

The Senate

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Finance and Public Administration  
Legislation Committee

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Budget estimates 2018–19

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# Membership of the Committee

## Members

Senator James Paterson (Chair)	LP, VIC
Senator Jenny McAllister (Deputy Chair)	ALP, NSW
Senator Kimberley Kitching	ALP, VIC
Senator Dean Smith	LP, WA
Senator Amanda Stoker	LP, QLD
Senator Lee Rhiannon	AG, NSW

## Senators in attendance

Senators Paterson, McAllister, Kitching, Smith, Stoker, Rhiannon, Bernardi, Carr, Collins, Dodson, Farrell, Hinch, Keneally, Leyonhjelm, Lines, Martin, McCarthy, Moore, Patrick, Rice, Siewert, Watt, Whish-Wilson, Wong.



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## Acronyms and abbreviations

AAO	Administrative Arrangements Orders
ANAO	Australian National Audit Office
APH	Australian Parliament House
APSC	Australian Public Service Commission
APS	Australian Public Service
ASC	ASC Pty Ltd
ATSILSFF	Aboriginal and Torres Strait Islander Land and Sea Future Fund
CDP	Community Development Program
DPM&C	Department of the Prime Minister and Cabinet
DTA	Digital Transformation Agency
FOI	Freedom of Information
IPEA	Independent Parliamentary Expenses Authority
MYEFO	Mid-Year Economic and Fiscal Outlook
NBN	National Broadband Network
OPV	Offshore Patrol Vessels
PBS	Portfolio Budget Statements
PII	Public Interest Immunity
PM&C	Prime Minister and Cabinet
PRRT	Petroleum Resource Rent Tax
Thodey Review	Independent Review of the Australian Public Service





# Chapter 1

## Budget Estimates 2018–19

### Reference

1.1 On 8 May 2018 the Senate referred the following to the Senate Finance and Public Administration Legislation Committee (the committee) for examination and report:

#### *Particulars of proposed and certain expenditure for 2018–19*

- Particulars of proposed expenditure in respect of the year ending on 30 June 2019;
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2019; and
- Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2019.<sup>1</sup>

#### *Particulars of proposed and certain additional expenditure for 2017–18*

- Particulars of proposed additional expenditure in respect of the year ending on 30 June 2018; and
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2018.<sup>2</sup>

### Portfolio coverage

1.2 The committee has responsibility for examining the expenditure and outcomes of the following:

- Parliament;<sup>3</sup>
- Prime Minister and Cabinet (PM&C) Portfolio;
- Finance Portfolio;<sup>4</sup> and
- Cross Portfolio Indigenous Matters.<sup>5</sup>

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1 *Journals of the Senate*, No. 95, 8 May 2018, pp. 3033–3034.

2 *Journals of the Senate*, No. 95, 8 May 2018, pp. 3033–3034. Appropriations have been sought in respect to the Prime Minister and Cabinet Portfolio within the *Particulars of Proposed Additional Expenditure in respect of the year ending on 30 June 2018*. No additional appropriations were listed within the *Particulars of Certain Proposed Additional Expenditure in respect of the year ending on 30 June 2018*.

3 As a matter of comity between the Houses neither House inquires into the operations of the other House. For this reason, neither the annual report of nor the proposed expenditure for, the Department of the House of Representatives is referred to a Senate committee for review.

4 *Journals of the Senate*, No. 2, 31 August 2016, pp. 75–76.

## Portfolio Budget Statements 2018–19

1.3 The Portfolio Budget Statements (PBS) 2018–19 for the PM&C Portfolio, the Finance Portfolio and the Parliamentary departments were tabled in the Senate on 8 May 2018.<sup>6</sup>

1.4 In addition to changes set out in the PBS, other changes in resourcing since the 2018–19 Budget resulted from changes to the Administrative Arrangements Orders (AAO) otherwise known as Machinery of Government changes.

1.5 In relation to the PM&C Portfolio, amendments to the AAO on 19 April 2018 resulted in the addition of two entities to the Portfolio:

- Australian Institute of Aboriginal and Torres Strait Islander Studies, previously within the Education and Training Portfolio; and
- Workplace Gender Equality Agency, previously within the Employment Portfolio.<sup>7</sup>

1.6 Amendments to the AAO on 10 May 2018 resulted in the omission of the following entities from the PM&C Portfolio to the Attorney-General's Portfolio:

- Independent National Security Legislation Monitor;
- Office of the Inspector-General of Intelligence and Security; and
- Office of the Commonwealth Ombudsman.<sup>8</sup>

1.7 Notwithstanding these changes, the committee agreed that for the purposes of Budget Estimates 2018–19, to examine these agencies during the committee's estimates hearings.

1.8 No changes to the AAO were received for the Finance Portfolio.

## Hearings

1.9 The committee held public hearings from 21 to 25 May 2018. The Parliamentary departments were examined on 21 May, the PM&C Portfolio (excluding Indigenous matters) was examined on 21 and 22 May, the Finance Portfolio was examined on 23 and 24 May, and the Cross Portfolio Indigenous Matters hearing was held on 25 May 2018.

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5 *Journals of the Senate*, No. 22, 26 August 2008, p. 683; *Journals of the Senate*, No. 70, 15 November 2017, p. 2227.

6 *Journals of the Senate*, No. 95, 8 May 2018, pp. 3033–3034.

7 Administrative Arrangements Order, Amendment made 19 April 2018, part 15, available at: <https://www.pmc.gov.au/resource-centre/government/administrative-arrangements-order-19-april-2018> (accessed 30 April 2018).

8 Administrative Arrangements Order, Amendment made 10 May 2018, part 15, available at: <https://www.pmc.gov.au/resource-centre/government/administrative-arrangements-order-amendment-made-10-may-2018> <https://www.pmc.gov.au/resource-centre/government/administrative-arrangements-order-19-april-2018> (accessed 11 May 2018).

1.10 Subsequently, in accordance with Standing Order 9B, the committee held an additional hearing to re-examine entities within the PM&C Portfolio. This resolution provides that an additional hearing is taken to be required when any three members of the committee notify the Chair of the requirement in writing. Senator McAllister, Kitching and Rhiannon wrote to the Chair requesting an additional hearing to examine the Australian Public Service Commission, Merit Protection Commissioner and the Department of the Prime Minister and Cabinet (DPM&C). The additional hearing was held on 21 June 2018.

1.11 The committee took evidence from the President of the Senate, Senator the Hon Scott Ryan, and the following Ministers accompanied by officers of relevant departments and agencies:

- Senator the Hon Michaelia Cash, Minister representing the Minister Assisting the Prime Minister for the Public Service, and Minister representing the Minister for Women;
- Senator the Hon Anne Ruston, Minister representing the Minister for Women;
- Senator the Hon James McGrath, Assistant Minister to the Prime Minister;
- Senator the Hon Mathias Cormann, Minister representing the Prime Minister, Minister for Finance and Special Minister of State; and
- Senator the Hon Nigel Scullion, Minister for Indigenous Affairs.

1.12 The committee expresses its appreciation for the assistance of the President, Ministers and the officers who appeared.

1.13 Over the course of the hearings, the committee took evidence from the following departments, agencies and statutory offices:

*Parliament*

- Department of the Senate
- Parliamentary Budget Office
- Department of Parliamentary Services
- Parliamentary Service Commissioner
  - Merit Protection Commissioner

*Prime Minister and Cabinet Portfolio*

- Australian Public Service Commission
- Workplace Gender Equality Agency
- Independent National Security Legislation Monitor
- Digital Transformation Agency
- Office of the Inspector-General of Intelligence and Security
- Office of the Official Secretary to the Governor-General
- Australian National Audit Office

- Office of National Assessments
- Office of the Commonwealth Ombudsman
- Department of the Prime Minister and Cabinet (including the Office for Women and excluding Outcome 2—Indigenous)

#### *Finance Portfolio*

- ASC Pty Ltd
- Australian Naval Infrastructure Pty Ltd
- Future Fund Management Agency
- Commonwealth Superannuation Corporation
- Department of Finance
- Independent Parliamentary Expenses Authority
- Australian Electoral Commission

#### *Cross Portfolio Indigenous Matters*

- Indigenous Land Corporation
- Indigenous Business Australia
- Aboriginal Hostels Limited
- Australian Institute of Aboriginal and Torres Strait Islander Studies
- Office of Township Leasing
- Department of the Prime Minister and Cabinet (Outcome 2—Indigenous)
- Department of Health (in relation to Indigenous Health issues)

### **Questions on notice and Hansard transcripts**

1.14 The committee set 6 July 2018 as the date for the return of answers to questions on notice arising from the Budget Estimates 2018–19 hearings and set 3 August 2018 as the date for the return to questions on notice from the additional hearing held on 21 June 2018.

1.15 Responses to questions on notice once received, together with the Hansard transcripts of proceedings of hearings, are published on the committee's website at: [https://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates/fpa/2018-2019\\_Budget\\_estimates](https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/fpa/2018-2019_Budget_estimates).

### **Procedural matters**

1.16 The following procedural matters arose during the committee's hearings.

#### ***Refusals to provide information***

1.17 There were several occasions during the committee's hearings where officers declined to provide requested information without reference to a properly formed

public interest immunity claim.<sup>9</sup> The committee reminds officers that there is no discretion to withhold information during the consideration of estimates without some specific indication of the harm to the public interest that could result from the disclosure of the information and draws officers' and ministers' attention to the Senate order of 13 May 2009.<sup>10</sup>

### ***Public interest immunity claims and statutory officers***

1.18 On 21 May 2018, the Australian Parliamentary Service Commissioner appeared before the committee with the President of the Senate. The Parliamentary Service Commissioner 'is a statutory officer appointed under the Parliamentary Service Act by the Presiding Officer of the Parliament'.<sup>11</sup> The Commissioner was asked whether he was the subject of a code of conduct investigation by the Merit Protection Commissioner. The Commissioner refused to answer the question raising the possibility that a claim of public interest immunity might be made.<sup>12</sup> The committee noted that the Commissioner is a statutory officer and discussed whether it would be more appropriate for the President (as Minister) or the statutory officer to make a public interest immunity claim.<sup>13</sup>

1.19 The President returned to the committee later that day and declined to make a public interest immunity claim, but noted that it would be appropriate for the Commissioner to make such a claim if necessary. The President made the following statement:

However, it is not simply for the minister, to whom I am analogous in this circumstance, to make such a claim. In this instance I refer to chapter 19 of *Odgers'* and the section entitled 'Statutory authorities and public interest immunity'. In my view it is within the purview of the commissioner—a statutory officer not subject to general direction—to make such a claim. Paragraph 8 of the Senate order of 13 May 2009 contemplates this approach. Such a claim eventually, of course, is a matter for the Senate itself.<sup>14</sup>

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9 *Committee Hansard*, 21 May 2018, p. 16. Questioning in relation to the DPS cleaning contract. See also: *Committee Hansard*, 24 May 2018, p. 43. Questioning in relation to the identity of a ministerial staffer.

10 Procedural order of continuing effect no. 10, *Public interest immunity claims*.

11 Parliament of Australia, *Parliamentary Service Commissioner and Parliamentary Service Merit Protection Commissioner*, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Service\\_Commissioner\\_and\\_Parliamentary\\_Service\\_Merit\\_Protection\\_Commissioner](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Service_Commissioner_and_Parliamentary_Service_Merit_Protection_Commissioner) (accessed 25 June 2018).

12 *Committee Hansard*, 21 May 2018, pp. 46–53.

13 *Committee Hansard*, 21 May 2018, p. 53.

14 *Committee Hansard*, 21 May 2018, p. 68.

### ***Public interest immunity claim***

1.20 On Tuesday 22 May 2018, during the examination of the DPM&C, the committee discussed a Freedom of Information (FOI) request that had been lodged with DPM&C in respect of documents relating to an alleged investigation of the Australian Public Service Commissioner. DPM&C decided to exempt two of the documents requested as part of the FOI request.<sup>15</sup>

1.21 Senator Wong asked DPM&C to table the documents in question. Ms Stephanie Foster, Deputy Secretary, DPM&C advised that a public interest immunity (PII) claim would be made in respect to these documents and that they would not be provided to the committee. Senator Wong asked Ms Foster to refer the question of the disclosure of documents to the Minister representing the Prime Minister—Senator the Hon Mathias Cormann—and asked the Minister to consider this issue and provide a response after the lunch break.<sup>16</sup>

1.22 Minister Cormann then made a public interest immunity claim on the basis of 'privacy of the relevant people involved and not prejudicing an ongoing investigation'.<sup>17</sup> During the lunch break, Minister Cormann wrote to the committee and outlined the public interest immunity claim in more detail. Minister Cormann specified that it would not be in the public interest to release the contents of the requested document on the basis that it would:

- Prejudice the impartial adjudication of a particular case; and
- Be an unreasonable invasion of an individual's privacy.<sup>18</sup>

1.23 Furthermore, Minister Cormann articulated the specific harm that the disclosure of these documents would cause, including:

- Diminishing the opportunity for the matter, i.e. the subject of the communication received and referred by the [DPM&C], to be considered fairly and impartially;

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15 Tabled document, *Freedom of information claim to the Department of the Prime Minister and Cabinet in relation to the Australian Public Service Commissioner*, tabled by Senator Jenny McAllister on 22 May 2018, [https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/FOI%20claim%20to%20the%20DPMC%20in%20relation%20to%20the%20Australian%20Public%20Service%20Commissioner\\_Redacted.pdf?la=en](https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/FOI%20claim%20to%20the%20DPMC%20in%20relation%20to%20the%20Australian%20Public%20Service%20Commissioner_Redacted.pdf?la=en) (accessed 25 June 2018). See also: *Committee Hansard*, 22 May 2018, p. 40.

16 *Committee Hansard*, 22 May 2018, pp. 40–41.

17 *Committee Hansard*, 22 May 2018, p. 41.

18 Tabled document, *Correspondence from Senator the Hon Mathias Cormann (Minister representing the Prime Minister) to Senator James Paterson, Chair of the Senate Finance and Public Administration Legislation Committee, dated 22 May 2018*, tabled by Senator the Hon Mathias Cormann on 22 May 2018, [https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/Claim%20of%20Public%20Interest%20Immunity\\_Senator%20Cormann\\_Redacted.pdf?la=en](https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/Claim%20of%20Public%20Interest%20Immunity_Senator%20Cormann_Redacted.pdf?la=en) (accessed 25 June 2018).

- Infringing privacy to the extent that it may negatively affect the reputation of particular individuals; and
- Discouraging the willingness of individuals to communicate information to the DPM&C in the future.<sup>19</sup>

1.24 Later that afternoon, the Chair informed the public hearing that the committee had considered the public interest immunity claim made by Minister Cormann and resolved to accept the claim.<sup>20</sup>

### *Independence of each House of Parliament*

1.25 During the examination of the Australian Electoral Commission, the committee asked questions in relation to the Australian Electoral Commissioner's advice to the Speaker of the House of Representatives with respect to a series of by-elections scheduled for 28 July 2018. The Minister appearing with the Australian Electoral Commissioner reminded senators that each House of Parliament functions independently of the other, and that as matter of comity, Senate committees do not inquire into the proceedings of the House of Representatives:

While the President of the Senate is answerable to the Senate and its committees; the Speaker of the House of Representatives is not. The questions that you are posing now are seeking to elicit information about members of the House of Representatives, the role of the Speaker and the functions of the House and its proposed expenditure, which fall outside the responsibility of the Senate and should not be answerable here in the Senate estimates committee. That is a constitutional principle that, of course, relates to the fact that the House of Representatives and the Senate act quite separate to each other.<sup>21</sup>

1.26 Senators adjusted their questions accordingly.

### **Answers to questions on notice—Additional Estimates 2017–18**

1.27 The committee's examination of the Additional Estimates 2017–18 took place on 26 and 27 February and 2 March 2018. The Parliamentary departments were examined on 26 February, the PM&C Portfolio (excluding Indigenous matters) was examined on 26 and 27 February, the Finance Portfolio was examined on 27 February, and the Cross Portfolio Indigenous Matters hearing was held on 2 March 2018. The

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19 Tabled document, *Correspondence from Senator the Hon Mathias Cormann (Minister representing the Prime Minister) to Senator James Paterson, Chair of the Senate Finance and Public Administration Legislation Committee, dated 22 May 2018*, tabled by Senator the Hon Mathias Cormann on 22 May 2018, [https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/Claim%20of%20Public%20Interest%20Immunity\\_Senator%20Cormann\\_Redacted.pdf?la=en](https://www.aph.gov.au/~media/Estimates/fpa/bud1819/Tabled%20documents/PMC/Claim%20of%20Public%20Interest%20Immunity_Senator%20Cormann_Redacted.pdf?la=en) (accessed 25 June 2018).

20 Senator James Paterson, Chair, Senate Finance and Public Administration Legislation Committee, *Committee Hansard*, 22 May 2018, p. 68.

21 Senator the Hon Mathias Cormann, Minister representing the Prime Minister, *Committee Hansard*, 24 May 2018, p. 90.

committee set 16 April 2018 as the date for the return of answers to questions on notice.

***Timeliness of answers to questions on notice***

1.28 The committee had a total of 335 questions taken on notice (encompassing questions taken during the hearings and written questions on notice) with a total of 166 answers being received by the due date.

1.29 Before the due date no portfolio provided a complete set of answers to questions on notice, however, the Parliamentary departments and the Finance Portfolio provided all but one answer before the due date. The remaining answer from the Parliamentary departments was provided on 3 May 2018 and the remaining answer from the Finance Portfolio was provided on 18 April 2018.

1.30 The PM&C Portfolio (including Cross Portfolio) provided 51 of its 205 answers to questions on notice from its hearings on 26 and 27 February and 2 March 2018 by the due date of 16 April 2018. The remaining 154 answers to questions on notice were provided between 17 April and 3 May 2018. From the Cross Portfolio hearing on 2 March 2018, the Department of Health took 13 questions on notice, of which none were answered by the due date of 16 April 2018. Answers to questions were received intermittently through April and May 2018.

1.31 In accordance with Standing Order 26, the committee reminds departments, agencies and Ministers to submit responses to questions taken on notice by the due date fixed by the committee.

**Note on references**

1.32 References in this report to the estimates Hansard are to the proof Hansard; page numbers may vary between the proof and the official Hansard transcript.



# Chapter 2

## Issues

2.1 This chapter lists the key issues raised for each department, agency and government business enterprise examined during the committee's hearings for Budget Estimates 2018–19. Page numbers to the proof Hansard are indicated in brackets.

### Monday, 21 May 2018 (Parliament)

#### *Department of the Senate*

- Consultation on the proposed Cyber Security Operations Centre (p. 3)
- Security arrangements during a function at Australian Parliament House (APH) within the President's courtyard (p. 4)
- Refurbishment and completion of building works to a Senate suite (p. 5)
- Review of response to question on notice,<sup>1</sup> relating to the flooding of the Chifley Library at the Australian National University and the coordination between the Parliamentary departments to assist (p. 5)
- Update on the progress of information technology projects (pp. 5–6)

#### *Parliamentary Budget Office*

- Policy Costings in relation to *Dividend Imputation Credit Refunds* (advice provided to Senator Leyonhjelm);<sup>2</sup> discussion of the behavioural responses and dataset used in the development of the costing (pp. 6–10)
- Medium-term fiscal policy and the Personal Income Tax Plan projections (p. 11–12)
- Costings of the Opposition Tax Refund Plan (pp. 13–15)

#### *Department of Parliamentary Services*

- Cleaning contract arrangements for Dimeo Cleaning Services Pty Ltd and the staffing arrangements for APH cleaners in relation to:
  - Sub-contracting (pp. 17–18)
  - Remuneration (pp. 19–21)
  - Employment engagement level (pp. 22–25)
  - Probationary periods (p. 25)

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1 Question on Notice 2, Parliament Portfolio, Additional Estimates 2017–18 (Australian National University Flooding).

2 Parliamentary Budget Office, *Dividend Imputation Credit Funds*, advice provided to Senator Leyonhjelm, dated 8 May 2018, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Budget\\_Office/Publications/Costings](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Budget_Office/Publications/Costings)

- Paper procurement and whole-of-government panel arrangements (p. 19)
- Review of response to question on notice<sup>3</sup> in relation to the progression of upgrades to mobile phone reception within APH (pp. 25–26)
- Establishment of the Cyber Security Operations Centre (pp. 26–29)
- Application of leave entitlements for DPS staff in relation to recommendations within a KPMG audit report (p. 30)
- Security protocols of a 'powder-out-of-place' incident and engagement with the Australian Federal Police (pp. 31–38)
- 'Powder-out-of-place' incident in the Prime Minister's Office (pp. 39–41)
- Security staff uniforms for the handling of hazardous materials (pp. 41–42)
- Car parking policy (pp. 42–45)

#### ***Parliamentary Service Commissioner***

- Circumstances surrounding the alleged investigation of the Australian Public Service Commissioner (pp. 46–51)

#### **Monday, 21 May 2018 (Prime Minister and Cabinet Portfolio)**

#### ***Australian Public Service Commission***

- Consultation of the Australian Public Service Commission (APSC) on the decentralisation of the Australian Public Service (APS) to regional areas (p. 56)
- Knowledge of the Australian Public Service Commissioner of an alleged investigation (pp. 57–65)
- Ministerial consultation relating to a DPM&C response to a FOI request (pp. 65–66)
- Review of response to question on notice<sup>4</sup> in relation to communications between the Australian Public Service Commissioner and the Institute of Public Affairs (pp. 67–71)
- APSC workflow system (pp. 72–74)
- Review of response to question on notice,<sup>5</sup> in relation to flexible work arrangements and review of the *Maternity Leave (Commonwealth Employees) Act 1973 (Cth)* (pp. 75–76)

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3 Question on Notice 18, Parliament Portfolio, Additional Estimates 2017–18 (Timeline of improvements to mobile phone reception).

4 Question on Notice 2, Prime Minister and Cabinet Portfolio, Additional Estimates 2017–18 (Email Records – Contact with IPA); Question on Notice 30, Prime Minister and Cabinet Portfolio, Supplementary Estimates 2017–18, (Contact with IPA and the HR Nicholls Society).

5 Question on Notice 161, Prime Minister and Cabinet Portfolio, Additional Estimates 2017–18, (Balancing the Future strategy).

- 
- Targets in relation to Outcome 1, 'Building digital capability in the APS by partnering with the Digital Transformation Agency' (pp. 76–77)
  - Domestic violence leave arrangements within the APS (p. 77)
  - Involvement of the APSC in the *Independent review of the Australian Public Service* and panel arrangements (p. 78)

### ***Office for Women***

- Contingency reserve for the implementation of the economic security statement and the alignment to the Workforce Participation Strategy (p. 78)
- Personal Income Tax Plan and Budget analysis of gender equality (pp. 80–84)
- Women's Safety Package initiatives (pp. 85–86)
- Workplace participation rates and the Workforce Participation Strategy (pp. 86–87)
- Internal review of the Office for Women (pp. 87–88)
- Update on Women's Leadership and Development Strategy Grants (p. 89)

### ***Workplace Gender Equality Agency***

- Outstanding answers to questions on notice; changes to the Administrative Arrangements Orders; and Ministerial representation for the Workplace Gender Equality Agency (pp. 91–93)
- Gender pay gap analysis (pp. 93–97)
- Employer of Choice listing (p. 97)

### ***Independent National Security Legislation Monitor***

- Review of the 2016–17 Annual Report and future inquiries (pp. 99–101)
- Consultation in relation to the Attorney-General Department's review of the legislative framework of national security legislation (p. 100)

### ***Digital Transformation Agency***

- Digital Transformation Agency's (DTA) involvement in the Australian Apprenticeship Management System Program (pp. 102–110)
- DTA's current engaged projects (p. 103)
- Implementation of the Secure Cloud Strategy (pp. 110–112)
- Digital and Hardware Marketplace planning projections for the 2018–19 period (pp. 112–115)
- DTA's graduate program placement and staffing arrangements (pp. 115–117)
- Funding and rollout of the GovPass Program (pp. 117–118)
- Blockchain for government services (pp. 118–119)

***Office of the Inspector-General of Intelligence and Security***

- Staff funding arrangements within the Budget and update on security clearance processes (pp. 119–120)
- Submission to the Senate Foreign Affairs, Defence and Trade Committee; and consultation with the Attorney-General Department in relation to intelligence activities within Australia (p. 121)

***Office of the Official Secretary to the Governor-General***

- Committee's recent site visits to Admiralty House and Government House (p. 122)
- Structural damage to the Admiralty House Marine Barracks Complex due to tree root intrusion from a Moreton Bay Fig Tree (pp. 122–123)
- Participation of the Governor-General and officers in national counterterrorism exercises (pp. 123–124)
- Correspondence from the Governor-General in relation to the 65<sup>th</sup> Anniversary of the Coronation of Queen Elizabeth II (p. 124)
- Operational funding (p. 124)
- Update on the awards nominations process for women (p. 125)

***Australian National Audit Office***

- Australian National Audit Office (ANAO) Audit on naval construction programs and review process for confidentiality claims within contracts (p. 126)
- ANAO Audit in relation to the administration of the Regional Jobs and Investment Package Program (p. 127)
- ANAO's legislative framework (pp. 128–130)

***Office of National Assessments***

- Establishment of the Office of National Intelligence (to be transitioned from the Office of National Assessments) (pp. 130–131)

***Office of the Commonwealth Ombudsman***

- Recommendations from the Commonwealth Ombudsman Report 'Administration of reviews under the *National Disability Insurance Scheme Act 2013*' (pp. 131–132)

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## Tuesday, 22 May 2018 (Prime Minister and Cabinet Portfolio)

### *Department of the Prime Minister and Cabinet*

- Review of previous questions on notice<sup>6</sup> (pp. 3; 29)
- Company Tax Cut Agreement negotiations with a One Nation Senator and the involvement of the Prime Minister in relation to:
  - Apprenticeship program appropriations (pp. 8; 12)
  - Domestic Gas Reservation Policy (pp. 8–10)
  - Petroleum Resource Rent Tax (PRRT) and the recommendations of the Callaghan Review (pp. 10; 17–24)
  - West-East Gas Pipeline (pp. 27–29)
- Establishment of the Aged Care Taskforce, framework of the Terms of Reference and budget measures (pp. 14–17)
- Briefings to the Prime Minister in relation to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (pp. 29–39)
- Tax integrity measures within the 2018–19 Budget (p. 37)
- DPM&C response to a FOI request and claim of public interest immunity relating to the alleged investigation of the Australian Public Service Commissioner (pp. 39–41; 43)
- Role of the DPM&C in national security arrangements relating to the establishment of the Office of National Intelligence (currently the Office of National Assessments) (pp. 41–42)
- Processes of the Merit Protection Commissioner (pp. 47–48)
- Independent review of the APS (Thodey Review); panel arrangements and reporting timeline (pp. 48–52)
- Role of the DPM&C in relation to the Personal Income Tax Plan (pp. 52–55)
- Expenditure Review Committee and Cabinet involvement in budget measures (p. 54)
- Open Government Partnership Commitment and the implementation of its related National Action Plan (pp. 55–58)
- Finalisation of the Religious Freedom Review report (pp. 58–63)
- Correction of evidence by DPM&C Deputy Secretary in relation to the Independent Intelligence Review (pp. 63–69)

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<sup>6</sup> Question on Notice 207, Prime Minister and Cabinet Portfolio, Additional Estimates 2017–18, (Departmental Liaison Officers); Question on Notice 43, Prime Minister and Cabinet Portfolio, Additional Estimates 2013–14 (Departmental Liaison Officers).

- Role of the DPM&C advising on the Ministerial Staff Statement of Standards (pp. 69; 72–73)
- Arrangements for the Prime Minister's 'Politics in the Pub' event, and the vetting of guests (pp. 69–76)
- Arrangements for Cabinet meeting catering costs (pp. 76–80)
- Media reports concerning proposals by the Department of Home Affairs and the Department of Defence to expand powers of surveillance of Australian citizens (pp. 81–91)
- Media reports concerning comments made by the Minister for Home Affairs in relation to South Africa (pp. 91–96)
- Australia's relationship with China (pp. 96–99)
- Implementation of the Australian Government Guidelines on the Recognition of Sex and Gender (p. 100)
- Aspects of the Ruddock Review (pp. 100–102)
- Stakeholder engagement with the Voluntary National Review concerning the UN Sustainable Development Goals (pp. 102–106)
- The Governor-General's involvement in invoking Australian Defence Force participation in domestic national security matters (pp. 106–107)
- Future use of lithium in Australia (p. 107)
- Involvement of the DPM&C in the establishment of the Energy Security Board and the National Energy Guarantee (pp. 107–112)
- Costs relating to the visit by the Prince of Wales and the Duchess of Cornwall to Australia (pp. 112–118)
- Gifts to the Prime Minister and other declarations under the Statement of Ministerial Standards (pp. 118–125)
- DPM&C engagement with Mr John Garnaut as a specialist speech writer (p. 119)
- Compliance with timelines set to respond to questions taken on notice (pp. 125–131).

### **Wednesday, 23 May 2018 (Finance Portfolio)**

#### ***ASC Pty Ltd***

- Announcement of ASC Pty Ltd (ASC) job losses and additional funding in the Mid-Year Economic and Fiscal Outlook 2017–18 (MYEFO) for new positions and scholarships (pp. 4–14)
- Draft discussion paper provided to the Department of Defence in relation to the potential relocation of full cycle docking (maintenance, upgrade and re-lift program) from South Australia to Western Australia (pp. 14–15)

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- Negotiations between ASC and the Naval Group Australia (formerly DCNS) in relation to the SEA 1000 Submarine Program (pp. 16–19)
  - Negotiations between ASC and Lurssen in the construction of Offshore Patrol Vessels (OPV) (p. 20)

#### ***Australian Naval Infrastructure***

- Update on the establishment of the Maritime Technical College in Western Australia (p. 21)
- Progress of negotiations with Lurssen in relation to leasing arrangements of the Osborne Shipyard (p. 21)

#### ***Future Fund Management Agency***

- Legislative requirements of the Education and Investment Fund and management by the Future Fund (pp. 24–27)
- Land Account Fund benchmarks during the 2014–15 financial year and the mandate for the proposed Aboriginal and Torres Strait Islander Land and Sea Future Fund (ATSILSFF) (p. 28)
- Organisational changes within the Future Fund (p. 29)
- Role of the Future Fund Board in the risk management framework (pp. 30–31)
- Update on venture capital in relation to investment management strategies (pp. 32–34)
- Consultation of the Future Fund regarding the proposed legislation for the establishment of the ATSILSFF (pp. 35–36)

#### ***Commonwealth Superannuation Corporation***

- Update on the rates of return for members and fee determinations of schemes (pp. 38–40)
- Gender gap analysis of superannuation balances (p. 41)

#### ***Department of Finance***

- Review of response to question on notice,<sup>7</sup> in relation to offsets for the MYEFO measure for the Parliamentary Expenses Management System (p. 41)
- Unlegislated savings measures announced in the Budget (p. 42)
- Budget 2018–19 expense measures which bring funding forward to the 2017–18 financial year, including:
  - Measures of the New Payments Platform (pp. 45–47)
  - Department of Defence—re-profiling of expenditure (pp. 48–49)

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7 Question on Notice 4, Finance Portfolio, Additional Estimates 2017–18 (Parliamentary Expenses Management System).

- National Research Infrastructure Investment Plan (p. 49)
- Great Barrier Reef 2050 Partnership Program (pp. 49–50)
- Commonwealth grants policy framework and processes, particularly in relation to the budget measure Great Barrier Reef 2050 Partnership Program (pp. 50–56)
- Update on the Department's implementation of the Australian Government Guidelines on the Recognition of Sex and Gender (p. 58)
- Legislated Budget repair measures (pp. 59–60)
- Other Budget 2018–19 expense measures which were the subject of questioning, included:
  - Finance—additional resourcing (p. 61)
  - Improving Access to Medicines—additional funding for new medicines and improved payment administration (pp. 61–63)
  - 250<sup>th</sup> Anniversary of James Cook's Voyage—commemoration (p. 65)
  - Delivering Australia's Digital Future—Welfare Payment Infrastructure Transformation—Tranche Three (p. 66)
- Update on the Department's processes leading to the enterprise bargaining period (pp. 63–64)
- Application of Policy Costing Guidelines and the implementation of costs in the forward Estimates (pp. 66–69)
- Commentary by government Ministers in relation to the forecast Budget surplus in 2020–21 (pp. 69–72)
- Budget measures in relation to:
  - More Choices for a Longer Life Package (pp. 73–76)
  - Infrastructure Investment Programme (Victorian infrastructure investments) (pp. 77–80)
  - Indigenous Rangers Program (pp. 80–81; 83–85)
  - Australian Film and Television Content and the transparency of ABC Funding (pp. 88–91)
- KPMG successful bid for the tender of accounting services (pp. 81–82)
- Accounting treatments in relation to the Inland Rail Project (pp. 86–88)
- Review of response to question on notice,<sup>8</sup> in relation to the NBN rate of return on equity investment (pp. 92–97)

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8 Question on Notice 13, Finance Portfolio, Additional Estimates 2017–18 (NBN Rate of Return).



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- Disaggregation of data on consultants and contractors in the APS (pp. 97–104)
  - Executive Remuneration (pp. 104–110)

## **Thursday, 24 May 2018 (Finance Portfolio)**

### ***Department of Finance***

- Recommendations of the ANAO report '*Australia Post's Efficiency of Delivering Reserved Letter Services*' (pp. 4–8)
- Engagement with foreign public service departments (pp. 9–11)
- Investigation of Plutus Payroll (pp. 11–13)
- Findings of ANAO report '*Corporate Planning in the Australian Public Sector 2017–18*' in relation to the planning processes for corporate plans (pp. 13–16)
- Recommendations of the ANAO report '*Efficiency through Contestability Program*' (pp. 16–18)
- Developments on the Snowy Hydro Project (pp. 19–20)
- Statement of risks in relation to the equity of the NBN Co. Limited and Moorebank Intermodal (pp. 20–26)
- Decentralisation within the APS (pp. 27–32)
- Government Business Analytical Unit projects within the Data Integration Partnership for Australia (pp. 32–35)
- Expenditure of government campaign advertising and involvement of the Independent Communications Committee (pp. 36–37)
- Government procurement in relation to air travel (pp. 39–40)
- Above-band appointments (pp. 41–42)
- Inquiries by Parliamentarians (pp. 45–46)
- Reimbursement of Parliamentarian office costs (pp. 47–49)
- Expenses of Parliamentarians before the High Court decision in relation to citizenship (pp. 49–50)
- Movement of staff in 2017 within the office of Minister Keenan (pp. 50–52)

### ***Independent Parliamentary Expenses Authority***

- Update on meetings with Parliamentarians (pp. 53–54)
- Staffing levels within Independent Parliamentary Expenses Authority (IPEA) (pp. 54–55)
- Update on the number of IPEA inquiries (pp. 55–56)
- Audits undertaken in relation to Parliamentarians (pp. 56–58)

***Australian Electoral Commission***

- Timeline and proposed dates of by-elections following the resignation of Parliamentarians after the High Court decision in relation to citizenship (pp. 58–66)
- By-election timeline gaps with reference to the 2008 Gippsland by-election (pp. 66–68)
- Advice given by the Australian Electoral Commissioner to the Speaker concerning the selection of the by-election date (pp. 69–70; 87–90)
- Factors affecting the setting of the date for five by-elections (pp. 71–76)
- Selection of 28 July 2018 as the by-election date (p. 74)
- Time taken to implement new processes relevant to nominations for candidates, including independent candidates for upcoming by-elections (pp. 76–79)
- Enrolment residence requirements and enforcement issues (pp. 79–85)
- Timetable for the consideration of the electoral boundary redistribution in light of the by-election (pp. 85–86)
- Comparative costs associated with domestic air travel (p. 86)
- Whether the announcement on 23 May 2018 for the date of the by-election constitutes the calling of the by-election (p. 89)
- Electorate boundary redistribution (pp. 92–94)
- Obligations to report as an associated entity (pp. 94–96)
- Reporting requirements of section 314AEB of the *Electoral Act 1918 (Cth)* in relation to third party organisations (pp. 96–98)
- Timetable for the consideration of the electoral boundary redistribution in light of the by-election (p. 99)
- Rules for political parties for internal governance (p. 99)
- Process for prosecutions under the *Electoral Act 1918 (Cth)* (p. 100)
- Whether the Commonwealth will seek to be joined in an appeal to the Supreme Court of Queensland in relation to donation thresholds (pp. 101–102)
- Status of associated entities in relation to the Business Council of Australia and Get-Up (pp. 103–104)

**Friday, 25 May 2018 (Cross Portfolio—Indigenous Matters)*****Indigenous Land Corporation***

- Timeline of enterprise agreement negotiations and contained clauses within the agreement (pp. 4–6)

- 
- Consultation process regarding the proposed Aboriginal and Torres Strait Islander Land and Sea Account (pp. 6–7)
  - Discussion of the *Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Bill 2018* (pp. 7–9)
  - Review of response to question on notice,<sup>9</sup> in relation to Voyagers and operational loss expenditure (pp. 9–10)

### ***Indigenous Business Australia***

- Update of remote and regional business and home loan figures (pp. 11–13)
- Establishment of a solar facility in Western Australia (pp. 14–15)
- Home loan defaults (p. 15)
- Findings of the ANAO report into *Indigenous Home Ownership Program* (pp. 15–16)

### ***Aboriginal Hostels Limited***

- Assessment for the repair and refurbishment of hostels (pp. 17–20)
- Workforce arrangements (pp. 20–21)
- Initiatives to enhance participation of Indigenous employees (p. 21)
- Concerns in relation to Biala Hostel (p. 21)

### ***Office of Township Leasing***

- Lease arrangements for residential and community land (pp. 23–24)
- Home ownership leases (p. 24)
- Leasing arrangements in Alice Springs (pp. 25–30)

### ***Department of the Prime Minister and Cabinet***

- Funding for remote housing in Queensland, Western Australia and South Australia and the Remote Housing Strategy (pp. 33–40)
- Community Development Program (CDP) in relation to wages and the compliance with new processes (pp. 40–46)
- Level of engagement in CDP activities and comparison to the Remote Jobs and Securities Program (p. 46)
- Reforms to CDP (p. 47)
- CDP Subsidised employment (p. 47)
- Out-of-Home Care statistics (pp. 48–49)
- Adoption of Indigenous children in NSW (pp. 49–53)

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9 Question on Notice 71, Cross Portfolio Indigenous Matters, Additional Estimates 2017–18 (Voyagers).

- Report recommendations of the Northern Territory Royal Commission into the protection and Detention of Children (pp. 55–57)
- Funding allocated within the 2018–19 Budget for Closing the Gap (pp. 57–58)
- Timeline of Closing the Gap Refresh (p. 58)
- Consultation process between Closing the Gap in 2007 and Closing the Gap Refresh (pp. 58–62)
- Review of responses to questions on notice,<sup>10</sup> in relation to the Referendum Council (pp. 62–64)

### ***Department of Health***

- Update of the HTLV-1 Virus (pp. 65–67)

### **Thursday, 21 June 2018 (Prime Minister and Cabinet Portfolio)**

#### ***Australian Public Service Commission***

- Resignation of the Australian Public Service Commissioner (pp. 3–4)
- Timeline of the investigation of the Australian Public Service Commissioner (pp. 5; 7–9)
- The release of FOI documentation by the Australian Public Service Commission (pp. 5; 10–15)

#### ***Merit Protection Commissioner***

- Process for the appointment of the new Merit Protection Commissioner (pp. 16; 18)
- Merit Protection Commissioner's knowledge of the alleged conduct of the Australian Public Service Commissioner and timeline of the commencement of the investigation (pp.17–23)

#### ***Department of the Prime Minister and Cabinet***

- Knowledge of the DPM&C and the Prime Minister of the investigation of the Australian Public Service Commissioner (pp. 23–26)

## **Senator James Paterson**

### **Chair**

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10 Question on Notice 86, Cross Portfolio Indigenous Matters, Additional Estimates 2017–18 (Attendance at Uluru Summit); Question on Notice 87, Cross Portfolio Indigenous Matters, Additional Estimates 2017–18 (Referendum Council–Terms of Reference).

# **Appendix 1**

## **Departments and agencies under the committee's oversight**

### **Parliament**

- Department of the Senate
- Parliamentary Budget Office
- Department of Parliamentary Services
- Parliamentary Service Commissioner
  - Merit Protection Commissioner

### **Prime Minister and Cabinet Portfolio**

- Department of the Prime Minister and Cabinet (including Office for Women)
- Australian National Audit Office
- Australian Public Service Commission
- Defence Force Remuneration Tribunal (APSC secretariat)
- Remuneration Tribunal (APSC secretariat)
- Digital Transformation Agency
- Independent National Security Legislation Monitor
- National Australia Day Council
- Office of the Commonwealth Ombudsman
- Office of the Inspector-General of Intelligence and Security
- Office of National Assessments
- Office of the Official Secretary to the Governor-General
- Workplace Gender Equality Agency

### ***Indigenous Agencies***

- Aboriginal Hostels Limited
- Aboriginal Land Commissioner
- Anindilyakwa Land Council
- Australian Institute of Aboriginal and Torres Strait Islander Studies
- Central Land Council
- Indigenous Business Australia
- Indigenous Land Corporation

- Northern Land Council
- Office of the Registrar of Indigenous Corporations
- Office of Township Leasing
- Outback Stores Pty Ltd
- Tiwi Land Council
- Torres Strait Regional Authority
- Wreck Bay Aboriginal Community Council

**Finance Portfolio**

- ASC Pty Ltd
- Australian Naval Infrastructure Pty Ltd
- Australian Electoral Commission
- Commonwealth Superannuation Corporation
- Department of Finance
- Future Fund Management Agency
- Independent Parliamentary Expenses Authority

# **Appendix 2**

## **Tabled documents**

**Monday, 21 May 2018**

***Parliamentary Departments***

- Mr Rob Stefanic, Secretary, Department of Parliamentary Services: Opening Statement
- Mr Rob Stefanic, Secretary, Department of Parliamentary Services: Statement on Security Protocols
- Mr Rob Stefanic, Secretary, Department of Parliamentary Services: Extract of new Department of Parliamentary Services Cleaning Contract
- Mr Rob Stefanic, Secretary, Department of Parliamentary Services: Email correspondence from Mr Rob Stefanic, Secretary, Department of Parliamentary Services to Department of Parliamentary Services Staff regarding Parliament House Security

***Prime Minister and Cabinet Portfolio***

- The Hon John Lloyd, Australian Public Service Commissioner, Australian Public Service Commission: Email correspondence between the Hon John Lloyd, Australian Public Service Commissioner, Australian Public Service Commission and the Institute of Public Affairs
- Mr Gavin Slater, Chief Executive Officer, Digital Transformation Agency: Opening Statement
- Mr Gavin Slater, Chief Executive Officer, Digital Transformation Agency: Organisational Chart
- Mr Gavin Slater, Chief Executive Officer, Digital Transformation Agency: Current engaged projects (updated 21 May 2018)

**Tuesday, 22 May 2018**

***Prime Minister and Cabinet Portfolio***

- Ms Stephanie Foster, Deputy Secretary, Governance Group, Department of the Prime Minister & Cabinet: Opening Statement
- Ms Stephanie Foster, Deputy Secretary, Governance Group, Department of the Prime Minister & Cabinet: Organisational Chart
- Senator Jenny McAllister: Freedom of Information claim made to the Department of the Prime Minister & Cabinet in relation to the Australian Public Service Commissioner
- Senator the Hon Mathias Cormann, Minister representing the Prime Minister: Correspondence from the Hon Mathias Cormann (Minister representing the

Prime Minister) to Senator James Paterson, Chair, Finance and Public Administration Legislation Committee, dated 22 May 2018

- Mr Andrew Walter, First Assistant Secretary, Religious Freedom Review, Department of the Prime Minister and Cabinet: List of organisations consulted during the Religious Freedom Review

### **Wednesday, 23 May 2018**

#### ***Finance Portfolio***

- Senator Rex Patrick: Australian Industry Plan, prepared by the Naval Group Australia (formally DCNS)
- Senator Jenny McAllister: Senator the Hon Nigel Scullion, Minister for Indigenous Affairs, Media Release, *Coalition delivery over \$250 million for Indigenous rangers jobs to 2021*, dated 27 April 2018

### **Thursday, 24 May 2018**

#### ***Finance Portfolio***

- Ms Rosemary Huxtable PSM, Secretary, Department of Finance: Personal Employee Positions as at 1 May 2018
- Ms Rosemary Huxtable PSM, Secretary, Department of Finance: Correspondence from Mr Chris Faulks, Acting Chair, Independent Communications Committee, dated 16 October 2017
- Senator the Hon Don Farrell: Personal Classifications as at 1 May 2012
- Senator the Hon Penny Wong: Correspondence from Mr Tom Rodgers, Electoral Commissioner, Australian Electoral Commission, to the Hon Tony Smith MP, Speaker, House of Representatives, dated 17 May 2018
- Senator the Hon Penny Wong: Correspondence from Mr Tom Rodgers, Electoral Commissioner, Australian Electoral Commission, to the Hon Tony Smith MP, Speaker, House of Representatives, dated 23 May 2018
- Senator James Paterson: Extract from Parliamentary Library Research Paper, *House of Representatives by elections: 1901–2017*, 5 March 2018
- Senator the Hon Don Farrell: Correspondence from Ms Nicole Flint MP, Federal Member for Boothby, Upcoming Federal Redistribution, dated 9 May 2018

### **Friday, 25 May 2018**

#### ***Cross Portfolio Indigenous Matters***

- Mr Rajiv Viswanathan, Chief Executive Officer, Indigenous Business Australia: Opening Statement
- Mr Anthony Usher, Chief Executive Officer, Aboriginal Hostels Limited: Opening Statement



- Ms Pennie Weedon, Acting Executive Director, Office of Township Leasing: Opening Statement
- Ms Pennie Weedon, Acting Executive Director, Office of Township Leasing: Alice Springs Community Living Areas (Town Camps) subleases held by the Executive Director of Township Leasing
- Senator the Hon Nigel Scullion, Minister for Indigenous Affairs: Opening Statement

