliant companies?

Ms Beath: We currently report in our annual report those organisations that are noncompliant. So that practice continues.

Senator WATERS: By name rather than granular?

Ms Beath: Yes.

Senator WATERS: Where is the latest annual report? I thought that was due prior to estimates.

Ms Beath: We have an extended time line for the delivery of our annual report.

Senator WATERS: I see—to factor in the time frame of the pay gap data.

Ms Beath: Yes.
Senator WATERS: When's the due date for the annual report?

Ms Beath: It is expected to go to the minister next week.

Senator WATERS: Several weeks after that?

Ms Beath: Yes, it should be tabled very shortly after that.

Senator WATERS: According to the HILDA report, single elderly women are in the lowest income-family group. Sadly, nearly a third of women over 65 are living in poverty. We know there's a superannuation gap. We know there's a massive housing problem. Is WGEA doing any work on addressing the gender retirement income gap or is that not quite in your remit?

Ms Beath: We don't actually collect data on age currently, so we aren't able to assess that picture out of our current reporting data.

Senator WATERS: Okay, no problem. Hopefully the government is working on that. In the past you've set up working groups to consult with business. Are there any of those working groups still on foot, and how are they going?

Ms Beath: I don't have any current working groups. We will work with businesses and organisations as we progress through the delivery of our new reporting system to ensure that we're meeting their requirements and addressing the user's needs in that process.

Senator WATERS: I'm interested in your analysis of domestic violence entitlements that are provided by large employers. I'm interested in the percentage of employers that provide that—sadly, voluntarily—paid, because, as you know, only the only five-day unpaid leave has been mandated by the government. I'm interested in that voluntary provision of paid DV leave by employers and what the stats are on that.

Dr Bredehoeft: I'm afraid I would have to take the paid leave on notice. Access to unpaid leave is 66.1 per cent out of the 46.9 per cent that have a strategy or a policy to support employees who are experiencing family and domestic violence. I have to take the question of paid leave on notice.

Senator WATERS: Okay. Thank you very much.

Senator McALLISTER: Can I check before we begin where Ms Lyons is.

Ms Beath: She is currently on leave.

Senator McALLISTER: Personal leave?

Ms Beath: Annual leave.

Senator McALLISTER: The estimates session has been in the calendar for quite some time, and we pretty much, irrespective of the parliamentary calendar, do have supplementary estimates in October. When was Ms Lyons's trip booked?

Ms Beath: I'm unaware, sorry.

Senator McALLISTER: When was leave approved?

Ms Beath: Her leave was approved on 2 September 2019.

Senator McALLISTER: So a month before estimates. Who approved the leave?
**Senator Payne:** I'm not sure that date is correct, actually. I approved the leave on the basis that, when I met with Ms Lyons, if I recall correctly—and I will correct the record if my recollection is not correct—that her arrangements had already been made.

**Senator McALLISTER:** It is unorthodox for the head of an agency to book a holiday during the estimates session.

**Senator Payne:** Well, it's not usual, but I have seen it occur before. I agree it's not ideal.

**Senator McALLISTER:** I wanted to ask some questions about the Retirement Income Review. Was the Office for Women consulted before the government announced the Retirement Income Review?

**Ms Hawkins:** We were not consulted.

**Senator McALLISTER:** Have you been consulted since the announcement was made?

**Ms Hawkins:** When you ask whether we have been consulted since the announcement has been made, I'm not sure—

**Senator McALLISTER:** A retirement income review has been established. Terms of reference have been established for the review, which presumably you had no input into. I guess I'm interested in whether the secretariat supporting the review has been in contact with you.

**Ms Hawkins:** What we do know in terms of this review is that there will be a consultation paper that will be released in November and that the review are going to report to the government in June of next year. One of the things that we will do as the Office for Women, given that this is obviously a significant issue for women, is encourage stakeholders who we work with to put in submissions to the review so that the review panel gets a full range of input. That is one of the things that we will do in relation to this important review.

**Senator McALLISTER:** Back to my original question: have you had any contact with the review?

**Ms Hawkins:** I might have to take that on notice in terms of who particularly in the team has had contact.

**Senator McALLISTER:** Okay. I appreciate that you've only recently started in your role, Ms Hawkins, and welcome and congratulations, but you do have two assistant secretaries at the table. It's not a big organisation. Either the Office for Women has had contact with the review or not.

**Ms Hawkins:** I can see why you're asking that. We have got some new people at the table, including one of our acting assistant secretaries at the moment, and, indeed, the branch head of this team, who, no doubt, would have known the answer, has recently left. So I'm sure we can answer the question in terms of taking it on notice and finding out from one of our team.

**Senator McALLISTER:** Is the Office for Women undertaking any substantive analysis about the economic security of women in retirement, to contribute to the review?

**Ms Hawkins:** The topic of this review is, obviously, a really significant one for women, and I mentioned the Women's Economic Security Statement earlier. There are a number of initiatives in the Women's Economic Security Statement that are designed to boost women's workforce participation and earning potential. All of these issues will actually go to helping women's retirement incomes.
**Senator McALLISTER:** But my question is—

**Ms Hawkins:** So we will—

**Senator McALLISTER:** May I interrupt you, because we have a really short space of time and a lot of topics to cover. I'm asking a very specific question. You are responsible for the Office for Women. Are you undertaking any analytic work to contribute to this review that goes to issues relating to women's economic security in retirement? Have you commissioned any work, either externally or internally?

**Ms Hawkins:** What I can say to you is that it is an important review. There are a number of initiatives that are on foot, and we will work with Treasury to look at issues that perhaps—

**Ms Larkins:** I was going to say that women are integral to the terms of reference of this review.

**Senator McALLISTER:** Well, they're not mentioned in the terms of reference of the review, so that's a very interesting assertion.

**Ms Larkins:** Notwithstanding that, clearly, women make up the bulk of the population and will be critical to the terms of reference of this review, and indeed I would expect that—

**Senator McALLISTER:** Okay, but they didn't contact anyone in the department of women; they haven't contacted anyone since establishing the review; you're not undertaking any analysis. Can I ask whether you're aware of whether or not Treasury is presently undertaking any analysis in relation to the causes of women's economic security, or is it—

**Ms Larkins:** We'd have to take that on notice, but I'd be very confident that Treasury will be considering women as part of the work that it's doing in this review.

**Ms Hawkins:** And if I can add—

**Senator McALLISTER:** But you're not aware of it at this point—they haven't raised it with you or discussed it?

**Ms Larkins:** We've said we'd take that on notice.

**Ms Hawkins:** The terms of reference make it very clear—just to underline Ms Larkins' point—where they say that the Retirement Income Review will identify, among other things, distributional impacts across the population and over time. So of course it will be an issue that the review looks at.

**Senator McALLISTER:** Ms Hawkins, I don't share your confidence that of course it will be. The government has had multiple opportunities to implement measures that would support women in retirement, and they haven't. So I don't think, actually, we can at all assume that a reference to demographic analysis includes women at all. In fact, I don't understand the resistance on the part of the government to including women explicitly in the terms of reference to the review. But let us hope that your confidence is well placed, and we'll see where we get to, I guess. But so far, no contact?

**Ms Larkins:** No, that's not what we said.

**Ms Hawkins:** We didn't say that there was no contact; we said that we would have to take that on notice, to see.

**Senator McALLISTER:** Can we just get something out of the way with WGEA. Does the gender pay gap still exist or has it closed?
Ms Beath: The gender pay gap has been decreasing year on year, and currently it is at a record low of an average of 14 per cent.

Senator McALLISTER: Fourteen per cent. At the current rate of change, how many years until the gender pay gap has closed to zero?

Dr Bredehoeft: We don't have any modelling or estimates for this question.

Senator McALLISTER: So you've no sense of when it will close to zero—no ability to provide advice on that question?

Dr Bredehoeft: There is no research that has been undertaken that would suggest anything, because the factors that are impacting the gender pay gap are various and that is modelling that has not been undertaken.

Senator McALLISTER: Minister, you're highly experienced, but new to the women's portfolio. How are you settling in?

Senator Payne: I think the opportunity to work in this portfolio, which has been a policy interest and a personal interest of mine for the period of time that I've been involved in organised politics—but probably since I drew breath, if the truth is told—is a very valuable one. What I do think is interesting is the intersection of both the portfolios that I hold. It's a very powerful one in terms of gender issues more broadly, and I have remarked in recent months that it is powerful both domestically and in my international work.

Senator McALLISTER: You have issued a number of press releases that go to the international dimension of the work. On your visit to Fiji, did you engage in women's groups?

Senator Payne: Which visit? I've made three or four since the appointment.

Senator McALLISTER: My apologies, I'm just going through the media releases relating to the portfolio. On 3 June 2019, a visit to Fiji, I'm just interested in the women's groups that you engaged with during that visit.

Senator Payne: I believe on 3 June—and obviously I don't have my detailed calendar with me—if I recall correctly, I met with a reasonable majority of the 10 women members of the Fijian parliament across parties and roles, visited the Fiji Women's Crisis Centre, and I potentially also spoke with female members of both the Pacific Labour Scheme and Seasonal Worker Program, who, of course, have worked in Australia. But as I said, I can check my records on that.

Senator McALLISTER: If you would provide a list of the groups that you met with on that trip, that would be terrific.

Senator Payne: Just that one?

Senator McALLISTER: Well, in fact, if you are of a mind to provide—

Senator Payne: Well, I'm happy to provide the—

Senator McALLISTER: details of the engagements on other trips to Fiji, that would be terrific also.

Senator Payne: And only Fiji?
Senator McALLISTER: I'm just going through the media releases because I think you've had five releases relevant to women since taking on the portfolio and I'm basing, I guess, my questioning on what is in the public domain about your activities.

Senator Payne: You could also turn your mind to social media, potentially, as well. Not everything is constrained by a government press release in 2019.

Senator McALLISTER: I'm not following all of you on the social media all the time, if I can be honest!

Senator Payne: Well, Jenny, you don't know what you're missing! Follow Matt and Paul and James—it'll really liven up your day!

CHAIR: Indeed!

Senator Payne: Not at all, I wouldn't like to be accused of sadism if that's okay with you—not on the public record.

CHAIR: It was a compliment!

Senator Payne: That I'm a sadist?

Senator McALLISTER: Five media releases does not seem like a great many in six months but your assertion is that it is not your primary means of communication?

Senator Payne: It is one of many, I would suggest.

Senator McALLISTER: I'm just thinking about where to go given the time. What time are we scheduled to finish, Chair?

CHAIR: At 9:15.

Senator McALLISTER: So we don't have a lot of time. Senator Waters was asking questions earlier about some of the women's safety programs. I just wanted to check if we could get an update on SafeConnections and the funding, and whether or not the funding is being delivered through WESNET?

Ms Bogaart: That is a question for the Department of Social Services. They administer the program that funds that particular program.

Senator McALLISTER: Right, okay. I think Senator Waters was going to this in her questioning but has a decision been made about future funding for the safety programs?

Ms Hawkins: It depends which ones you mean.

Senator McALLISTER: Well, the WESNET program in particular.

Ms Bogaart: I can take it on notice. Otherwise, I recommend that you ask DSS when they appear later this week.

Senator McALLISTER: Sure. Finally, you were commenting earlier, I think, Ms Hawkins, about the Women's Economic Security Statement released by Minister O'Dwyer. Can you point to the actions in that plan or statement—sort of a statement, but you'd had actions attached to it—that go to closing the gender pay gap?

Ms Hawkins: In terms of closing the gender pay gap, as we know, there is a range of issues and factors that go to the gender pay gap—lower women's workforce participation, higher prevalence of part-time work, women doing a disproportionate amount of unpaid work compared to paid work. So what I would suggest is that the suite of initiatives that are in the
Women's Economic Security Statement, because they are actually about increasing women's workforce participation, boosting women's earning potential and so on, that they, across the board, are actually going broadly to that.

To give you one example of many, one of the initiatives in the Women's Economic Security Statement that does go towards increasing women's workforce participation is the Career Revive initiative and that is focused on helping women in regional Australia get back into the paid workforce. That initiative is about giving advice to regional businesses on how they can support women coming back into the workforce. For example, one of the areas of advice could be helping regional businesses support women to transition back into the workforce through training, mentoring, work experience and so on. That one is a matter for the Minister for Employment, and we understand that that initiative is on track. That is just to take one example. There are others.

Senator Payne: If I may, Ms Hawkins?

Ms Hawkins: Please.

Senator Payne: I think it's important to recognise that the power of the Women's Economic Security Statement in many ways is its whole-of-government breadth. The measures under the statement, which number 17 or so, cross multiple departments to engender a whole-of-government response, a matter which has been taken up in discussions around the gender pay gap and gender equality more broadly; for example, unpaid work and who takes the lead on unpaid work. One of the things that we are doing is reinstating the ABS Time Use Survey and funding its reinstatement through the Women's Economic Security Statement. That goes specifically to addressing some of those discriminatory gendered barriers that exist to reducing the gender pay gap, and I think that is a good indicator across government. But from DSS to Education to Prime Minister and Cabinet to Human Services, employment—as Ms Hawkins has said—to the ATO, to Treasury, WGEA and the Attorney General's Department, the initiatives under the statement are directed at ensuring and increasing women's economic security and women's economic empowerment—all of which are about the right trajectory on closing and narrowing the gender pay gap.

Senator McALLISTER: Minister, I have looked at the statement. The She's Priceless report was mentioned earlier and it breaks down the constituent causes of the gender pay gap. Senator Waters has already spoken about gender discrimination. The three big constituent causes of discrimination are: the combined impact of years not working due to interruptions, part-time employment and unpaid work, which contribute to 39 per cent of the gender pay gap; and occupational and industrial segregation, which contribute 17 per cent to the gap. What I can't see, honestly, in this statement is any clear relationship between the measures that are proposed by government in this whole-of-government regime and these specific problems. I would appreciate it if you could take this on notice, Ms Larkins or Ms Hawkins or Minister, and just point to those actions in the Women's Economic Security Statement that specifically respond to those three problems that are identified in She's Priceless.

Senator Payne: And there are other problems, as you described them, Senator, and I wouldn't disagree, and we would be happy to provide a response on notice to those matters.

Senator McALLISTER: Any other information is always welcome, but my specific question—


**Senator Payne:** No, I appreciate that. I've got it right in front of me.

**Senator McALLISTER:** was as to the three amendments that are highlighted in She's price(d)less.

**CHAIR:** We're right up to our scheduled time, Senator McAllister. Given our constrained time, I say this with a degree of limitation, but if there are no further questions for WGEA and the Office for Women, I thank you very much for your evidence and your attendance here this evening. I suspect you might be getting a few questions on notice later, but thank you very much.

**Senator Payne:** We are happy to address those, Chair, as always.

**CHAIR:** Thank you. The committee will now suspend and we will return with the Australian National Audit Office.

Proceedings suspended from 21:15 to 21:29

**Australian National Audit Office**

**CHAIR:** The committee will now resume. I welcome the Assistant Minister for Finance, Charities and Electoral Matters, Senator the Hon. Zed Seselja and witnesses from the Australian National Audit Office. Mr Hehir, do you wish to make an opening statement?

**Mr Hehir:** No. Thank you.

**CHAIR:** Senator McAllister.

**Senator McALLISTER:** I know that Mr Fitzgibbon has written to the ANAO requesting an audit in relation to drought funding. Can you just provide an update as to the status of Mr Fitzgibbon's request?

**Mr Hehir:** We are still considering that request.

**Senator McALLISTER:** Right. Obviously there is a heightened level of concern in the community about the government's drought response because of the severity of the drought. What are the factors that you will be using to determine whether or not to undertake the audit?

**Mr Hehir:** It will be our standard assessment process really. We will look at the nature of the issues being raised, the extent to which the question is auditable and the extent to which other work is being done in the space, which would lead to a view of whether we can add value in undertaking the work as well as other priority work that we're doing. So it's the normal type of questions we ask about whether the topic becomes a priority because of parliamentary interest, broader interest—those types of factors—as well simply whether you can actually do an audit of the question which will lead to a conclusion.

**Senator McALLISTER:** So a methodological test, but also a public interest test that goes to both the broader community and the interest in the parliament?

**Mr Hehir:** Yes.

**Senator McALLISTER:** When can we expect an announcement of the ANAO's decision?

**Mr Hehir:** It will be next two or three weeks, something like that—two weeks.

**Senator McALLISTER:** Thanks, Mr Hehir.
Senator AYRES: I want to ask some questions about executive remuneration. The ANAO website appears to have last been updated at the end of June 2018 with the remuneration details for senior executives. For the sake of consistency, when is it expected that the remuneration details to the year ended 30 June 2019 will be updated?

Mr Hehir: That's in our annual report.

Senator AYRES: So it has been provided?

Mr Hehir: Yes. On the 14 August we tabled our new report.

Senator AYRES: I assume that means it will be on the website shortly?

Mr Hehir: It is on the website in our annual report.

Senator AYRES: In the financial years ended 2017, 2018 and 2019 were any bonuses paid?

Mr Hehir: Yes.

Senator AYRES: Are we able to have details of to whom and the quantum?

Mr Hehir: Our annual report sets out the bonuses paid to KMP, key management personnel, by individual.

Senator AYRES: So it's there for everyone to see and if with look back in 2017, 2018 the same details will be provided?

Mr Hehir: No, because this year's the first year that we started to publishing it by named individuals.

Senator AYRES: Would you be able to provide us on notice the 2017 and 2018 details? Unless you can do it off the top of your head now?

Mr Hehir: I can't do it off the top of my head. We went through a consultative process with our staff who were involved with this to agree on a process for disclosure for this year. We hadn't done that in previous years. That's my—

Senator AYRES: It's not sustainable to disclose it this year and not disclose it for previous years though is it?

Mr Hehir: The reporting framework changed. All I'm saying is that in the run-up to this year I sat down with all of my key management personnel and said that we were going to publish this year's. I hadn't done it for previous years. So my only proviso is whether it's fair to my staff to disclose it, given that I haven't had an agreement with them that I would do it this year.
Senator AYRES: Have you been asked about executive remuneration and bonuses before?

Mr Hehir: Not to name individuals, no.

Senator AYRES: Well, I would like an account from you about the salaries and bonuses for the previous years. You can take that on notice, if you like.

Mr Hehir: Yes.

Senator AYRES: I don't have anything further to that.

Mr Hehir: Sorry, just to clarify: you want that by named individual?

Senator AYRES: Certainly.

Mr Hehir: Right, for the last couple of years. The information is published of how much we pay each year, just not by individual.

Senator McALLISTER: By position—

Mr Hehir: By position or—

Senator AYRES: Yes, by position.

Senator McALLISTER: I guess we're trying to work around these conventions where we're not naming people, but the salary ordinarily attached to the position.

Mr Hehir: Position level?

Senator AYRES: Yes.

Mr Hehir: I'm just trying to be really clear about what you're asking. By position do you mean, for example, the Group Executive Director, Performance Audit or all group executive directors?

Senator McALLISTER: Group Executive Director, Performance Audit.

Mr Hehir: Okay, thanks.

CHAIR: I have a couple of questions around the issue of parliamentary privilege. As Auditor-General are you bound by the law of parliamentary privilege?

Mr Hehir: Yes.

CHAIR: So in exercising your investigative powers, are you bound to respect parliamentary privilege?

Mr Hehir: Yes.

CHAIR: For example, section 16 of the Parliamentary Privileges Act concerns court and tribunal proceedings. Do those provisions apply to the investigative work of the Auditor-General?

Ms Mellor: We do have tribunal powers in our information-gathering powers. To the extent that they're used, the question of parliamentary privilege arises in that circumstance.

CHAIR: So, to the extent to which you operate as a tribunal you are bound by the Parliamentary Privileges Act's restrictions on tribunals?

Ms Mellor: When you ask that question are you asking about when we act as a tribunal in using information-gathering powers and how we use that information?
CHAIR: I'm asking about when you act as a tribunal during an investigation: do the restrictions that apply on tribunals that are in the Parliamentary Privileges Act apply to your work?

Ms Mellor: It's difficult to answer, because we're doing it for the parliament. When we use our tribunal-like powers—our coercive, information-gathering powers—they're for the purpose of reporting to the parliament. I'm not an expert on section 16 of the Parliamentary Privileges Act, but the restrictions around the use of that material in courts and tribunals are clear. We're in the different position, where the Auditor-General, as an officer of the parliament, is only preparing reports for the parliament. So we haven't had a test of that. We've used the powers in many audits in the past and reported on them in the parliament.

CHAIR: When you say that you've used the powers, do you mean the tribunal powers that you have?

Ms Mellor: Yes.

CHAIR: I imagine, given that your work is solely focused on government, that this would be a daily consideration in investigations—the extent to which your powers are limited by parliamentary privilege.

Mr Hehir: No. The question you're asking relates to when we're utilising tribunal-type powers, and that's not the entirety of our work. It's a narrow component of it—

CHAIR: Focus.

Mr Hehir: It's not a daily activity, it's—

Ms Mellor: Most of our information gathering is by cooperation with the entities which we audit.

CHAIR: Indeed. But you do have the power to examine witnesses under oath, don't you?

Ms Mellor: Yes.

Mr Hehir: Yes.

CHAIR: For background, the Parliamentary Privileges Act defines a tribunal as:

… any person or body … having power to examine witnesses on oath, …

So for that purpose you're defined as a tribunal?

Mr Hehir: Yes.

CHAIR: Are you aware of the resolution that was passed by the Senate in December on parliamentary privilege? That's not a trick question; if you're not, you can say no.

Mr Hehir: I don't think so.

CHAIR: I'll stand to be corrected, but I think the President of the Senate after the motion was passed sent the motion to all and sundry—I think would be a fair colloquial description—to make sure that these bodies were aware of the limitations on their activities dictated by the parliamentary privilege. I'll provide you with this motion—I'll give it to the secretariat to provide to you—just for the purposes of these questions, but I'll also quote the relevant provisions so that you know what I'm talking about. Paragraph (b)(iii) of the resolution says: the protections recited in Article 9 and secured through s.49—

in the Constitution—

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE
are not confined to courts and tribunals, but also encompass the protection of privileged material against incursion by the executive and executive agencies.

So, to recap in my previous questions, I was addressing your tribunal powers; now I'm addressing the other powers that you have that you use during investigations. Do you agree that the protections of parliamentary privilege also apply to this part of your work?

Mr Hehir: I haven't actually considered it or taken legal advice on it, so I don't know how to answer the question. It's an interesting question in that all of the work that we do is for providing information to parliament, and that's the only reason we do any work. The nature of parliamentary privilege is the protection of the workings of parliament, and our work is for the workings of parliament. As you know, our work is covered by parliamentary privilege.

CHAIR: Indeed.

Mr Hehir: So it becomes quite circular. If it became an issue, I'd seek legal advice on it rather than try and answer the question now, if that's okay.

CHAIR: Sure. I'll go to your act and, in particular, section 30 of your act, which is the relationship of information-gathering powers with other laws. It says:

(1) The operation of sections 32 and 33:
   (a) is limited by laws of the Commonwealth (whether made before or after the commencement of this Act) relating to the powers, privileges and immunities of:
      (i) each House of the Parliament; and
      (ii) the members of each House of the Parliament; and
      (iii) the committees of each House of the Parliament and joint committees of both Houses of the Parliament;

So it's pretty clear in your act that you are bound by parliamentary privilege in addition to the Parliamentary Privilege Act applying universally.

Mr Hehir: I'm not disagreeing with that. My hesitancy is what that actually means in practice with respect to our work.

CHAIR: I imagine that in your work you would have cause to ask questions of members of parliament or their staff, and their activities might be covered by parliamentary privilege. It might be a limitation on your investigation.

Mr Hehir: Yes, a limitation on our investigation and a limitation on what we can say.

CHAIR: You might be seeking something, for example, which is protected by parliamentary privilege. Here's a hypothetical scenario: I'm not subject to any of your audits that I'm aware of, but if you had asked for an interview about my knowledge of something my work is covered by parliamentary privilege. Is that not correct?

Mr Hehir: The only circumstance where that type of activity arises is where—because we audit the executive, not parliament.

CHAIR: That's why it's not a perfect example.

Mr Hehir: For a minister, for example, a minister would undertake activities in their executive role and in their parliamentary role. Quite validly sometimes those things get a bit blurred at the edges but, generally, our activities relate to their executive role, not to their parliamentary role, because we wouldn't see our role as questioning someone's activity as a parliamentarian because we're there to audit the executive, not the parliament.
CHAIR: Sure. I'll return to the motion. Paragraph (c)(i) declares:

… that the right of the Houses to determine claims of privilege over material sought to be seized or accessed by executive agencies adheres regardless of the form of the material, the means by which those agencies seek seizure or access, and the procedures followed …

Do you agree that that applies to your work?

Mr Hehir: I agree with your statement that parliament is the ultimate determinant of parliamentary privilege, yes.

CHAIR: Paragraph (d) states:

… requires the executive and executive agencies to observe the rights of the Senate, its committees and members in determining whether and how to exercise their powers in matters which might engage questions of privilege …

Do you adhere to that requirement in the performance of your functions?

Mr Hehir: I don't believe that I haven't.

CHAIR: Thank you. We may return to this at subsequent estimates.

Senator KITCHING: Could I ask some questions about the potential audits in the works program. I am particularly asking in relation to the Department of Parliamentary Services. I am keen to obtain an update as to whether the two proposed performance audits of DPS will proceed.

Mr Hehir: I don't know at this stage whether they will proceed or not. We haven't come to a conclusion on that yet.

Senator KITCHING: If you do proceed, with reference to the performance audit potential topic list, as at 1 July last, can the ANAO indicate whether there are any of these potential audits have progressed? Has the status changed?

Mr Hehir: There are a number of audits that have started.

Dr Ioannou: I might kick off in the Defence space, for example. We have begun our audit of the procurement of the Offshore Patrol Vessels Project. Again in the Defence space, we are kicking off our audit of Land 400 phase 2 and we have begun our audit of the design and monitoring of the Defence Export Strategy. So there are three, for example, that have begun since the AAWP was published midyear.

Mr Hehir: We have also commenced in agriculture the audit of the design establishment of the Regional Investment Corporation. In Finance, I think we have started the administration of financial disclosure requirements.

Ms Rauter: I've got a list if you want me to go through it. The audits we have commenced from our 2019-20 annual audit work plan are the audit of the Environment Protection and Biodiversity Conservation Act; the three Defence audits that Mr Ioannou has already been through; an audit of the Australian Electoral Commission's financial disclosure requirements under the Electoral Act; in Home Affairs, a fraud control audit; in CSIRO, an audit of their Property Investment Strategy; in the National Indigenous Australians Agency, an audit of the Indigenous strategy for children's schooling; an implementation of recommendations audits in the Department of Education and the Department of Health; fraud control audits in the Department of Foreign Affairs and Trade and the Department of Social Security; an audit of
decision-making controls for financial sustainability in the National Disability Insurance Agency; an audit on cyber-resilience that will go across a number of agencies—

**Senator KITCHING:** Which agencies in particular?

**Ms Rauter:** We are yet to determine, but that's in planning. There's also an audit on Indigenous eye and ear health; an audit on the Protective Security Policy Framework; an audit on Defence inventory management; and an audit on performance statements, which again is in planning and we are yet to determine the agencies. Mr Hehir mentioned the Regional Investment Corporation design and establishment audit. I think, Tom, you might have mentioned the management of public communications and media in the Department of Defence.

**Dr Ioannou:** That's underway. I think that that list is a combination of audits that are actually underway and those that we are actively planning.

**Senator KITCHING:** Can I get back to DPS. They're on the proposed list.

**Ms Rauter:** Yes.

**Senator KITCHING:** When do you think that you might start undertaking that audit, or would do not necessarily do it?

**Ms Rauter:** We don't undertake all of the audits in our annual work plan. Each quarter we have a discussion with the Auditor-General about which audits we will kick off in the following quarter, and it hasn't been proposed that we kick off that one as yet.

**Mr Hehir:** We're unlikely to do both of those this year. We're probably likely to pick one of them to do this year.

**Senator KITCHING:** This calendar year or this financial year?

**Mr Hehir:** To start this financial year.

**Senator KITCHING:** So it would either be the business continuity management at Parliament House or the security works at Parliament House?

**Ms Rauter:** Yes.

**Senator KITCHING:** Just on those, on the business continuity management at Parliament House, for example, would you take into consideration the development and rollout of the new digital strategy—or you won't know the terms of reference?

**Mr Hehir:** We won't know the terms until we do the scoping. We've got a broad topic and then we go into detailed scoping, and that's when we know the elements of it.

**Senator KITCHING:** Okay. I was going to ask you a number of questions about what you might include or focus on, but given that you haven't started yet—I hate to say this to you—I might have to come back to this topic in February. Will you know by then? You'll know one of them by then.

**Mr Hehir:** If there are particular things that you think it should cover, you could write to us and ask us to include those and we'd consider them.

**Senator KITCHING:** What an excellent suggestion!

**Mr Hehir:** Input is always valued in these things.
Senator KITCHING: Thank you. That's very kind of you, Mr Hehir. I'll leave it there, Chair.

CHAIR: I think Senator O'Sullivan had a question.

Senator O'SULLIVAN: Just in that vein, apart from any active audit, do you have any correspondence of any kind with members of parliament?

Mr Hehir: Members of parliament regularly write to us asking us for audits and we respond to that.

Senator O'SULLIVAN: So you respond to them?

Mr Hehir: Yes, and, when they write, we put it on our website and we put our response on the website.

Senator O'SULLIVAN: Would that include phone calls?

Mr Hehir: No. We don't get a lot of phone calls, but, if we do, we keep file notes.

Senator O'SULLIVAN: But it's not transparent whether you do?

Mr Hehir: I don't think we get a lot of phone calls, to my recollection. It is largely correspondence. We also regularly would provide briefings, to any parliamentarian who asked, on audits that we have undertaken—and, again, we put that on the website when we do briefings for parliamentarians.

Senator O'SULLIVAN: Okay. So no other form, like emails—just letters?

Mr Hehir: If someone emails us asking us to do it, we consider it a letter.

Senator O'SULLIVAN: Okay.

Mr Hehir: We may get phone calls, but I can't recall any such—

Senator O'SULLIVAN: At what level does it go down to within the organisation in terms of management before it triggers a formal response, where it would be recorded? Is it just at that executive level?

Mr Hehir: It all comes to me, at the end of the day, and I deal with it. It's parliament that we do all of our business for, so, if a parliamentarian raises an issue with us, it gets full consideration. If you were to write to us asking us to do an audit, the first thing we'd do is look at the topic and go to the agency and have a conversation with them about it and get some background information to form a position about whether we think there is an auditable topic there, something that we could do. If we could answer the question simply by picking up some information from the department and responding in correspondence rather than doing a detailed audit, we'd sometimes do just a quick review like that and would write back to you. If we couldn't do that, we'd make a decision about whether to commence an audit or to put it on our audit work program.

Senator O'SULLIVAN: So there would be no off-the-record conversations with any members of parliament? It would always be referenced. And would that apply across any key influential staff within the agency?

Mr Hehir: I've had conversations with members of the Joint Committee of Public Accounts and Audit on occasions that haven't been recorded. I speak with the chair, the deputy chair and the secretariat reasonably regularly. Other than that, not to my knowledge.
Senator O'SULLIVAN: I'm not implying that this is the case, but, in the interests of transparency, the question goes to whether there wouldn't be any undue influence put upon your decision as to which subjects you audit.

Mr Hehir: I've never felt any undue influence. I think I've said in this committee and at the JCPAA on a number of occasions that we treat requests from the parliament as a serious matter because that's who we do the work for. The JCPAA tends to be the primary filter for the views of parliament to us about what audit work they would like to be done. If the JCPAA asks us to do an audit then there's a high chance that it will get done. We do 48 performance audits a year. If they asked us to do 48 then we probably wouldn't do all of them, but we try to meet the interests of parliament in doing our work while keeping a balanced program. Our audit work program, which we put out every year, sets out the methodology that we undertake for selecting audits. I never feel pressured to do an audit. We make decisions on what we think is the best use of our resources.

Senator O'SULLIVAN: Very good to hear. Thank you.

CHAIR: Before we release Mr Hehir I want to return to our conversation earlier about parliamentary privilege. I want to make sure that I'm clear that you believe that you understand the obligations that are imposed upon you by parliamentary privilege.

Mr Hehir: I understand what the obligations are for parliamentary privilege. I think that there are issues with some of the questions that you asked. For me to say that I clearly understand I'd need to get some legal advice on specific circumstances to see how they apply. As I said, I think that there are issues in the overlap between roles that people have where they're members of the executive and members of parliament—

CHAIR: Indeed.

Mr Hehir: which can create some ambiguity, but never in my time has it arisen where someone has said that there is an issue of parliamentary privilege and it hasn't been resolved without it coming to parliament. I think that if we got into a situation where the Audit Office was claimed to be breaching parliamentary privilege and it was brought into parliament then there would be something going wrong in our processes because, as I said, our sole purpose is to assist parliament carrying out its function.

CHAIR: Yes, and while other senators were asking questions I was reflecting on the answers that you gave. In my seeking to clarify your understanding of parliamentary privilege you noted two things: that your work was covered by parliamentary privilege and that you did work solely for the parliament. But that doesn't seem relevant to me as to whether parliamentary privilege applies to your work. Parliamentary privilege applies to your work irrespective of those two points that you made. There is no gap in parliamentary privilege that arises because of those two facts, is there?

Mr Hehir: No, I don't think so.

CHAIR: Or exemption?

Mr Hehir: The difference between us and most of the other bodies that tribunal type powers relate to is that we work for the parliament and all the other entities work for the executive in some form or another.
CHAIR: Sure, but a Senate committee works for the parliament but is still bound by parliamentary privilege.

Mr Hehir: But you are the parliament.

CHAIR: We can't breach parliamentary privilege just because we're a Senate committee.

Mr Hehir: That's right.

CHAIR: That's why I'm trying to understand why it is relevant that you are of the parliament and yet still not bound by parliamentary privilege.

Mr Hehir: No, I don't think I ever said we weren't bound by—

CHAIR: No. But I think there is a bit of an ambiguity in your answer. This is not an issue which has not raised its head in recent years. There have been a number of significant issues with parliamentary privilege. So I'm just seeking—

Mr Hehir: We had some in court with respect to us and the use of parliamentary privilege for the Audit Office.

CHAIR: Indeed. Perhaps I will just leave it with you to reflect on your understanding and your staff's understanding as to how parliamentary privilege applies to the work that you do, as a constraint on the work that you do.

Mr Hehir: Yes.

CHAIR: As there are no further questions for the Audit Office, I thank you very much for your attendance this evening. The committee will now move to the Australian Public Service Commission.

Australian Public Service Commission

[22:00]

CHAIR: I welcome Mr Peter Woolcott, Australian Public Service Commissioner. Do you wish to make an opening statement?

Mr Woolcott: No. Thanks.

CHAIR: Senator McAllister.

Senator McALLISTER: Thanks very much for your appearance, Mr Woolcott and other officials. One of your strategic priorities is to build the capacity of the APS, and that includes, as I understand it, 'to build a systematic service-wide approach to lifting people's capabilities to improve the overall performance of the APS for today and in the future'. That's correct?

Mr Woolcott: Yes, it is.

Senator McALLISTER: Great. I note that PM&C in its submission to the Joint Committee of Public Accounts and Audit inquiry into contract reporting said:

With the implementation of staffing caps in the Australian Public Service, agencies have more frequently needed to engage external contractor and consultancy services to fill key roles.

Does the APSC agree with the Department of the Prime Minister and Cabinet?

Mr Woolcott: Clearly, building capability for the Australian Public Service is a major issue for the future and something which we're very focused on. You may be aware, we're doing the first APS-wide workforce strategy, and we're starting to undertake serious work on that at the moment. That'll be the first time that has been done on an APS-wide basis. So
capability is a real challenge. We're talking about a much more competitive labour market for talent. We're talking about a much more complex, interconnected political and global situation, and there's also the impact of digital and data. So to get the right capability is a huge challenge. With contractors and the use of consultants, that is an important part of how departments and agencies approach these issues. So, whilst I would not agree that that is part of the problem in terms of our capability, I would say that we are enormously challenged and we need to use consultants and contractors at the moment. At the same time, we also need to work very seriously on our own capability.

Senator McALLISTER: So, just for clarity, your evidence just now, I think, is that you don't think that the use of contractors and consultants is impacting negatively on capability?

Mr Woolcott: That's correct. But at the same time I would say that there are major capability issues that we confront in the Australian Public Service.

Senator McALLISTER: When Department of the Prime Minister and Cabinet says that staffing caps have forced agencies to more frequently engage external contractor and consultancy services to fill key roles, they are speaking directly to the relationship between capability, staffing caps and contractors. Do you accept that relationship?

Mr Woolcott: That's an argument that has been put, and it was put to the Thodey review and in their report they will deal with that as to the impact of the ASL cap on capability issues. My own particular view is, yes, there are very major capability issues, but they go well beyond the issues of the use of consultants and contractors.

Senator McALLISTER: Yes. I think we can agree that the capability issues have multiple causes, but I'm asking you very specifically to answer this question: do you think that the staffing caps are contributing to a capability problem?

Mr Woolcott: I don't think that's the basis of the problem.

Senator McALLISTER: Right. Pardon my ignorance; I ought to know this: have you seen the Thodey review?

Mr Woolcott: Yes. I have.

Senator McALLISTER: It was not run out of the APSC; it was run out of PM&C. But you were involved?

Mr Woolcott: Yes, I was.

Senator McALLISTER: In what way?

Mr Woolcott: In many ways. David Thodey and the panel did a very large piece of work in terms of consulting and liaising with senior public servants, with academics—

Senator McALLISTER: So you were consulted?

Mr Woolcott: More than consulted. I was also part of the secretary's group, who met with David Thodey on a formal basis a number of times in regard to the panel's work. I also met privately with David Thodey and the panel on a number of occasions to discuss the nature of their work and where their thinking was going. So there was a fairly extensive involvement. At the same time, the APSC provided a variety of data and research assistance to the review's secretariat in the Department of the Prime Minister and Cabinet. So, whilst we did not have primary engagement with the panel—that was left for the secretariat and PM&C—we had extensive engagement with David Thodey.
Senator McALLISTER: When did you see the final report?

Mr Woolcott: David Thodey delivered the final report on 20 September 2019 to the Secretary of the Department of the Prime Minister and Cabinet, and I would have seen it probably that day or the next day. I cannot recall.

Senator McALLISTER: Had you seen a draft prior to submission?

Mr Woolcott: There was, of course, the interim report that the Thodey review produced. I forget the date of that. I can ask; I will get that to you on notice.

Senator McALLISTER: Okay.

Mr Woolcott: But that was some five—

Senator McALLISTER: Sure. But that's not really my question. An interim report is prepared, and there are then presumably drafts of the final report. Did you engage with the draft process for the final report?

Mr Woolcott: Yes. At various times I did.

Senator McALLISTER: So you had seen a draft and then you saw the final report. Do you know when the government intends to release the final report?

Mr Woolcott: No. That's a matter for the government to decide.

Senator McALLISTER: And your state of knowledge? You don't know?

Mr Woolcott: I don't know.

Senator McALLISTER: Thank you. I wanted to ask some questions about APS employment and diversity in the APS. I note that Indigenous representation has been steadily increasing; however, Indigenous employees are concentrated at lower classifications and almost half of Indigenous employees work at the APS 3 to 4 classification. What steps are being taken to address this?

Mr Woolcott: I might ask the group manager who is responsible for the Indigenous strategy to answer this.

Ms Walsh: We have a number of steps in place at the moment and we're also looking to some future arrangements. As you would be aware, there is the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy which is currently in place, and agencies each have action plans underneath that and have been working towards improving representation of Indigenous people across the APS. That strategy has come to its expiry date, and so we've been working with a number of stakeholders, internal and external to the APS, to develop a future strategy, which will have a particular focus on developing a talent pipeline of Indigenous employees into middle management and senior management, because that has been a gap for us over the past few years.

Mr Woolcott: I might ask the group manager who is responsible for the Indigenous strategy to answer this.

Ms Walsh: We have a number of steps in place at the moment and we're also looking to some future arrangements. As you would be aware, there is the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy which is currently in place, and agencies each have action plans underneath that and have been working towards improving representation of Indigenous people across the APS. That strategy has come to its expiry date, and so we've been working with a number of stakeholders, internal and external to the APS, to develop a future strategy, which will have a particular focus on developing a talent pipeline of Indigenous employees into middle management and senior management, because that has been a gap for us over the past few years.

Senator McALLISTER: A talent pipeline—okay. So what will that—

Ms Walsh: We're looking at a number of strategies. We know that we have some issues with retention of Indigenous employees, so we are particularly looking to improve cultural capability and cultural integrity within workplaces so that workplaces are more inclusive and more likely to be places where Indigenous employees see value in committing to staying and contributing their talent. So we'll retain those people but also then be able to develop them.
into middle management and senior management roles. There are also strategies about the attraction and recruitment of Indigenous employees as well.

Senator McALLISTER: Is the rate of churn among the Indigenous staff higher than for staff generally?

Ms Walsh: In terms of separation rates, yes, they are higher for Indigenous staff.

Senator McALLISTER: How much higher?

Ms Walsh: It's nine point something for non-Indigenous. Let me just find the right stats.

Senator O'SULLIVAN: Is that an annual figure?

Ms Walsh: During 2018-19, the separation rate for non-Indigenous staff was nine per cent, and it was 11.4 per cent for Indigenous staff.

Mr Woolcott: If I may, the new strategy is going to be very much focused on the idea that we may need to look at targets within targets, as well as the retention issue. They were the two aspects that were highlighted in the review that was done of the last Indigenous strategy.

Senator McALLISTER: Thank you. I know that the gender equality strategy expires at the end of this year. When will the new strategy be released?

Ms Walsh: We have committed to working with the Office for Women. We'll be setting up a project team to look at that in the new year, but we will set up an evaluation of the current strategy when it has expired and feed that into the work to do a refresher strategy.

Senator McALLISTER: So is there going to be a gap between the expiry of the old one and the development of a new one?

Ms Walsh: Yes, there will be, but many agencies have existing action plans that will carry over, and they have committed to continue work under those action plans.

Senator McALLISTER: Okay. I'm sorry to hurry you; there's just a lot to get through. So there'll be an evaluation process initiated at the beginning of next year. When do you think the new strategy will be available?

Ms Walsh: The way we're structuring it is that we've been working on the Indigenous one. The next cab off the rank will be the disability employment strategy, and then we'll be partnering with the Office for Women to refresh the gender equality strategy. So it will be during the calendar year 2020, but some of it depends on availability of staff and the availability of the right expertise to do the evaluation.

Senator McALLISTER: I understand that the Prime Minister addressed the APS on 19 August this year, and in relation to diversity he said that the observations of the American academic Jonathan Haidt are relevant to the future of the Public Service. Has the APSC received any correspondence from the Prime Minister in relation to his comments about Mr Haidt and the diversity of viewpoints in the APS?

Mr Woolcott: No, but we've obviously read his speech.

Senator McALLISTER: And how have you responded to that?

Mr Woolcott: There's been no specific work done on that at the moment, although diversity of thought is something that we are obviously thinking quite a bit about. He talked about the Canberra bubble and the need to make sure that we were connecting with Australians outside of Canberra and not just those like us who work in Canberra or lobbyists.
who come in. So some thought has been given to what this may mean, and it is one of the things that we are looking to address through a range of other programs. But, as I say, that's still in the early days of consideration. But it's something that has been raised and something we are thinking about.

**Senator McALLISTER:** Is this something that you're collaborating with other agencies on?

**Mr Woolcott:** Not at this point.

**Senator McALLISTER:** It has not been considered by the secretaries group?

**Mr Woolcott:** Not at this point.

**Senator McALLISTER:** Have you received any correspondence from the Prime Minister in relation to gender or cultural diversity in the APS?

**Mr Woolcott:** Not that I can recall, no.

**Senator McALLISTER:** So no explicit interest so far from the PM about diversity in the APS—except for his concerns about the bubble.

**Mr Woolcott:** Yes, I would.

**Senator McALLISTER:** And do you accept their conclusion that these gaps result from an over-reliance on ICT contractors, particularly for more complex, high-value ICT work?

**Mr Woolcott:** They would be better placed to make those judgements than I would.

**Senator McALLISTER:** Shall I understand your answer to be that you do accept their conclusion?

**Mr Woolcott:** No. My answer was that they would be better placed than I would, and I have not specifically looked at that aspect.

**Senator McALLISTER:** So you haven't assessed that advice?

**Mr Woolcott:** No.

**Senator McALLISTER:** Your advice earlier was that you are concerned about capability. You've got a report in your possession which says that there are technical ICT capability gaps. Are you doing anything to respond to that report?

**Mr Woolcott:** Yes, we are, Senator. The workforce strategy itself will be looking at that aspect in particular. Not only is it the digital side of things we're concerned about, in terms of our capability, but also the data analytical side, which is something, again, that we need to be able to address.

**Senator McALLISTER:** So you're developing a workforce capability strategy—
Mr Woolcott: A workforce strategy, yes.

Senator McALLISTER: that will go to capability in the ICT area, but you haven't engaged with one of the key recommendations from DTA?

Mr Woolcott: I might ask the group manager who's doing our workforce strategy to come to the table and talk about the work she's doing, which is remarkably extensive and thorough.

Ms Bull: At this stage of the workforce strategy we are in our discovery phase, so we are looking at a whole range of reports and data around capability across the APS. That does include information about digital and ICT capability, including from the APS employee census of agencies and the work the DTA has done. DTA, at the moment, is currently working on some arrangements around what a digital professional structure would look like, and we are in discussions with DTA about that and how it links to the workforce strategy.

Senator McALLISTER: Okay. So you are engaging with their work. Are you engaging with the question about over-reliance on ICT contractors, which they were quite specific about?

Ms Bull: No, Senator. We haven't looked at capability specifically linked to contract use. We are looking at the different issues around how we source capability and expertise. We haven't got particular data that shows us a direct link between ICT capability and contractors.

Senator McALLISTER: The references committee of this Senate committee conducted an extensive inquiry into digital capability in the APS, and many of the agencies engaged in large projects provided quite compelling evidence of the cost savings and the performance improvement that came about when key functions were brought in-house. I am surprised that you are not looking at contract capability as part of the workforce strategy.

Ms Bull: Sorry, Senator, but do you mean the capability of contractors or the capability of the APS to map contract—

Senator McALLISTER: The impact on APS capability arising from use of contractors.

Ms Bull: We are looking at the capability of the APS, in terms of, firstly, how we unpack and understand what capabilities we need and, then, the strategies we would need to put in place to resolve that.

CHAIR: Senator McAllister, we're right on time for the APSC.

Senator McALLISTER: Senator Ayres has a couple of questions he wants to ask the APSC.

CHAIR: Okay.

Senator AYRES: I'm always very brief, Chair! I was intrigued by the diversity-of-thought discussion and the Canberra bubble. Mr Woolcott, I want to take you to employment in the APS outside the Canberra bubble and the major cities. The APS data that has been provided shows that the number of APS jobs in regional Australia has declined by 2.6 per cent—544 jobs. In Queensland, for example, there are now 5,224 jobs. In 2006, there were 5,660. So there have been significant declines in parts of regional Australia. What do you say about that decline?

Mr Woolcott: The first point I'd make is that there has been a decline in the overall APS numbers over the last 12 months, so they're now down. There has been a 2.1 per cent reduction overall in the size of the APS. That has flowed on to minor reductions outside of
Canberra. The Canberra component is pretty steady. I think about 37 per cent of the APS is in Canberra. The rest is in major cities or in regional centres.

Senator AYRES: These are quite steep declines for regional Australia, though. The government says it is committed to the decentralisation of APS jobs. Is the APSC involved in any work that would help increase the number of APS jobs outside the capital cities?

Mr Woolcott: The information I have is that the proportion of APS employees outside the major cities has remained relatively steady at 14 per cent, up from 13.9 per cent in December 2018. Within that, there may be particular pockets where the number of jobs have dropped.

Senator AYRES: It's apples and oranges, isn't it? There's a very large Public Service with a relatively small number of people employed in regional Australia, and there are 544 fewer of them. That's quite a significant impact in country towns, isn't it?

Mr Woolcott: For those country towns affected, obviously it would be.

Senator AYRES: Are there any plans that do anything about it? Has the APSC done any work on decentralisation or increasing the number of APS jobs in country towns?

Mr Woolcott: The issue of decentralisation is really a matter for agencies and departments themselves to work through, in terms of how they manage their own workforces.

Senator AYRES: I'm going to push for time because I'm conscious that the chair's here.

Mr Woolcott: I understand. I'm trying to be helpful, but—

Senator AYRES: Are you aware of any strategy or any plan to increase the number of APS jobs in country towns?

Mr Woolcott: Obviously, the government itself has a decentralisation plan in relation to where agencies might or might not be located, but that's separate again from what the APSC or agencies and departments themselves look at. We don't get involved in agencies' or departments' decisions around where they place their staff, so we're not doing any work on that particular aspect at the moment.

Senator AYRES: Has the government asked APS agencies to not cut jobs in country towns?

Mr Woolcott: Sorry?

Senator AYRES: Has the APS been asked by the government to not cut jobs in country towns or regional centres?

Mr Woolcott: Again, those decisions are left for agencies and departments themselves to manage. The APSC—

Senator AYRES: So they haven't been asked to do it?

Mr Woolcott: They haven't been asked to do that, no.

Senator AYRES: Does the government, to your knowledge, have any plans to grow the number of jobs in already established government offices outside of the capital cities?

Mr Woolcott: The minister might be better able to answer that, but I understand the government does have a program of regionalisation for parts of the decentralisation.

Senator AYRES: There's one example, isn't there? It didn't go very well, did it, Senator Seselja? Tell us more about Armidale.
Senator Seselja: Is that a question, Senator?

Senator AYRES: No. I think if that's all that there is to point to, in terms of regional employment, then the record speaks for itself, really.

Mr Woolcott: I understand that the department of infrastructure is, of course, leading a lot of the government's work, in terms of the decentralisation agenda, so those questions might best be placed to them when they appear before the committee.

Senator AYRES: But at your level, in terms of the core directives, there is nothing, really, on regional jobs.

Mr Woolcott: No. It's very much a matter that's been left to agencies and departments to manage. I do have an answer to Senator McAllister's question in relation to the interim report. It was provided on 19 March 2019, and that, of course, was made public.

Senator McALLISTER: Thank you.

CHAIR: Are there any further questions for the APSC? If not, I thank you very much for your attendance and your evidence here this evening.

Old Parliament House

[10:26]

CHAIR: I welcome Ms Daryl Karp, Director, and Mr Andrew Harper, Deputy Director, from the Museum of Australian Democracy. I note the recent portfolio changes that have moved Old Parliament House into the Prime Minister and Cabinet portfolio, and therefore it's the first time you appear before this committee, so welcome. Ms Karp, do you wish to make an opening statement?

Ms Karp: I do. Given that it's our first opportunity to talk to you, I thought I would give you a summary of 2018-19. Our annual report was tabled on Friday.

CHAIR: I will grant that, but I'll ask you to be brief, given the very limited time that we have.

Ms Karp: Absolutely. What I really want to say is that it's been a really good year for the museum. We've had record numbers at all levels. We've had just under 370,000 visitors on site, 486,000 online, and a further 300,000 through travelling and partnership programs, which translates to deep engagement with over 1.1 million people. That's 13 per cent over last year's figures.

Our onsite facilitated learning programs, too, are doing particularly well. Again, they're the highest on record: 88,534 teachers and students from 1,490 schools, with a 98 per cent satisfaction rate. We trialled our new digital excursion program with the objective of taking our programs out of Canberra to the regions, and that was launched in August. We opened two new permanent exhibitions. Democracy. Are You In? encourages civic engagement and dress up, which extends our under-five's gallery up to the age 14. We also established Democracy 2025 in partnership with the University of Canberra's Institute of Governance and Policy Analysis, to ignite a national conversation, strengthen our democratic practice, and build a new generation of democratically engaged Australians.

An ANAO audit endorsed the effectiveness of our board and governance. Our financial statements for 2018-19 received an unqualified audit. We ranked in the top five of 97 agencies in the APS employee census, second in engagement, third in innovation and fifth in...
wellbeing. We're on track to deliver the final outputs of our three-year capital plan, and we thank the government for the additional modernisation funding, which has allowed us to address some of our capital shortfalls.

Finally, we're listed third on TripAdvisor for museums to visit in Canberra, after the War Memorial and the bonsai museum at the National Arboretum Canberra, which is for us a really good statement of how we are connecting and engaging with all of our audiences. I believe we're uniquely placed to inspire Australians about the richness of their democratic history and their role in its ongoing success.

CHAIR: Thank you, Ms Karp. Senator Ayres.

Senator AYRES: I have to say, Ms Karp, I was one of the visitors there over the course of the weekend with my family. It was terrific. I haven't ranked it on TripAdvisor, I'm sorry, and I'm very grateful that we weren't asked to participate in the dress-ups! I want to ask perhaps a more prosaic question than a question about the customer experience: when was the decision taken to shift Old Parliament House from Communications to PM&C?

Ms Karp: I was made aware of it on 28 May 2019. That was confirmed in writing by the Prime Minister on 5 July, with the transfer effective from 1 September.

Senator AYRES: Did Mr Morton, who's now the Assistant Minister to the Prime Minister and Cabinet, make that request?

Ms Karp: I'm not aware of that.

Senator AYRES: Senator Seselja?

Senator Seselja: I don't know. Obviously it's a decision for the Prime Minister, but I'm happy to take that on notice.

Senator AYRES: If you could. Why was it shifted?

Senator Seselja: As you'd be aware, Old Parliament House, the Museum of Australian Democracy, has sat in various places in the machinery of government, so these things happen from time to time. It has previously sat in the Prime Minister's department—I think most recently in 2008, under the Labor Party minister Joe Ludwig. In terms of more detail on the exact decision-making, obviously it is a matter for the Prime Minister, but I'm happy to take it on notice and see if there's anything more we can provide you.

Senator AYRES: How many machinery-of-government changes have affected Old Parliament House since 2013?

Senator Seselja: I don't have that but I could take that on notice. As I said, my information is that, since 1995, it's sat with a number of different departments—Department of Communications and the Arts, Department of the Environment, Water, Heritage and the Arts, Department of the Prime Minister and Cabinet, Department of Regional Australia, Local Government, Arts and Sport and Attorney-General's Department—but, since 2013, I'm not sure.

Senator AYRES: Would you be able to provide that to us?

Senator Seselja: Yes.

Senator AYRES: When did you last visit?
Senator Seselja: It's a good question. I was there at the election, of course, handing out. It was a polling booth.

Senator AYRES: It's a polling booth? I didn't know that.

Senator Seselja: Indeed. I would have visited then. I visit fairly regularly. I don't think I've had a formal tour from Ms Karp for a little while. I'm probably overdue. It's been probably a couple of years since I've done the formal tour.

Senator AYRES: I've got to say that, on the session that I sat through quietly, the staffer who took us and did the tour was fantastic. There is a $2 charge, I noticed. I'm not complaining, but some of the other significant institutions that you can point to in Canberra—the art gallery and some of the other places—don't have a charge attached to them. What's the rationale for a charge?

Ms Karp: The charge is a leftover from a cabinet decision when the decision was made to open Old Parliament House as the Museum of Australian Democracy. Unlike the other museums, we don't have the capacity for these really big exhibitions that we can charge for, so the gold coin is a way for us to connect as you come in through the door. We have considered getting rid of it. We've also considered increasing it, but it's very much my view that democracy is something that should be as close to freely available as possible. The reason for keeping it at the moment is the connection that we're able to have with the visitor as they come in—get some information on them, what their postcode is, what their areas of interest are. It gives us a direct connection with them, and we don't get very many comments or complaints about it.

Senator AYRES: How much did you collect last financial year? I assume that's the reporting period.

Mr Harper: I don't have an exact figure. I could take that on notice.

Senator AYRES: And if you could just take on notice how much it costs to administer.

Mr Harper: Yes.

Senator AYRES: Thank you. That's all I have, Chair.

CHAIR: If there are no further questions for Old Parliament House, I thank you very much for your attendance here this evening and for your evidence.

Office of National Intelligence

[22:35]

CHAIR: I welcome Dr Paul Taloni, Acting Director-General of the Office of National Intelligence, and Ms Sue Littlehales, Acting Chief Operating Officer. Dr Taloni, do you wish to make an opening statement?

Dr Taloni: Yes, I do. Thank you, Chair, for giving me the opportunity to provide a brief opening statement. The Director-General of National Intelligence, Mr Warner, regrets that he could not attend today's committee hearing. He is currently overseas on official business.

The Office of National Intelligence was formally established in December last year to improve the efficiency and effectiveness of the national intelligence effort. Our functions, as defined in the Office of National Intelligence Act 2018, include producing all-source intelligence assessments for government on matters of political, strategic or economic
significance to Australia. These assessments utilise all manner of information from highly classified to publicly available. The Office of National Intelligence is also responsible for leading and evaluating the national intelligence community from an enterprise management perspective; providing advice to the government on Australia's national intelligence priorities, requirements and capabilities; and maintaining a centre of expertise for the collection, analysis, interpretation and dissemination of publicly accessible information.

Notably, the act makes it clear that the Office of National Intelligence is not a policy agency, nor do our functions include directing the operational activities of the other national intelligence community agencies who are defined in the act. Fundamentally, ONI's role is to manage the intelligence community as a coherent whole, driving integration across missions and capabilities. Key to these efforts has been the establishment, since our formation, of a number of enterprise management initiatives to improve the intelligence coordination, prioritisation, integration and evaluation within the intelligence community. Notably, since our establishment, ONI has developed and implemented a more structured and focused approach to setting intelligence assessment and collection priorities for the national intelligence community. ONI has established a more methodical approach to long-term joint capability development for the national intelligence community, aligned more closely to government priorities. ONI is developing a strategic approach to the development of the national intelligence community workforce and ONI is improving collaboration across the community—for example, and where appropriate, by establishing common ICT connectivity and data analytic capabilities. At the same time, ONI has maintained a strong focus on producing high-quality intelligence product, all-source assessment and open-source reporting that better supports policy development decision-making by our most senior customers.

The national intelligence community is working together well, and we have commenced a number of other governance and integration arrangements across all 10 agencies. At maturity, ONI will be almost twice the size of its predecessor, the Office of National Assessments. We continue to attract and engage highly capable and skilled people. ONI grew by some 25 per cent over the 2018-19 financial year. Finally, in that context, ONI also benefits from hosting many secondees and temporary transferees from across the intelligence community and other departments. This will not only foster greater collaboration, but leverages a broader expertise that will improve further the collective performance of the national intelligence community.

CHAIR: Thank you, Dr Taloni. Senator Patrick.

Senator PATRICK: Mr Taloni, you would be aware that section 18 of your act provides for briefings on significant intelligence matters to the Leader of the Opposition. Mr Albanese, he was elected as Leader of the Opposition on 30 May. How many times has he been briefed by your organisation under that provision?

Dr Taloni: I would have to take that notice to get you a specific number.

Senator PATRICK: Have there been any? I understand that you are not saying exactly how many because you don't know.

Dr Taloni: Again, we'd have to take that on notice and check that for you and confirm that.

Senator PATRICK: What are the protocols? Is it Mr Albanese who contacts ONI or ONI that contacts Mr Albanese, or is there some consultation with the Prime Minister before?
Dr Taloni: There would be consultation with the Prime Minister's office to arrange said briefing.

Senator PATRICK: Section 30 of your act allows you to brief the PJCIS on intelligence matters relating to your functions. Have you provided any briefings to the PJCIS since the election?

Dr Taloni: Yes, we have.

Senator PATRICK: Have you received from any other parliamentary committees any requests for briefings, and are you allowed to brief other parliamentary committees?

Dr Taloni: I'd have to take it on notice. Yes, we are under certain circumstances able to brief—again, depending on the classification level that we are briefing at.

Senator PATRICK: Sure. Unlike with the Intelligence Services Act, which places constraints on what the parliament can ask of the intelligence services, I don't see that in your act. I am just wondering whether, if, for example, you were briefing in camera, that is permissible or ONI views that as permissible.

Dr Taloni: It has previously occurred. The number over a particular period of more recent times, we—

Senator PATRICK: To committees other than the PJCIS?

Dr Taloni: I'd have to—

Senator PATRICK: So the Joint Committee on Foreign Affairs, Defence and Trade or the Senate Standing Committees on Foreign Affairs, Defence and Trade?

Dr Taloni: Again, we have to take that on notice—only because I would not want to mislead the committee by saying yes or no in an absolute sense.

Senator PATRICK: Sure. You might be aware that Senator Wong made a written request to government dated 18 August and seeking from the Office of National Intelligence, the Department of Foreign Affairs and Trade and other agencies comprehensive briefings for parliamentarians on issues relating to China Has the Director-General seen a copy of that correspondence?

Dr Taloni: Not to my knowledge. I can take that question on notice, though.

Senator PATRICK: Has the Director-General consulted with the Prime Minister on that request at all?

Dr Taloni: I do not know.

Senator PATRICK: Okay. It's a bit frustrating that you are not as prepared as one might have thought.

Dr Taloni: These are all questions that pertain directly to the activities of the Director-General. He regrets that he couldn't be here before you.

Senator PATRICK: He didn't give you a briefing before he left?

Dr Taloni: It was relatively extensive but not on these specific questions.

Senator PATRICK: I'll put these on notice as well. Have the Director-General or other ONI officers expressed any opinion about whether a briefing should be provided in response to Senator Wong's request?
Dr Taloni: I'll take that on notice.

Senator PATRICK: Has the Prime Minister expressed any views concerning Senator Wong's request?

Dr Taloni: I'll take that on notice.

Senator PATRICK: Finally, will ONI provide any briefings to parliamentarians other than members of the PJCIS in response to Senator Wong's request, and what conditions would be attached to such briefings?

Dr Taloni: It would be a matter for the government to determine what ONI could brief to—who outside of—

Senator PATRICK: That's okay. If you were to indicate in your response what the constraints might be, that would be helpful. Thank you.

CHAIR: Senator Ayres.

Senator AYRES: I had a series of questions, which you dealt with in your introduction very neatly. I want to come to some of Senator Patrick's questions at the end. I think I can be relatively brief. One of the recommendations of the independent intelligence review was for ONI to develop a more intensive and substantive program of interaction with experts outside government to inform assessments. That was reported last year in *The Australian* and in the *Financial Review*. It was reported that ONI and other intelligence community agencies were undertaking outreach with stakeholders outside of government. Could you outline the sort of activities that ONI engaged in as part of that outreach process?

Dr Taloni: It's fairly broad—experts in business, experts in academia, industry and the like. I'm hesitant to go into specifics about who we've met with and who we've had conversations with and who we've exchanged information with, but the recommendations in that regard have been fairly heavily progressed across a broad spectrum.

Senator AYRES: So those briefings were not classified, I assume?

Dr Taloni: No.

Senator AYRES: Are there any outcomes of that process that you could usefully summarise for us tonight?

Dr Taloni: Not in a—

Senator AYRES: How is it different to the way that traditionally—

Dr Taloni: It's been the breadth at which we've engaged with that spectrum—in business, industry and academia. It's been the depth to which we've been able to engage with those various sectors. It's just an area of expanse for the Office of National Intelligence. The review rightfully said it was not being done to the degree it may otherwise have been done by the Office of National Assessments.

Senator AYRES: So outside of government, businesses and universities, what sorts of organisations?

Dr Taloni: Again, I don't want to go into the specifics about who the ONI is dealing with.

Senator AYRES: No, but in the broad.

Dr Taloni: It is literally across the board, in the academic context. It's faculties that are engaged in work on artificial intelligence, machine learning, synthetic biology and robotics.
There's a breadth there. But in the industry sector it's manufacturers, mining organisations and the like.

Senator AYRES: Has the process been beneficial?

Dr Taloni: Extremely so—we believe for both sides in the process, including ourselves, to get a greater understanding of what is happening in the world that the external experts are engaged in, and I think also for the engagement with a government agency.

Senator AYRES: I appreciate that Senator Patrick has asked some of these questions, perhaps in a different way. I understand from listening to you that you're taking these questions on notice, but I might just ask them for you in a different sequence. Are you aware of Senator Wong's request that the foreign minister provide detailed and comprehensive briefings on China to parliamentarians?

Dr Taloni: Yes.

Senator AYRES: When did you become aware of that request?

Dr Taloni: I would have to take that on notice.

Senator AYRES: Were you asked to provide advice regarding the request?

Dr Taloni: I'll take that on notice too.

Senator AYRES: What benefits would you see from parliamentarians receiving those kinds of briefings?

Dr Taloni: I think the obvious benefits would be a greater understanding of the way the world is working and some of the strategic drivers that are shaping our future.

Senator AYRES: Would that assist the parliament's consideration or individual parliamentarians' consideration of some of these issues of national interest?

Dr Taloni: Yes.

Senator AYRES: Thank you. That's all I have.

CHAIR: One final question before the committee adjourns: is Mr Warner's travel something that's come up recently or has it been planned for some time?

Dr Taloni: It has been planned for some time—weeks, not months.

CHAIR: Was the committee notified about Mr Warner's not being available to attend?

Dr Taloni: I believe so, yes.

CHAIR: Could you just take on notice when you notified the committee that Mr Warner was not able to attend and in what form?

Dr Taloni: Okay.

CHAIR: If there are no further questions then I thank you very much for your attendance and evidence here this evening. That concludes the committee's examination of agencies for today. We'll continue tomorrow by examining the finance portfolio as well as on Friday for the cross-portfolio examination of Indigenous matters. I would like to thank ministers and officers who have given evidence to the committee today. I would also like to thank Hansard, broadcasting and the secretariat for their assistance.

Committee adjourned at 22:49