



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION
LEGISLATION COMMITTEE

Estimates

TUESDAY, 20 OCTOBER 2020

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SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Tuesday, 20 October 2020

Members in attendance: Senators Ayres, Davey, Gallagher, Hanson-Young, Kitching [by video link], Lines, McKenzie, O'Sullivan, Paterson, Rice [by video link], Scarr, Siewert, Waters, Watt, Wong.

PRIME MINISTER AND CABINET PORTFOLIO**In Attendance**

Senator Cormann, Minister for Finance

National COVID-19 Commission Advisory Board

Mr Neville Power, Chairman

Mr Malcolm Thompson, Head of Taskforce

Department of the Prime Minister and Cabinet

Ms Stephanie Foster PSM, Deputy Secretary

Mr John Reid, First Assistant Secretary, Government Division

Ms Leonie McGregor, First Assistant Secretary, Cabinet Division

Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch

Ms Celeste Moran, Assistant Secretary, Legal Policy Branch

Mr Tom Gilmartin, Chief Operating Officer

Mr Gerard Martin, First Assistant Secretary, Ministerial Support Division

Mr Paul Wood, Chief Financial Officer

Mr Nathan Heeney, Chief Information Office

Ms Caroline Millar, Deputy Secretary, National Security and International Policy Group

Mr Rod Brazier, First Assistant Secretary, International Division

Mr Lachlan Colquhoun, First Assistant Secretary, National Security Division

Mr Trevor Jones, Assistant Secretary, Disaster Preparedness, Plans and Incident Management Branch

Mr Matthew Fox, Assistant Secretary, Defence and Intelligence Branch

Mr Simon Duggan, Deputy Secretary

Mr James Chisholm, First Assistant Secretary, Industry, Infrastructure and Environment Division

Mr Brenton Goldsworthy, First Assistant Secretary, Economic Division

Mr Jason Lange, Assistant Secretary, Office of Best Practice Regulation

Ms Alison Frame, Deputy Secretary

Ms Genevieve Quilty, First Assistant Secretary, Social Policy Division

Mr William Story, First Assistant Secretary, APS Reform Office

Ms Nicole Spencer, Head of Taskforce, COVID-19 Response

Committee met at 09:00

CHAIR (Senator Paterson): Good morning. I declare open this meeting of the Senate Finance and Public Administration Legislation Committee. Today the committee will continue its examination of the budget estimates for 2020-21. It will hear from the department and the agencies of the Prime Minister and Cabinet portfolio, as listed on today's program. The committee may also examine the annual reports of the departments and agencies appearing before it. Senators, departments and agencies have been provided with advice on

the arrangements in place to ensure that budget estimates 2020-21 are conducted in a safe environment. This guidance will be also available from the secretariat. The committee appreciates the cooperation of all attendees in adhering to these arrangements.

The committee has before it a program listing agencies and outcomes relating to matters for which senators have given notice. The committee has fixed 4 December 2020 as the date for the return of answers to questions taken on notice. The committee has also scheduled further hearings to examine the Finance portfolio tomorrow and Thursday 22 October, as well as the cross-portfolio Indigenous matters on Friday.

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, the 'Cormann order', specifying the process by which a claim of public interest immunity should be raised. This 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.

(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 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 the 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. An officer called to answer a question for the first time should state their name and the capacity in which they appear. Officers are requested to keep opening statements brief or seek to incorporate longer statements into *Hansard*.

National COVID-19 Commission Advisory Board

[09:03]

CHAIR: I welcome the Minister for Finance, Senator the Hon. Mathias Cormann, representing the Prime Minister; Mr Neville Power, Chairman of the National COVID-19 Commission Advisory Board; and officers of the Department of the Prime Minister and Cabinet.

Minister, before I invite you to make an opening statement, I think it's appropriate that we recognise that this will be your last appearance, hopefully, before Senate estimates before you depart, and I want to thank you on behalf of the committee for your extensive cooperation with this committee for the seven years that you've appeared before us as a minister. On a personal level, thank you for your advice, mentorship and support. Of course, that has never influenced the impartial way that I chair these hearings, and it won't this week, but I think all Australians should be grateful for the service that you have given this parliament and our country. In some ways, I think the Minister for Finance is a bit like the CIA director: you don't always get to boast about your successes; we always hear about it if you ever do fail. But there have been so many times over the course of this last seven years in government that, particularly on behalf of taxpayers, you've made some very important interventions—some that I'm aware of; many that I would not be—and we're all better off for that fiscal discipline that you have provided for all Australian taxpayers. Thank you very much for your service.

Senator Cormann: Thank you very much, Chair, for that generous statement. I look forward to two weeks of positive and productive engagement through the Senate estimates process. I don't have an opening statement beyond that.

CHAIR: Mr Power, would you like to make an opening statement?

Mr Power: No, I'm fine.

CHAIR: Ms Foster, do you want to make an opening statement?

Ms Foster: Not at this stage, thank you.

CHAIR: Senator Gallagher?

Senator GALLAGHER: I look forward to a positive and productive—perhaps with different motivations!—estimates.

Senator Cormann: My motivation is to defend the great track record of this government and to explain our plans for a stronger and better future.

Senator GALLAGHER: Ms Foster, I think that the original budget for the National COVID-19 Commission Advisory Board was \$5.2 million. When I asked you at your last appearance before the COVID committee about what the projected budget was going to be for this year, you said it was still being determined. Could you provide an update on that?

Ms Foster: I certainly can, but I might ask Mr Thompson, who is managing the budget, to take those questions.

Senator GALLAGHER: Sure.

Mr Thompson: The \$5.2 million number, as we indicated at the last hearing, was a cumulative number across the two years: 2019-2020 and 2021. Our budget for 2020-2021 is \$3.5 million.

Senator GALLAGHER: Within that \$5.2 million envelope?

Mr Thompson: As you recall, the \$5.2 was an indicative calculation based on the budget at that time.

Senator GALLAGHER: So that confirms that the 2019-2020 budget was \$1.7?

Mr Thompson: No, I'm treating the years separately. Our budget—let me go back a step—

Senator GALLAGHER: Can I have the cumulative budget then?

Mr Thompson: The budget for 2019-2020 was \$3 million, our expenditure was \$2.6 million and our budget for 2020-2021 is \$3.5 million.

Senator GALLAGHER: So we're now at \$6.1 million for the two financial years—is that right?

Mr Thompson: The budget across the two financial years is \$6.5 million. Expenditure in 2019-2020 was \$2.6 million and our expenditure as at 30 September was \$1.8 million, so our cumulative expenditure as at 30 September, counting 2019-2020 and 2020-2021, is \$2.6 million plus \$1.8 million, totalling \$4.4 million.

Senator GALLAGHER: The \$6.5 million is to the end of June next year—the end of the financial year?

Mr Thompson: That's right, the budget is for the full year; the budget is to the end of financial year.

Senator GALLAGHER: Are you saying that 2019-2020 was \$2.6 million?

Mr Thompson: That was expenditure, yes.

Senator GALLAGHER: And 2020-2021 is \$3.5 million.

Mr Thompson: That's budget.

Senator GALLAGHER: Budget. And the total is \$6.5 million.

Mr Thompson: Budget, across the two years.

Senator GALLAGHER: There must be some other money in that, because \$2.6 million and \$3.5 million doesn't equal a budget of \$6.5 million.

Mr Thompson: You're mixing expenditure and budget numbers: the \$6.5 million, which is the \$3 million for last financial year, budgeted, and the \$3.5 million is the budget amount—

Senator GALLAGHER: Oh, I see!

Mr Thompson: and then I gave you an cumulative expense amount.

Senator GALLAGHER: Yes, I've got it now. We're at \$6.5 million. How many staff have you got working for you?

Mr Thompson: At present we have 20 FTE and a couple of contractors as well.

Senator GALLAGHER: A couple—two?

Mr Thompson: Two.

Senator GALLAGHER: Are they in senior positions?

Mr Thompson: Our CEO, Peter Harris, who finished with the commission on 6 October—so some of these are part-year effects—was a contractor.

Senator GALLAGHER: Yes, I have some questions about that. Is the other position a senior position? Or a specialised position?

Mr Thompson: No, it's not a senior position. It's providing executive assistance to the chair.

Senator GALLAGHER: Okay, yes. Ms Foster, at a previous hearing you confirmed that the original COVID commission commissioners were captain's pick' by the Prime Minister. Did Mr Morrison and his office—

Senator Cormann: I'm sure that she would not have used that sort of language. That sounds to me like politically charged language.

Senator GALLAGHER: I don't think it was. I don't think the Prime Minister made any secret about it.

Ms Foster: The minister is right: I certainly didn't use the expression.

Senator GALLAGHER: Okay.

Senator Cormann: I've sat next to Ms Foster for a very long time and I've never heard her use language like that.

Senator GALLAGHER: I don't think there's any secret the Prime Minister chose the original version of the COVID commission appointments. I think he was very clear: they were his picks. Ms Foster, how were the new members of the commission, announced on 27 July, chosen?

Ms Foster: The Prime Minister canvassed a range of thinking around how he could sensibly augment the commission and the commissioners. He consulted, for example, with the chair and then he made that selection.

Senator GALLAGHER: The Prime Minister discussed with you, Mr Power, how to sensibly augment. What does that mean? Did you need to provide a different set of skills?

Mr Power: Yes, the objective was to make sure that we had an appropriate set of skills and contacts that could cover the broadest possible areas of the economy.

Senator GALLAGHER: So you and the Prime Minister talked about a list of people who might suit those positions?

Mr Power: Yes. There were some, I think, who were selected straight off and proposed. There were others who were discussed. There were a number of discussions around that and then phone calls made to sound people out about their level of interest et cetera, because we wanted people who could commit time but gave us that broad range of skills and coverage.

Senator GALLAGHER: Did the Prime Minister provide you with a short list, or was it something you worked on together?

Mr Power: We worked on it together.

Senator GALLAGHER: You had some names, he had some names and you talked about who might be the right appointments. Is that right?

Mr Power: Correct.

Senator GALLAGHER: Did PM&C have a role in this list?

Ms Foster: Senator—

Senator GALLAGHER: It's a yes or no. Did you have a role?

Senator Cormann: It's an odd question, because the NCC sits within the Department of Prime Minister and Cabinet.

Senator GALLAGHER: We've just heard from Mr Power that he and the Prime Minister discussed a list of names, so now I'm trying to—

Senator Cormann: But he is part of the Prime Minister's department: that's my point. This is an advisory board that sits—

Senator GALLAGHER: The chair of the commission.

Senator Cormann: It's an advisory board that sits within the Department of Prime Minister and Cabinet.

Senator GALLAGHER: Did Prime Minister and Cabinet prepare a short list for the Prime Minister to consider?

Ms Foster: No, we did not.

Senator GALLAGHER: When did the department become aware that there would be new commissioners?

Ms Foster: We were involved in the discussions, we were conscious of the names that were being discussed. What I was hesitating about is I'm not sure to what extent Mr Gaetjens was a party to those discussions and I'd have to take that on notice to find that out.

Senator GALLAGHER: You were conscious of names being discussed. How did you become conscious of that?

Ms Foster: There were a number of discussions and phone calls between various groups of people. My memory is that sometimes it was the Prime Minister or his office discussing things directly with Mr Power; sometimes PM&C officers were involved in those discussions. It took place over the course of a few days at least.

Senator GALLAGHER: A few days before the announcement on 27 July; is that right?

Ms Foster: I said a few days at least. I'd have to actually check when we started talking about proposals for names.

Senator GALLAGHER: Were PM&C given a list, from the Prime Minister's office, to say these will be new commissioners and to go and vet them?

Ms Foster: At the end of the process, we were advised about the final list and we took appropriate measures to engage them.

Senator GALLAGHER: I don't mean to be difficult, but I'm trying to understand the involvement of the department. Was it to discuss potential commissioners, or were you provided with a list of commissioners and, at that point, it was a list that had been negotiated by Mr Power and the Prime Minister?

Ms Foster: As I said, we were involved in some of the discussions, so our views—

Senator GALLAGHER: What were those discussions, Ms Foster?

Ms Foster: When the names were being discussed, when the Prime Minister and Mr Power and the department were trying to make sure that we had a good balance of names on the commission, a good balance of people, and expertise—

Senator GALLAGHER: Did PM&C put forward some names?

Ms Foster: I didn't personally put forward any names. I would have to take on notice whether any of my colleagues did.

Mr Thompson: Just for absolute clarity—and this goes to Minister Cormann's point—the task force that supports the commission is within PM&C. So, we worked with the chair and supported him in those conversations.

Senator GALLAGHER: You provided a list of names, did you?

Mr Thompson: We worked with the chair on potential names that he would discuss with—

Senator GALLAGHER: Mr Thompson, did you provide a list of names to the chair?

Mr Thompson: It's not as linear as that; that's the answer I'm giving. We worked with the chair around possible names, had discussions and provided further details for all those discussions that the chair was having with the Prime Minister.

Senator Cormann: As you would expect it to be, and as I expect these sorts of conversations would have happened for similar types of advisory bodies in the previous government—it's obviously an iterative process where ultimately you come to a conclusion. This is an advisory board in the Prime Minister's portfolio, so the Prime Minister makes the final call.

Senator GALLAGHER: Yes, of course. But it's also completely understandable that—and in my experience—you get a list generated, recommended, from your department, which you then consider. It doesn't sound like that's the way this occurred.

Senator Cormann: The relevant part of the department is the task force supporting the chair, and the evidence that's just been provided is that they were involved in that process, as you would expect.

Senator GALLAGHER: But there was also evidence that the Prime Minister had a list and Mr Power had a list, and they had a talk and then that list was sent to PM&C, presumably for appropriate vetting and engagement.

Senator Cormann: Well, you've got to start off with a number of potential names. Some people might not be available, even though they would be eminently qualified. Other people make themselves available, and in the end you come up with a group of people who are providing great service to the country.

Senator GALLAGHER: Did Mr Morrison consult you, Minister, or any of his colleagues, prior to announcing the new members?

Senator Cormann: We've had conversations in the context of the appointment of the original line-up of commissioners with the National COVID-19 Coordination Commission through the internal processes of government. That's essentially the extent of it.

Senator GALLAGHER: So, no?

Senator Cormann: I've just said: I was involved in the discussions in the lead-up, through the internal processes of government.

Senator GALLAGHER: Did these appointments go to cabinet?

Senator Cormann: They certainly were discussed through the relevant deliberative processes of cabinet.

Senator GALLAGHER: So, they went to cabinet?

Senator Cormann: The answer that I've given is pretty self-explanatory, and obviously I don't go into the deliberative processes of cabinet.

Senator GALLAGHER: Why is it so hard to answer that, though? You could have had a discussion at cabinet about what's going on at the COVID commission. Or, you can say that these appointments were ratified by the cabinet.

Senator Cormann: Well, no. It's a longstanding convention that there is confidentiality around cabinet deliberations, and I maintain that confidentiality on behalf of the government, as you did when you were in government and as you will do at some point in the future. But I can certainly confirm that I was part of conversations through the deliberative processes of government around the composition of the National COVID-19 Coordination Commission when it was first established.

Senator GALLAGHER: How much are the new commissioners getting paid?

Mr Thompson: The standard rate is \$2,000 a day, up to two days maximum per week.

Senator GALLAGHER: And out of your budget that you've got for this year, how much has been allocated for advisory board expenses?

Mr Thompson: I don't have that number on me. We'll take that on notice. But the total cost of contracts entered into under the NCC advisory board is \$1.044 million, and most of that is for commissioners.

Senator GALLAGHER: \$1.04 million.

Mr Thompson: That's right.

Senator GALLAGHER: Is that for sitting fees, travel and other costs?

Mr Thompson: Yes. There's a couple of caveats. There's very little travel at the moment, pretty much zero. A number of commissioners are operating pro bono. That number also includes a residual amount for Peter Harris's contract from the end of June through to 6 October when he finishes.

Senator GALLAGHER: Why did he leave?

Mr Thompson: Mr Harris always indicated that he was prepared to fill the CEO role for around six months. He commenced with the commission on 2 April and that time came up.

Senator GALLAGHER: Okay. What's going to happen to his position?

Mr Thompson: I've come in as head of taskforce. There's not a formal CEO role in the commission now.

Senator GALLAGHER: So you've had a bit of a restructure.

Mr Thompson: A small one, yes.

Senator GALLAGHER: So you're the top guy.

Mr Thompson: I was deputy CEO previously and manager of office and now head of taskforce.

Senator GALLAGHER: Did you go through a process for that or were you in the deputy role and restructured into head of taskforce, which is a new position? Is that right?

Mr Thompson: I guess it's a change of name for the task force.

Senator GALLAGHER: Have your duties increased?

Mr Thompson: I'd have to say marginally. I think Mr Harris was providing additional intellectual leadership in terms of policy development around Australia's economic recovery and reform opportunities. He has been located remotely, and so I've been managing the office.

Senator GALLAGHER: Is it a promotion for you to take this head of taskforce role?

Mr Thompson: Possibly, in name only. I haven't had any change in salary arrangements.

Senator GALLAGHER: Do you have an organisation chart?

Mr Thompson: We have an organisation chart at the highest level, which is published on the PM&C website.

Senator GALLAGHER: Yes, but I don't know that that's very detailed. Is it just like a little box that comes off the PM&C—

Mr Thompson: That's right.

Senator GALLAGHER: What about internally?

Mr Thompson: Internally we have an org chart.

Senator GALLAGHER: Can we have a look at that?

Senator Cormann: We'll take it on notice. If we can provide it during the day, we will.

Mr Thompson: We'll try and get that for you.

Senator GALLAGHER: Yes. I don't imagine it's top secret.

Mr Thompson: No.

Senator Cormann: I don't think it is. We'll do our best to be helpful.

Senator GALLAGHER: Yes. They usually get tabled pretty easily.

Mr Power: Could I just make one comment. Peter Harris is continuing with us to continue on doing some streams of work. He indicated that he couldn't commit to full time beyond his six months. However, he has said he's available to do specific streams. So he will continue to do some work for us.

Senator SIEWERT: Will he continue as one of the two contractors or is that in addition to the two contractors?

Mr Thompson: That's as one of the contractors, yes.

Senator SIEWERT: For how long?

Mr Power: That's related to the work he's completing for us. My estimate of that would be a couple of months.

Senator SIEWERT: Okay. So it's not a permanent, ongoing contract.

Mr Power: No.

Senator GALLAGHER: Does there need to be a new contract for Mr Harris?

Mr Thompson: That contract's already been entered into.

Senator GALLAGHER: That's not on AusTender yet, is it? Have you done all that?

Mr Thompson: I'd have to take that on notice.

Senator GALLAGHER: The new advisory board members, what are their formal titles? They're not commissioners, are they?

Mr Thompson: They are commissioners.

Senator GALLAGHER: They are commissioners—commissioners on an advisory board but not a commission.

Mr Thompson: It's still the National COVID-19 Commission Advisory Board.

Senator GALLAGHER: Commission advisory board—why? I don't know. Alright. You've got 42 days to get them on AusTender. I couldn't see them on AusTender.

Mr Thompson: Again, I'd have to take it on notice. But the contracts have been entered into.

Senator GALLAGHER: When were they entered into?

Mr Thompson: I'd have to take that on notice. The start dates in the contracts were obviously 29 July, so shortly after the Prime Minister's announcement, but the contracts took a little while after that to finalise.

Senator GALLAGHER: Okay. Can you have a look at that? I couldn't find them on AusTender, which means they are pretty well overdue, I would imagine. So the commissioners are working two days a week max. Are they all doing that, or does it vary?

Mr Thompson: We have weekly board meetings and there are other meetings of commissioners in specific work streams. My sense is that they are working.

Senator GALLAGHER: Are they engaged for two days a week? You said it was \$2,000 a day?

Mr Thompson: Up to two days maximum.

Senator GALLAGHER: Up to two days maximum, but we're paying two days maximum?

Mr Thompson: No. You asked me a question about whether they're fully engaged. I said I think they are fully engaged. I don't have numbers on the invoices that they've submitted.

Senator GALLAGHER: So the way you're paying them is that they have to submit. You then reconcile the payments up to a maximum amount?

Mr Thompson: That's right.

Senator GALLAGHER: And you have board meetings once a week?

Mr Thompson: Weekly, typically, yes.

Senator GALLAGHER: How long do they go for?

Mr Thompson: They can vary. The board meeting last week was for two hours, but typically they are between one and two hours.

Senator GALLAGHER: In terms of how the commission works with the government and through its budget and cabinet process, when Mr Morrison rebadged the commission to a commission advisory board in July, he said it will work within government and can form part

of the cabinet deliberative processes, which is an important innovation. Ms Foster, do you know what he meant by that?

Ms Foster: What he wanted was for the commission's advice to be able to inform decision-making, and so we made arrangements for the PM&C officers, so Mr Thompson and his staff, to be able to access relevant documentation in order to make sure that the commissioner's work was targeted towards government priorities.

Senator GALLAGHER: And that couldn't happen before?

Ms Foster: We were always conscious of keeping the commission very closely connected with what the public service and government were doing more generally. But, in the early phases of the commission, and Mr Power can talk more to this, there was a pretty strong emphasis on troubleshooting and problem solving. The transition was really about, as we all did over that period, going from responding to the immediate needs of the crisis into contributing to the longer-term policy responses to the recovery effort. That was the kind of transition point when the board became the National COVID-19 Commission Advisory Board. As I said, we worked closely with Mr Thompson and his staff to make sure that the commission had a good insight into what the government's priorities and priority workings were so that they could bring that business perspective to those issues.

Senator GALLAGHER: Okay. In plain English or a practical sense: by changing this, by having this important innovation, what practical implications did that have? Did the advisory board have greater access to government information, which I think is what you are saying to me?

Ms Foster: We had never restricted access as such. It was really saying very clearly that we want there to be a focus on contributing to that longer-term government policy. As I said, the initial phase, particularly at the start, was a lot about troubleshooting. We as a government then moved into, as a Public Service, supporting the government move more into the longer-term recovery of it. We wanted to make sure that there was a very clear business perspective feeding into those policy considerations.

Senator GALLAGHER: Does the commission advisory board, or the task force or members of the commission, have access to confidential government information?

Ms Foster: The task force, the PM&C members or people seconded to PM&C for the purposes of supporting the commissioners, has access to the same sort of material that the rest of PM&C has so that they can make sure that commissioners are briefed as appropriate.

Senator Cormann: And they're also subject to the same rules in terms of governance transparency—all of the requirements that would apply generally apply to them too.

Senator GALLAGHER: Do members of the advisory board have access to cabinet submissions?

Ms Foster: No. Typically we provide access to the task force.

Senator GALLAGHER: So the task force has access to cabinet submissions?

Ms Foster: Where that's relevant to the work that the commission is doing.

Senator GALLAGHER: And then you brief the advisory board? So they do have access?

Ms Foster: We initiated a process to ensure that all of the commissioners had a baseline security clearance to facilitate this, but there is very much a process, which Mr Thompson can

talk to, of ensuring that only the information that needs to be passed is passed. I might pass to Mr Thompson to talk about that.

Mr Thompson: We have weekly conversations with colleagues in other parts of Prime Minister and cabinet about what might be coming forward for cabinet's consideration. We do not get access to cabinet agendas as part of the advisory board task force. Off the back of that we'll seek access to certain documents for task force staff. If that's relevant, we will directly brief commissioners on some of those issues or seek briefings from the relevant departments who are sponsoring those submissions.

Senator GALLAGHER: And in terms of the security clearance, is it the same that's required for the advisory board members? Is it the same that's required for other staff, ministerial staff or public servants who might be handling—

Ms Foster: That's correct.

Senator GALLAGHER: So it's at that same level of training?

Ms Foster: In order to access protected-level material, one requires a baseline security clearance.

Senator GALLAGHER: How many other advisory boards like this would have that sort of access to government information, Ms Foster? It wouldn't be usual, would it?

Ms Foster: I'd have to take that on notice.

Senator GALLAGHER: But potentially Mr Power and his colleagues have more information than, say, government members of this committee from the evidence that you've—

Senator Cormann: They're part of executive government. They fulfil a role on behalf of executive government, reporting to the Prime Minister and providing advice to the Prime Minister and the cabinet. Clearly in order to do their job effectively—

Senator GALLAGHER: It's a pretty privileged position to be in, though, isn't it?

Senator Cormann: It's a position that enables them to do the work that we need them to do for Australia in the context of a one-in-100-year pandemic to ensure that our economy goes through it in the least bad possible way, and they've done an outstanding job in relation to that. You can't ask them to do this job with two arms tied behind their back.

Senator GALLAGHER: It just seems a pretty cosy arrangement, don't you think? The Prime Minister picks a handful of people—

Senator Cormann: I object to that description. I would have thought that across Australia—

Senator GALLAGHER: puts them on a contract and then gives them access to sensitive and confidential government documents.

Senator Cormann: Any reasonable person across Australia, in the context of having to respond to the economic implications of a one-in-100-year pandemic, would expect that the government would provide its advisers and its officials the tools and access to information required in order to be able to do their job effectively. It would be rather strange if they didn't have access to relevant information and access to relevant tools in order to be able to do their job for Australia in the best possible way.

Senator GALLAGHER: Mr Power, did you have briefings and provide information with the government's measures in the government's budget for business support through the budget process specifically?

Mr Power: We had some selected briefings—

Senator GALLAGHER: This is ahead of the decisions being made about it?

Mr Power: It was more around material that was input into the process. We very rarely get output of material. Most of it is about us responding to questions or requests to provide information from a business perspective around a particular element of the economy, and therefore the vast majority of things that we do is to input information rather than information coming out the other way. But there were a few items that—

Senator GALLAGHER: What were they?

Mr Power: I can't recall the specific items, but I know that Peter Harris was engaged in some discussions around some of the things that were there. I'd had a couple of discussions around various elements. We gave input, in business perspective, around JobKeeper and JobSeeker. There were a number of areas that we provided input to when requested.

Senator GALLAGHER: Okay. So the Prime Minister sought your views on JobSeeker? Is that right?

Mr Power: At various times we submitted points on JobSeeker and JobKeeper, yes.

Senator GALLAGHER: And in the lead-up to this budget. Would that have been the case?

Mr Power: Yes, I believe so.

Senator GALLAGHER: JobSeeker didn't get extended beyond December. Was that the advice that the commission advisory board—

Senator Cormann: Hang on, no. This is where I've got to step in. Senator Gallagher, you've been here long enough to know that the budget processes are deliberative processes of cabinet. And cabinet, the Expenditure Review Committee and other committees of the cabinet, as appropriate, receive advice from a range of sources, and the government makes a decision in relation to relevant matters, based on having considered all that information. You know that Mr Power can't answer the question you've asked him. There's only one body that is responsible for the decision.

Senator GALLAGHER: He can.

Senator Cormann: No, actually—

Senator GALLAGHER: He can answer it and I can ask it. You can claim public interest immunity, as per the Cormann motion but—

CHAIR: Order. Minister and Senator—

Senator Cormann: As the minister at the table, this is consistent with longstanding Westminster conventions—that I do maintain cabinet confidentiality. Cabinet confidentiality is very important and very much in our national interest, very much in our public interest, because if we don't maintain cabinet confidentiality, and the confidentiality of these sorts of deliberations, we will end up with worse decisions, because you do need to be able to robustly exchange information in relation to these matters in order to ensure we get the best possible

decisions in our national interest. As far as the issue of JobSeeker is concerned, the government has been very transparent. We've made very clear that we want to review more data about the strength of the economic recovery and we want to review more data about some of the distortionary effects that the significant increase—the temporary increase—in the JobSeeker payments have had in the economy before we make a final decision about the appropriate arrangements over the longer term, moving forward. That is a decision that we expect to make before the end of the year. But in terms of the advice, you know that you can't go to the content of advice that informs cabinet deliberations. That is longstanding—

Senator GALLAGHER: To be honest, I didn't know Mr Power had access to that information, until this morning, Minister. I didn't know that he was part of the budget process at that close level.

Senator Cormann: Well, he's an adviser—he chairs an advisory body to support the government's decision-making—

Senator GALLAGHER: But you don't shop your budget around to advisory bodies beforehand.

Senator Cormann: That is not what he said. He said he provides input, he provides advice.

Senator GALLAGHER: And we've learnt that they have access to cabinet submissions and have provided advice on the budget.

Senator Cormann: Where that is relevant. We've got an advisory body within the Department of Prime Minister and Cabinet that is supporting the government's effort to manage, in the best possible way, the transition—the economic transition—in the wake of this pandemic, so that Australia has the opportunity for the strongest possible economic and jobs recovery in the wake of this pandemic. So, of course, we seek advice and information and perspectives in relation to relevant matters. And, of course, they help inform the budget process. It would be very strange if they didn't. Why would we have an advisory body like this if we didn't seek their advice?

Senator GALLAGHER: Yes, and so it is a unique advisory body in that sense, so I think it's reasonable that we are able to ask. And if you want to claim public interest immunity, fine, as per the Cormann motion, feel free. But I think it's entirely reasonable for us, with the evidence we've heard this morning, to ask questions about, potentially, the level of influence that the commission's advisory board has on government measures and announcements.

Senator Cormann: You can advise, but this body within PM&C is subject to the absolute same arrangements as any other body within government providing advice—and public service advice, which includes advice of this nature—to cabinet. Informing the deliberative processes of cabinet is clearly confidential and it's not something that we will go into in this committee.

CHAIR: Senator Gallagher, I've given you about half an hour with this witness. I know at least two Green senators have some questions. I have some questions as well. Is this a good time to break, or do you want to finish this line of questioning?

Senator GALLAGHER: I'll come back to it.

CHAIR: I'll have a quick go now, then I'll go to Senator Siewert.

Mr Thompson: Chair, before we do that, can I address a question that Senator Gallagher asked?

CHAIR: Of course; please do.

Mr Thompson: The contracting of appointments of new commissioners was through a non-statutory appointment agreement process, so those documents wouldn't normally appear on AusTender.

Senator GALLAGHER: They wouldn't?

Mr Thompson: Wouldn't, and that's consistent with appointments for other statutory bodies of this kind but we're happy to take the amounts on notice.

Senator GALLAGHER: That would be great, if you could provide us with what would normally be provided on AusTender.

CHAIR: Mr Power, before another committee, the COVID-19 committee, you and I have previously discussed the role that the commission has played in receiving feedback from the business community and passing that on. As a Victorian senator, I'm particularly interested in your engagement with Victorian businesses who are obviously under incredible strain and stress right now. The state government announced on Sunday a revised plan to ease restrictions more slowly than they'd previously announced. Have you had any feedback since Sunday from Victorian businesses, or national businesses that have a Victorian presence, about how they've responded to and what they feel about that announcement?

Mr Power: We've had a lot of feedback from businesses in Victoria and national businesses, and I think it'd be fair to say that generally they are very concerned about the level of activity that they're able to undertake with the current restrictions. The course of that is typically around finding ways to live with the virus in the long term because at the moment I think the concern of business is that the response to the virus is too much about a crisis management approach. The feedback to me, consistently, is, because the virus is going to be with us for some considerable time—perhaps a year or two—that dealing with it as crisis management is going to cause too much disruption to the economic activity and people's jobs. We need to find ways to be able to respond more quickly when virus outbreaks occur and put processes in place that allow us to reduce those activities that cause the highest risk of spread of the virus but allow those that are relatively lower risk to occur. So, business consistently across Australia has been giving us feedback that they're very keen to engage with government and to help, assist and augment the systems of government with contact tracing, and the ability to isolate and manage within businesses to do that. And we've been, I think, very consistent in saying that that approach, we believe, would be a good long-term way of managing the virus.

CHAIR: When you say you've had a lot of feedback since the weekend, is that five businesses, 10 businesses? What kinds of numbers are we talking about?

Mr Power: Yes, it would be of that order. I'd have to say that that feedback is not that different to the feedback that we were receiving last week or the week before.

CHAIR: Well, not much has changed since last week or the week before. How do they feel about what this means for business viability in Victoria going forward?

Mr Power: I think all businesses are concerned where restrictions are causing their business to either lose demand or they can't get people back to work to be employed in their business. Obviously, it's of great concern to businesses because without that activity they're under dire threat of survival. So, it's understandable that businesses would be looking for ways of how they can continue operating and employing people with the virus. So there is a level of frustration that is building up within businesses. However, our encouragement to them is to look for ways of how they can put long-term management processes in place so that when there is an opportunity to operate they do that in the safest possible way.

CHAIR: In your discussions with them, do they feel consulted by the Victorian government on this new revised plan?

Mr Power: Generally, I would say businesses are keen to consult to a much greater level with governments and to provide a business perspective. The primary reason for that is because businesses believe that they can help to assist governments and augment government systems to make the response to the coronavirus much more effective. For example, most businesses have some form of contact-tracing and testing systems within the business; however, the important thing is they have clear guidance on what those systems should be to be effective and helpful to integrate with state systems.

CHAIR: Do they convey to you that they understand the new plan and the new restrictions? Do they make logical sense to them?

Mr Power: I think they understand them.

CHAIR: Do they understand the scientific and medical rationale behind them, and understand why they're justified or believe that they're justified?

Mr Power: I can't comment to that; I haven't had any specific feedback on that.

CHAIR: Do the national businesses that operate across state borders understand why the Victorian government has such a different approach to the New South Wales government with relatively similar levels of cases?

Mr Power: I think, consistently, businesses see that the first round of response to the coronavirus was very effective across Australia and that was because it was a close-only approach to those businesses that represented a high risk, or should I say those activities that represented high risk, and the coronavirus was brought under control very quickly. For the second round, I think it's fair to say that most businesses don't understand why a different approach was taken the second time round to what was done the first time round. The coronavirus obviously spread very quickly in the second round; therefore there needed to be a very quick response to it. Businesses now, I think, are very prepared to work with governments to help support that.

CHAIR: Moving on to another issue, how much of an ongoing issue are the state border closures that remain in place for business?

Mr Power: It varies. To some businesses, it has very little effect. To some businesses, it has a very high level of impact.

CHAIR: Given that we've seen, for example, the Chief Health Officer of Western Australia, perhaps in an unguarded moment, admit that there wasn't any health basis for Western Australia to close its borders, at least to other states that also had no community

transmission like South Australia or the Northern Territory, are businesses that are affected by those border closures frustrated by the lack of scientific and medical bases for these interventions?

Mr Power: Most businesses I speak to are keen to look for ways to engage with governments to work through those and work out how to put systems and processes in place that allow the maximum amount of economic activity, the maximum amount of employment, to occur without compromising the health outcomes. So I would characterise it as businesses are very keen to work with governments to try and get the best outcomes across the board.

CHAIR: Just finally from me on another topic, how would you characterise the response from the business community to the budget? What feedback have you received about that?

Mr Power: Overwhelmingly, businesses have been very supportive of the budget and of the government's approach to addressing this, and that goes for state as well as federal governments. I think businesses are very keen to find ways to manage their way out of this, so a lot of businesses are having to restructure very quickly and adjust to the new conditions, and the budget was a very good sign and indicator to give them confidence to make those investments and to employ people.

CHAIR: Is there any individual budget measure that was singled out more than others for feedback? I don't want to list them and lead you, but have any generated more interest or attention?

Mr Power: By far, the one that's created the most positive feedback has been JobKeeper. That has been, without doubt, the one that has saved a lot of businesses that they've mentioned. But also the SMEG—the guarantee scheme around the business loans for small businesses—has received a lot of positive feedback.

CHAIR: In the most recent budget, are any of the newer measures, like the measure to help meet the cost of hiring new employees or the bring-forward of deductions, generating feedback?

Mr Power: Yes, certainly the instant asset write-off has had very positive feedback. That one probably more than any. Again, one of the important things about this is the level of confidence that it gives businesses to continue to drive their business and find ways to restructure to manage within the coronavirus. So all of those measures that support those businesses give them that confidence to invest and to employ people.

CHAIR: And just finally, how would you characterise—let's just put Victoria to one side—outside of Victoria, business confidence about the future? How does it compare to, say, six months ago or a year ago?

Mr Power: Businesses are more confident today than they were six months ago. Generally, they're seeing how the coronavirus spreads and how it's being controlled; therefore, they're getting a much better understanding. The other thing is businesses are, almost to the business now, understanding that this is a long-term issue; therefore it's not an issue where it's a matter of hunkering down and waiting for it to go. Even once there's a vaccine, apparently it's going to be quite some considerable time, perhaps a year or so, before we can even be clear of the coronavirus here in Australia, let alone overseas; therefore, businesses are preparing for that longer term management process in their business.

Senator SIEWERT: I want to briefly go back first to the conversion to the advisory body. Ms Foster, you made a comment—I think it was you—in answer to the question about the fact that then the task force could get access to information as PM&C. Wasn't the task force getting access to information prior to the commission becoming a commission advisory board?

Ms Foster: That's indeed right. The distinction I was trying to make was really where the focus of the commission was in that transition time. This is an overly simplistic characterisation but, in the early stages, it was very much about, as I said, troubleshooting, problem-solving, trying to get in and help resolve problems.

Senator SIEWERT: Why could they not have done that in the first place as an advisory board?

Ms Foster: As I said, this is overly simplistic. But there was a period, particularly at the inception of the commission, where the focus was really on resolving problems. As the year went on, the focus became more about, as I said, contributing to some of the longer term policy recovery options. There was always access available to the PM&C staff in the COVID commission, and we would always have been able to provide context for commissioners to make sure that their job was well-focused. It's just that, over the course of the year, there was a real transition from getting in and solving problems to contributing to longer term policy. Clearly, there's a difference in the amount of context you need to access between those two roles.

Senator SIEWERT: I don't have much time, so I'll move on; we could be arguing that for quite a long time. I want to go to the issue of the business perspective. What I've heard today and in the past, but particularly today, is the view of business. I've asked through the COVID-19 committee on numerous occasions about the most vulnerable Australians, what's happening with the care economy et cetera yet I'm not hearing anything about that right now or where the consideration of vulnerable Australians is coming from other than the business view of things. In answer to one of my questions you took on notice, you said that you'd provided some feedback on the care economy, but I don't see any work being done about how to help vulnerable Australians. Please don't tell me 'helping the economy helps vulnerable Australians'.

Senator Cormann: But it does. It actually does.

Senator SIEWERT: I don't want the rhetoric, Minister.

Senator Cormann: It's not rhetoric.

Senator SIEWERT: I want actions that are being taken specifically focused on vulnerable Australians. Hearing that the commission has been asked to provide advice on the JobSeeker payment really worries me, and I'll come to that in a minute. What work is being undertaken that genuinely helps vulnerable Australians beyond the rhetoric of 'business helps the economy', when we know the trickle-down economy doesn't work and hasn't been working for a long time?

Senator Cormann: There are a couple of elements here. Firstly, the government, of course, provides a substantial social safety net for vulnerable Australians. In the context and wake of the coronavirus pandemic, that social safety net has been substantially strengthened to the point where we doubled, for the initial six-month period, the level of income support

for jobseekers—well beyond what any of the welfare groups at the time, incidentally, asked for. We doubled the payment. We knew at the time that doubling a payment like this, while we thought it was justified and necessary, would create distortions in the economy. And it has created distortions—

Senator SIEWERT: Can you please—

Senator Cormann: If I may, you've asked a question.

Senator SIEWERT: tell me what those distortions are and what's the evidence?

Senator Cormann: I'm getting to that. I'm literally working my way through an answer, if I may. We knew that there would be a risk of distortions but we thought it was justified, and, indeed, it has created distortion. Feedback that we have been getting from businesses around Australia is that on quite a few occasions, in relation to jobs that are available, it wasn't possible to persuade people, from taking on those jobs, on the basis that the JobSeeker payments were so generous. That is one of the things we need to assess, moving forward. We want to ensure that the social safety net is appropriate, in providing appropriate levels of support, in the context of being out of work and looking for work, but we don't want it to be a disincentive in taking on work.

You call it 'rhetoric'. I call it basic economic fundamentals. If we succeed in strengthening the economic recovery, if we succeed in creating more jobs, that is absolutely the best way to provide opportunity—in particular, at the lower-income level—for Australians to get ahead. The data proves—

Senator SIEWERT: No, it doesn't.

Senator Cormann: proportionally—

Senator SIEWERT: Sorry, inequality has increased in this country.

Senator Cormann: Economic growth and employment growth is proportionately more beneficial to people at the lower-income end because, invariably, they are the first to get harmed by an economic downturn and they're the first to benefit from an economic upturn. Indeed, we want to get as many Australians back into work and back into the best possible pathway for the future.

Senator SIEWERT: Mr Power, what evidence did you base your advice to government on, on JobSeeker?

Mr Power: We consult with a very wide range of businesses, and we get views and perspectives from a very wide range of people.

Senator SIEWERT: What evidence? Not anecdotal, because I've heard a lot of anecdotal evidence. What evidence did you use, to base your advice to government on, on JobSeeker?

Mr Power: Our advice was to distil the comments and views that were coming back from businesses and provide a business perspective.

Senator Cormann: You've got to also, in this context—sorry, Senator Siewert—

Senator SIEWERT: You've provided a business view, to be clear, on JobSeeker.

Senator Cormann: I'm still answering the question on behalf of the government.

Senator SIEWERT: Sorry, I thought you'd stopped.

Senator Cormann: In this context, it's very important to remember that government gets advice from a whole range of sources. We get advice, yes, from the COVID-19 Commission Advisory Board as appropriate. We get advice from Treasury. We get advice from the Department of Social Services. We get advice from a whole range of stakeholders, out in the community, who put their perspectives to us in pre-budget submissions and the like. All of that is assessed and, ultimately, the government of the day—the elected government of the day—makes judgements in the lead-up to a budget. That's what we've done on this occasion. I wouldn't want you to either have the impression or create the impression that somehow the National COVID-19 Commission Advisory Board determined what the decisions of government were.

Senator SIEWERT: I didn't say that.

Senator Cormann: No, I'm just saying—I'm wanting to make absolutely clear—that they are one input among a whole series of inputs, and ultimately we make a judgement on what we believe in the circumstances is the most appropriate way forward.

Senator SIEWERT: So, to be clear: you collected the views of business?

Mr Power: Yes, and included in those businesses were people like ACOSS. So, we had views—

Senator SIEWERT: ACOSS is a business, is it? Sorry: you said 'business'; I want to be clear.

Mr Power: Let me expand the definition. We had input from businesses and a very wide range of organisations and representative bodies and individuals. And we don't exclude any views that come to us. So, we engage with a very wide range of people, and we've published all of the people we've engaged with.

Senator SIEWERT: Sorry—is this the list you've provided to the COVID committee?

Mr Power: Yes.

Mr Thompson: It's the stakeholder engagement list that appears on our website.

Senator SIEWERT: That was a while ago that you consulted ACOSS, or you spoke to ACOSS. Did you specifically consult any of the NGO sector in collection of your views specifically on your advice to government over JobSeeker?

Mr Power: Yes.

Senator SIEWERT: When?

Mr Power: As I've said, we had input from those groups consistently over that period, and all of that went into our views. Our advice was not a specific piece of advice around any specific area. It was a general perspective from the business and broader community inputs that we had.

Senator SIEWERT: On JobSeeker.

Mr Power: On JobKeeper, on JobSeeker, on the impact of stimulus packages that had been put into the economy and how that was assisting the economy to recover.

Senator SIEWERT: Thank you. Did you collect views on JobKeeper—the payment and the concept of reducing the payment for part-time workers?

Mr Power: No, I don't recall that we have any specific information or issues around that.

Senator SIEWERT: Over what time frame did you consult both the business community and the not-for-profit community on JobSeeker?

Mr Power: It's been consistent since we started.

Senator SIEWERT: So, since you started you've been consulting the various sectors about the level of JobSeeker?

Mr Power: Well, again, it's not specifically about the level of JobSeeker; it's about how businesses are faring, how many employees they have on and how the stimulus packages are assisting them and getting input from them as to how they're seeing the economy going forward and what they need in order to invest and employ people.

Senator SIEWERT: Have you provided any advice to government—I'm not asking what the advice is; I'll try that later!—on the definition of employment?

Mr Power: No, I don't believe so.

Senator SIEWERT: Okay. Are you concerned that while employment figures admittedly have been going up and down the number of hours worked is not increasing very much? In other words, we're creating a lot of part-time work that is not significantly increasing the number of hours worked.

Mr Power: Yes, I'm very concerned about that, and I believe the reason we're seeing that is that businesses are trying to get more confidence about the level of restrictions on operating their businesses. As those restrictions and the time frames around those become clearer, businesses will have the confidence to employ people and bring them back on full-time. At the moment there is a lot of uncertainty about what those restrictions will be, how they'll be lifted and therefore what level of economic activity or business activity they can have. Businesses are very tentative about putting long-term decisions in place when there's so much uncertainty.

Senator Cormann: And we are in the context of a COVID recession. In June, July and August the numbers were heading in the right direction, with jobs restored, hours increasing, workforce participation heading up—

Senator SIEWERT: Hours increasing by 0.1 per cent.

Senator Cormann: Even in the most recent month, the number of jobs around Australia would have continued to grow if it wasn't for Victoria. We all know what's been happening in Victoria in recent months, and it's no secret that that has a negative impact on the economy and on jobs. It's a key focus of the budget. In fact, the budget is our plan to get Australia out of this COVID recession: to maximise the strength of the economic and jobs recovery, and to give businesses the confidence, encouragement and incentive to invest in their future growth and success, because we know that a growing, successful, viable business that has confidence in its future opportunities will start hiring again and start increasing hours again. That's the core focus of this budget.

Senator SIEWERT: Thank you for that rhetoric.

Senator Cormann: Honestly?

Senator SIEWERT: I'll go to the issue around some of the other advice you may have provided to government—again asking for the type of advice. Have you provided any advice

on the other sorts of stimuli for the economy, such as social housing, which would stimulate the economy and meet the needs of vulnerable communities?

Mr Power: We have provided a very wide range of advice, including reports from our not-for-profit group, that has all been provided to government. We have provided a very wide range of advice around those areas.

Senator SIEWERT: How would the amount of advice from the not-for-profit sector compare to the amount of advice about stimulating other businesses?

Mr Power: I would say it was balanced.

Ms Thompson: Just to build on that: the Charity, Philanthropy and Fundraising Advisory Group was one of the early working groups set up by the commission. It produced a report for the commission, which was provided to government.

Senator SIEWERT: When was that?

Ms Thompson: I don't have that date here, but it would've been in the last six weeks or so.

Senator SIEWERT: Could you take providing the date on notice? If it was in the last six weeks, that makes it just prior to the budget.

Mr Power: I would have said it was well prior to the budget.

Senator SIEWERT: In that case, can you take it on notice?

Ms Thompson: Yes, we'll take it on notice

Senator SIEWERT: I know I'll run out of time, but I want to return to an issue. Ms Foster, you made a comment about the level of security clearance. Can you clarify that? Is that for the task force?

Ms Foster: What we asked each commissioner to do—

Senator SIEWERT: I was going to that next, so thank you.

Ms Foster: The task force officers are—and Ms Thompson will correct me if I'm wrong in the detail—either PM&C officers or APS officers seconded from elsewhere. Typically, those officers will have worked in roles where they needed some level of clearance. The thing that we added onto that was to ask the commissioners to undergo what's called a baseline security clearance.

Senator SIEWERT: That's what I wanted to check, because I assumed that the task force members would have already had that.

Ms Foster: They start with that.

Senator SIEWERT: Do all of the commissioners have baseline security clearance?

Ms Thompson: There's a mixture. Some of the commissioners have higher levels of clearance, because they've done work with government in the past—David Thodey and Jane Halton, for example. Others hold baseline clearance and others are in the process of having those baseline clearances granted. In the meantime, they have temporary access.

Senator SIEWERT: Chair, I've got more questions—hopefully I'll get another go.

Senator GALLAGHER: I want to go back to where I was before. Now that we know the commission advisory board has quite special access to government information—

Senator Cormann: The sort of access you would expect for a body with the job that they have, to provide advice to—

Senator GALLAGHER: Really? How many other advisory boards do you consult on your budget by providing them with access to it?

Senator Cormann: We've taken that on notice, but the point here is—

Senator GALLAGHER: You can answer that because—

Senator Cormann: in the context—

Senator GALLAGHER: you know the answer, and it's no.

Senator Cormann: of the COVID pandemic, this COVID commission was clearly set up in a particular way within the Department of Prime Minister and Cabinet, with a specific purpose to provide advice to the cabinet through its deliberative processes. For the commission to be able to do that work—for the advisory board to do that work effectively—of course they need to have access to relevant documents and information. I would have thought that's self-evident.

Senator GALLAGHER: Mr Power, were you provided with briefings on the gas-fired recovery plan which was announced as part of the budget?

Mr Power: I don't believe so. We put significant input into the advanced manufacturing study—I think we discussed that at one of the previous hearings. We made a submission on that. Some questions were asked of us, and we were asked for more clarity, more detail, around a few of those bits and pieces, but we weren't briefed.

Senator GALLAGHER: Around the manufacturing study or around gas?

Mr Power: Manufacturing, electricity and gas.

Senator GALLAGHER: So you provided your paper, which I don't think's been released, has it?

Mr Power: No.

Senator GALLAGHER: Is it going to be released?

Mr Thompson: The report from the advanced manufacturing task force is with government. It's a matter for government to release it.

Senator GALLAGHER: Right. You provided it to government. Minister, is it going to be released, the advanced manufacturing—

Senator Cormann: The advanced manufacturing which?

Senator GALLAGHER: paper study?

Senator Cormann: I'll have to take on notice what the proposed arrangements are. I'm not personally aware.

Senator GALLAGHER: The taxpayers are providing quite a lot of funding for this commission. You would think they would have a right to understand what the commission—

Senator Cormann: And we are always erring on the side of releasing as much information as we possibly can. I'll take on notice what the specific arrangements are in relation to this particular—

Senator GALLAGHER: I don't think we've had anything released from the commission, from the advisory board. Mr Power, were you provided with information or briefings on the JobMaker plan?

Mr Power: We have discussions around the JobMaker plan on a very regular basis.

Senator GALLAGHER: Can I also ask you about losses against prior-year profits? The measure?

Mr Power: No.

Senator GALLAGHER: Temporary full expensing?

Mr Power: I'm uncomfortable providing details of any specific areas. I'll take advice. But we give a wide range of input, as I said before. There's a very small amount that comes back; it usually comes back as questions or queries about the submissions we've made.

Senator GALLAGHER: So in terms of providing information to the government, did you recommend—

Senator Cormann: You're going to the deliberative processes of cabinet now and to the budget process.

Senator GALLAGHER: I found out this morning that the advisory board has privileged access to cabinet information.

Senator Cormann: I know you're trying to make it sound like something unusual, but—

Senator GALLAGHER: It is unusual!

Senator Cormann: No.

Senator GALLAGHER: It is unusual! The Prime Minister's hand-picked some people to sit on a board which is now given access to privileged government information. It is unusual.

Senator Cormann: It's always been very clear. We've been dealing with a global pandemic. We've had the chair of—

Senator GALLAGHER: It doesn't give you a blanket to change everything and not be accountable.

Senator Cormann: the National COVID-19 Coordination Commission involved in the relevant processes of government—of course we have. That is hardly remarkable. And, of course, in order for them to do their job, they have access to relevant information and relevant documents, as appropriate. There is nothing remarkable about that at all. It would be entirely remarkable if we asked them to do the job for Australia that we've asked them to do without giving them access to relevant information and relevant documents. I find your attempt to somehow try to make this look in any way sinister remarkable.

Senator GALLAGHER: I'm not saying it's sinister. I'm trying to understand—

Senator Cormann: You're trying to create this impression that there is something unusual.

Senator GALLAGHER: exactly what relationship the commission advisory board has to executive government. That's what I'm trying to understand, and I think it is unusual.

Senator Cormann: The relationship is as it has to be in order for it to be effective. We want the advisory board, as we wanted the National COVID-19 Coordination Commission, to

be in the best possible position to help manage Australia as successfully as possible through the economic impact of the global pandemic. They've done a great job. Of course they need to have access to relevant information and relevant documents in order to be able to do their job. It would be strange if we didn't ensure that they had that access.

Senator GALLAGHER: I'm not reflecting on the work of the commission. I'm not in a position to do that, because we actually don't know—we haven't seen any of the work of the commission. But I do think it's unusual that we've got a hand-picked group of individuals, who may or may not have gone to cabinet and who we find out this morning do have access—greater access—than most advisory bodies to the budget deliberative process. Regardless of the pandemic, that is unusual.

Senator Cormann: When you're suggesting that you found out this morning, that is also false. It's always been clear that the National COVID-19 Commission Advisory Board provided support to the deliberative processes of cabinet; that's always been clear. It's always been clear that they were formed—

Senator GALLAGHER: No, I don't think it has been clear.

Senator Cormann: inside the Department of the Prime Minister and Cabinet; that was always clear. I know you're trying to somehow build this up as something that you've discovered this morning. There's no discovery here; it's always been clear that this body was set up to support the deliberative processes of cabinet as we help guide Australia through the economic implications of this pandemic.

Senator GALLAGHER: Mr Power, are you still providing transport for federal ministers to and from Perth when you travel?

Mr Power: When I travel, I advise a couple of Western Australian ministers and let them know when I'm travelling. They, on occasions, take the opportunity to travel with me.

Senator Cormann: If I may make a point, because this has obviously been part of a focus in the past, we are a big continent. Western Australia is part of this great country of ours, and, in the context of this pandemic, I think the last direct commercial flight from Canberra to Perth was at the end of March. There haven't been any direct flights since the end of March. Given the state border closure arrangements in Western Australia, if we took flights indirectly through Melbourne or Sydney into Canberra, we would be in constant quarantine or self-isolation. The only way—and we make this available to members and senators of all parties—we can COVID safely come from Perth, or from Western Australia, more generally, to Canberra is either on the special-purpose aircraft provided by Defence or, on occasion, with Mr Power if he travels from Perth to Canberra. In any event, I would have thought it's a very sensible way of minimising costs for the taxpayer to catch a lift in that context. That is appropriately declared as it occurs, as you know, on our register of interests. I would have thought it's a good, sensible use of that opportunity in that context.

Senator GALLAGHER: So that would be you, Mr Porter and perhaps Mr Morton—is that right?

Senator Cormann: I'm not going to speak for others. I think that any—

Senator GALLAGHER: You would know. Presumably, you sat on a plane with them.

Senator Cormann: All of us who have taken advantage of that opportunity, which meant we did not have to get a special-purpose aircraft to come from Canberra to Perth and take us back, declare it, as appropriate, on our register of interests. It's obviously much more convenient to fulfil your responsibilities as a federal senator when you live in Canberra than when you live in Perth, Western Australia, 3,000 kilometres away. But we are a federation, and people from Perth, Western Australia, should also be able to participate in the processes of the federal parliament. In the COVID context—in particular, given some of the rules imposed by some of the state jurisdictions—we've obviously had to find new ways to be able to come to Canberra.

Senator GALLAGHER: That arrangement gives Mr Power some pretty special access to government decision-makers, doesn't it?

Senator Cormann: What are you suggesting?

CHAIR: He's the head of the COVID commission.

Senator Cormann: Mr Power is head of the COVID commission. He will always have whatever access he needs to government to provide advice to us. There's nothing special about it. He's doing a very important job for Australia. He will have any access he needs in order to help the government to guide Australia successfully through this one-in-100 year pandemic that has been harming our economy, has been putting jobs at risk and has been costing jobs. Of course we want to have every possible advice from him and his advisory board to help us—

Senator GALLAGHER: Why can't the public know what that advice is?

Senator Cormann: maximise the strength of the recovery—sorry?

Senator GALLAGHER: Why doesn't the public know?

Senator Cormann: Again, you're trying to take something that's business as usual—that is, the confidentiality of the deliberative processes of cabinet—

Senator GALLAGHER: No—they're apparently writing reports that no-one has access to. So the taxpayer is funding it but gets no level of sight.

Senator Cormann: The usual conventions apply in the same way they applied under your period in government—that is, that any document, any information, that is part of the deliberative processes of cabinet is there to inform the deliberative processes of cabinet.

Senator GALLAGHER: But it's not even that.

Senator Cormann: It's subject to cabinet confidentiality

Senator GALLAGHER: It's reports they're providing to you. It's not even input—I'm not after that. I'm not speaking about the deliberative processes, although I'd like to know them but I take your position there.

Senator Cormann: What do you think it's for?

Senator GALLAGHER: But what about the manufacturing paper?

Senator Cormann: I've taken that on notice in relation to a specific document. But let me tell you, everything the COVID commission does—

Senator GALLAGHER: So what are taxpayer's paying for?

Senator Cormann: They are providing—they're supporting—

Senator GALLAGHER: We have to take your word for it.

Senator Cormann: We are the elected government of Australia right now. You might not like it, but that is the reality of it. We've got a responsibility to help guide Australia through this period, which has been a terrible period for many in Australia—

Senator GALLAGHER: That's right. And taxpayers are bankrolling it and so they have a right to the information, don't they?

Senator Cormann: They have a right to the government making the best possible decisions—

Senator GALLAGHER: Instead of a cosy arrangement where everyone talks to everyone, and nobody knows what's being said or who has access to what.

Senator Cormann: I reject that characterisation totally. We take responsibility

Senator GALLAGHER: That's exactly what's happening here.

Senator Cormann: We explain the decisions when they're made and we explain the reasons for the decisions. In the end, that's our job: we make decisions based on advice that we receive from a range of sources, including, in this context, through the NCC Advisory Board, because it's important in this context to have the voice of business as part of the deliberative process.

Senator GALLAGHER: It just all seems a bit cosy, doesn't it?

Senator Cormann: I don't know why you keep using that terminology. It's clearly in order to make it sound like there's something weird about this. This is business as usual.

Senator GALLAGHER: I think it is unusual; I don't think it is business as usual.

Senator Cormann: We're living through a one-in-a-100-year pandemic.

Senator GALLAGHER: I don't think hand-picking six businesspeople and giving them this sort of access to your decision-making processes is normal. I don't think it is normal. Find me somewhere else where it happens like that.

Senator Cormann: We're in the context of a one-in-a-100-year global pandemic. We are in the COVID recession.

Senator GALLAGHER: It's not an excuse.

Senator Cormann: Is that right?

Senator GALLAGHER: Yes, I don't think it is a good process.

Senator Cormann: So you don't think we should have engaged with business in making sure that we were able to rapidly respond to some of the major supply chain challenges and the like.

Senator GALLAGHER: I don't think you can use the pandemic as a justification for everything in your answers.

Senator Cormann: We are accountable to the public for the decisions that we make. Of course we'll continue to be accountable for the decisions we make. At the next election, the Australian people will have an opportunity to pass judgment on what their assessment is of our performance and our plans for the future; and what their assessment is of the performance and plans for the future of the alternative.

Senator GALLAGHER: Do the task force and the advisory commission have access to the CabNet IT system or the CabNet plus system?

Mr Thompson: Some of the task force staff have access to that system when we're granted access to particular documents. The commissioners don't have access to that system.

Senator GALLAGHER: And so what's the process—

Senator Cormann: It's a body within the Department of the Prime Minister and Cabinet. It would be highly unusual for a body within the Department of the Prime Minister and Cabinet not to have relevant access to relevant documents, if, and as, appropriate. Mr Thompson, what's the process for you briefing the advisory board on documents you have access to through that system?

Mr Thompson: As I explained earlier, we first have to seek access to relevant documents where it relates to the work of the commission. We would make a judgment in the task force at a staff level, and in consultation with other colleagues in Prime Minister and Cabinet, about what is important and useful for commissioners to have an insight into. And so, off the back of that, and also in response to specific requests from the government about seeking the commission's views, we will brief the commissioners on some aspects of that material or arrange for departments to provide a briefing on that material. And, as Mr Power indicated before, that's typically to enable some commentary and some input back from commissioners to become part of the deliberative process for the departments and for government as they consider.

Senator GALLAGHER: Does this include green briefs, ERC briefs—things like that?

Mr Thompson: We don't provide input to green briefs or ERC greens. We don't provide input to those.

Senator GALLAGHER: Do you have access to them?

Mr Thompson: We have had access in the past to some of that briefing, yes.

Senator GALLAGHER: So you can use the information that's in there to brief the advisory board if you need to?

Mr Thompson: If we think it's relevant.

Senator GALLAGHER: So you then develop a paper that gets distributed via email or through board papers?

Mr Thompson: Typically these are verbal briefings. We don't produce material.

Senator GALLAGHER: So there's no record of them?

Mr Thompson: We don't like to distribute to commissioners material that has a written record in cabinet. We're not looking to imitate or duplicate what's in the cabinet system.

Senator GALLAGHER: So how do you keep Commonwealth records of what's being discussed?

Mr Thompson: The records would be in the context of board minutes or board discussions.

Senator GALLAGHER: But no board papers? It doesn't translate into board papers?

Mr Thompson: It can inform board papers, but typically, as I said, it's not duplicative of what's in the cabinet.

Senator GALLAGHER: How are they distributed? Are they on the PM&C email system? Are they private emails?

Mr Thompson: No. All of the communication of board papers is via the PM&C system.

Senator GALLAGHER: So all of the commissioners have a PM&C email address?

Mr Thompson: They do. And a classified device to receive that.

Senator GALLAGHER: What's a classified device? Is that a mobile phone?

Mr Thompson: An iPad.

Senator GALLAGHER: So everyone is issued by the task force, or by—

Mr Thompson: By PM&C.

Senator GALLAGHER: PM&C, a device which all the information is on.

Mr Thompson: That's right.

Senator GALLAGHER: Are commissioners required not to forward that to private email addresses or anything like that? Are there any requirements around the handling of information once it's given?

Mr Thompson: The commissioners understand their obligations there. They're also obliged, when they engage with the commission, to give undertakings about confidentiality and also about not using information for private benefit. That's part of the conflict of interest management arrangements that we have in place.

Senator GALLAGHER: On conflict of interest management, how is that being managed? Are declarations being made? Are people excusing themselves from discussions when appropriate?

Mr Thompson: The conflict of interest management arrangement are the same that are used for other advisory boards. We follow a standard process within Prime Minister and Cabinet. When commissioners are engaged, they will provide an interest declaration. That's reviewed by the government division within Prime Minister and Cabinet, and any issues or follow-up questions or prompts are provided by government division staff at that time to commissioners. As I said, as part of the engagement agreement that commissioners enter into there's an undertaking not to benefit privately from information which they receive as part of their role as commissioners. At the start of each board meeting, there is an opportunity for commissioners to declare specific interests or additional interests in relation to the matters that are being discussed.

Senator GALLAGHER: My question is: is that being done? How many declarations have been made?

Mr Thompson: The opportunity to provide declaration is given at the start of each board meeting. There have been very few instances where commissioners have had to declare interests in addition to the ones they've already provided.

Senator GALLAGHER: Very few, meaning—

Mr Thompson: You're asking me to go to issues of the nature of the interests and the nature of the work of the commission—

Senator GALLAGHER: No, I'm not. I'm asking you how many.

Mr Thompson: I have to take it on notice.

Senator GALLAGHER: But you say it's very few. Less than 10? Less than five?

Mr Thompson: Less than 10.

Senator GALLAGHER: In terms of some of the commissioners, there's a Mr Hoang.

Mr Thompson: Bao Hoang, yes.

Senator GALLAGHER: I've asked a question on notice about this, and it wasn't answered. The question wasn't answered; it had a paragraph written that didn't answer the question. He's got an interest in an aged-care allied health organisation which holds a significant federal aged-care contract in relation to COVID-19. Are you aware of that?

Mr Thompson: I'm aware of that, yes.

Senator GALLAGHER: It would seem to me that that would create a potential for a conflict of interest. Is that one being managed appropriately?

Mr Thompson: I think it is being managed appropriately.

Senator GALLAGHER: Has it been declared?

Mr Thompson: It was part of his interest declaration, as I understand it.

Senator GALLAGHER: Has the task force discussed aged care?

Mr Thompson: The task force has discussed aged care. When you say 'the task force', the task force staff has certainly discussed aged care, and some commissioners have provided some input on aged care and health related matters as they relate to the resilience of the sector and a business perspective on the sector.

Senator GALLAGHER: Is Mr Hoang involved in that?

Mr Thompson: He's not part of that particular work stream.

Senator GALLAGHER: Okay. But has aged care gone to the advisory board?

Mr Thompson: Aged care, in a general sense, in terms of the work that we're looking to do on that topic, has gone to the advisory board. But any detailed work has not yet gone to the advisory board in relation to aged care, as far as I can recall.

Senator GALLAGHER: So Mr Hoang hasn't had to absent himself from any discussions on aged care through the advisory board?

Mr Thompson: He has not. But, again, you're asking me to go to specifics of interest declarations here, and I'm not comfortable doing that.

Senator GALLAGHER: No, I'm not. Again, I'm just asking you straight questions. It's clear from his CV that he has interests and a significant contract with the Commonwealth. And Ms Hogg—

Mr Thompson: You'll have a range of questions around this. But it also goes to the broader point that the commissioners have been appointed because of their active business engagement and their active business networks. They are used to managing conflicts of interest in the board appointments that they carry as part of their normal roles. It also implies that there's a direct relationship between their interests and the work that the commission is doing and that's not always the case. I'd just make that as a general comment.

Senator GALLAGHER: Are you aware if Ms Hogg is still on the board of Cleanaway Waste Management?

Mr Thompson: Yes, I've become aware of that.

Senator GALLAGHER: She is?

Mr Thompson: I'm aware that that's been reported, yes.

Senator GALLAGHER: Has she had to make any further disclosures following the scrutiny of the board's action in relation to the incentive payment for the CEO despite allegations of bullying? Have there been any disclosures about that?

Mr Thompson: She's not made any disclosures to me about that, no.

Senator GALLAGHER: It's not significant enough, do you think?

Mr Thompson: I don't know.

Senator GALLAGHER: Mr Power, you remain the chair of Perth Airport.

Mr Power: Yes. I've stood back from that board though. The two boards I've withdrawn from are Perth Airport and Strike Energy. I've stayed on the board of the Foundation for the WA Museum and the Royal Flying Doctor Service.

Senator GALLAGHER: When you say 'stood back', are you still a member of the board?

Mr Power: I'm still a member of the board, but I don't participate in meetings and I don't participate in any of the decision processes.

Senator GALLAGHER: Do you have access to the papers and things like that? You've got your director's responsibility, presumably.

Mr Power: I do have access to the papers, yes.

Senator GALLAGHER: Yes. So you have to keep abreast of what's going on.

Mr Power: I do.

Senator GALLAGHER: How do you manage that with your role as chairman here? We've had aviation packages; we've got large amounts of transport infrastructure. Presumably, those issues are coming to the advisory board's attention. How are you managing that?

Mr Power: We haven't engaged on any of the airline packages or those things as a commission. The one area we were involved in early on was Commissioner Paul Little was assisting the department of infrastructure around air freight to try and find ways of re-establishing air freight for products that were traditionally transported on passenger aircraft.

Senator GALLAGHER: So you think you are able to manage that? That hasn't put you in any difficult situations at all—your business interests and your role as chairman?

Mr Power: No, it hasn't. It has been disclosed and it's clearly public knowledge, so I'm sure that there has been information that's been withheld from me because people are aware of that connection. I haven't had any issue—

Senator GALLAGHER: How would you know that? You just presume it?

Mr Power: I assume that.

Senator Cormann: This association is hardly a secret. Everybody knew beforehand that that was part of Mr Power's background, and appropriate steps were taken by Mr Power to ensure there was no conflict.

Senator GALLAGHER: That's why I'm asking the questions.

Senator Cormann: I think that we've traversed this at various times in the past too.

Senator GALLAGHER: Presumably, these issues are ongoing. As chairman, your role is ongoing and the recovery's ongoing. These matters are going to continue to come before you. So I think there is—

In terms of energy policy, you're a member of the Strike Energy board. I note that on the Strike Energy website they actually put that you're chairman of the COVID-19 commission advisory board pretty high up in your CV, so they obviously think it's significant. Again, there was a gas-fired recovery plan as part of the budget. We know it's something that's come before the commission, specifically around energy policy. How are you managing that?

Mr Power: Again, I have stood down from that board for the duration and I haven't taken any part in any decisions of that board since then.

Senator GALLAGHER: But, in terms of discussions within the advisory board, have you had to make declarations to manage the perception of any conflict of interest through any meetings, recuse yourself from any discussions or anything like that?

Mr Power: No, because there's been no direct conflict of interest. I have knowledge of that industry and I've participated in discussions around it, as have all the other commissioners, so there's been no direct conflict of interest.

Senator GALLAGHER: Minister, I think you said earlier in one of your contributions that access to cabinet information is provided specifically so commissioners have access to the deliberative cabinet process.

Senator Cormann: I don't believe those are the precise words I used. Following on from what Ms Foster put to the committee, what I said is that there's nothing remarkable about the task force and this body inside Department of the Prime Minister and Cabinet to be given access to relevant information and relevant documents in order to ensure that the advisory board can provide advice to the government. I think that's entirely unremarkable.

Senator GALLAGHER: So the changes the Prime Minister brought about in late July were so the COVID advisory board could have access to cabinet information?

Mr Power: Sorry: say it again?

Senator GALLAGHER: I think the Prime Minister called it an innovation. What did he call it? I can't find my notes. The changes that he brought in that were put in place in late July were to ensure that the commission advisory board could provide advice to government and have, in a sense—now, we learn—access to information about the deliberative process of cabinet. Is that the reason why?

Senator Cormann: No.

Senator GALLAGHER: You're saying that it's fine and that's okay.

Senator Cormann: I reject this proposition of: we find out now. Clearly, there are two distinct phases in the work of the commission: there was the immediate crisis response, as we

were hit with an unexpected crisis event which severely disrupted economic activity and supply chains around Australia; and there was an immediate job that had to be done in order to ensure that we could have important products available in shopping centres, for example, or in grocery stores. Then it sort of built on from there. The point is that, to the extent that there is a need to have access to information in order to provide informed advice to government, then—consistent with the evidence that Ms Foster provided earlier—I don't think there's anything remarkable about that access being provided through the task force, which is located and based within the Department of the Prime Minister and Cabinet. As has also, I think, been said earlier, as a general rule commissioners do not have direct access to cabinet material.

Senator GALLAGHER: But they're verbally briefed.

Senator Cormann: NCC Advisory Board commissioners have been co-opted to national cabinet and the NSC meetings for individual items, as agreed to by the Cabinet Secretary. Let me tell you again: that's entirely unremarkable. We were dealing with a serious crisis. There was a moment when we were having several meetings a day. Cabinet deliberative processes were happening on a daily basis and sometimes several times a day. Of course, in that context, you need to ensure that the people who are advising you have access to what they need to have access to in order to provide you with informed advice.

CHAIR: Senator Gallagher, your colleague Senator Ayres has advised me he has one quick question before I return the call to Greens senators. I have three Greens senators waiting to ask questions.

Senator GALLAGHER: Okay.

Senator AYRES: Mr Power, I was just curious, having listened to some of the evidence that I heard yesterday and following the bouncing ball of the evidence that you've given today. This is the first recession where female employment has fallen more than male employment. Did the COVID-19 Commission consider, or give any advice to government about, the differential impact of the recession on Australian women or the differential impact of the government measures taken in response to the recession upon Australian women?

Mr Power: No, we haven't. We have looked at this on a sectorial basis and looked at which sectors have been most heavily hit by the restrictions that have been imposed to control the coronavirus. I think it's fair to say that some of those sectors that have been impacted and continue to be impacted are large employers of women and youth and other cohorts. So there are a number of cohorts of employees that have been impacted more greatly because the sectors in which they work have been impacted more greatly. In particular, hospitality and tourism and those sorts of sectors, which have high levels of youth workers and women in a lot of cases, have been and continue to be very severely impacted by the restrictions on travel and on the ability for people to use those sorts of services.

Senator AYRES: I can see you accept there's a different impact on women than men. But there's no specific advice that the commission has given in relation to the impact of the recession on women or about the government's measures and their impact on Australian women?

Mr Power: Well, the way I put that is that we have given advice around those sectors.

Senator AYRES: I understand you've talked about the sectors. But overall?

Mr Power: The reason those cohorts have been impacted is that those sectors have been impacted and they're major employers of those people. So it is exactly the same issue: we need to get our economy operating so that those sectors are back up and operating, and then they'll be able to employ the cohorts that have been represented there.

Senator GALLAGHER: Minister, I have one final question.

CHAIR: Very quickly.

Senator GALLAGHER: I think you just said that commissioners have been co-opted to cabinet. Is that correct?

Senator Cormann: Certainly the chair has been, to the national cabinet. That is what I suggested.

Senator GALLAGHER: Oh, not to the cabinet? I thought you said 'the NSC' at one point.

Senator Cormann: I said 'national cabinet and the NSC'. Certainly Mr Power has provided briefings to NSC and to the national cabinet on various occasions. I think that's well known.

Senator GALLAGHER: I wasn't aware that he'd provided briefings to the NSC. I was aware that he'd gone to the national cabinet, but I thought you were saying that he'd briefed the cabinet as well.

Senator Cormann: I said 'the national cabinet and NSC'.

Senator GALLAGHER: So not cabinet?

Senator Cormann: I did not say 'cabinet'. I said 'the national cabinet and NSC'.

Senator GALLAGHER: But the NSC—and is that normal?

Senator Cormann: In the context of dealing with the sort of crisis that we've been dealing with, it was what was required. You might have forgotten, but there was a time when we didn't have toilet paper in shops around the country. There was a time when we were seriously challenged in making sure that there was food available in regional areas. There are some serious issues to be dealt with, and the NSC—

Senator GALLAGHER: I am not discounting that; you don't have to turn it into this for every answer.

CHAIR: In any case, I think we've established the fact that we've sought to establish.

Senator GALLAGHER: Can you take on notice how many times commissioners—I'm not sure if it's just you, Mr Power, or others—have attended NSC?

Senator Cormann: We'll take that on notice.

Senator WATERS: Harkening back to your input into the budget process, at what points in time was the commission consulted on the federal budget?

Mr Power: We were asked to provide any input that we had and perspectives that we had continually through the lead-up, from when we were appointed right through into when the budget was released. So it was more of a process of continually providing input, perspective and feedback that we were getting from the broader business representatives that were coming to us.

Senator Cormann: This is a very important point. The government runs the budget process. It's a deliberative process of cabinet. We get advice from a variety of sources, including and in particular, of course, Treasury, Finance, relevant departments across government. The COVID commission was one important input, obviously, given the particular perspective and role it has. We get a lot of advice from stakeholder groups from right across the spectrum in the lead-up to a budget. All of that is considered, and the government makes decisions.

Senator WATERS: Did you see drafts of any particular parts of the budget prior to it being publicly announced?

Mr Power: No, I didn't.

Senator Cormann: It's not the way the process works. We don't sort of walk around showing drafts of the budget. The way it works is that we consider issues through the Expenditure Review Committee process and submissions from ministers about potential future directions. Obviously the decisions then are based on advice, including even, as appropriate, advice from across the Public Service, including the NCC advisory board.

Senator WATERS: Many different analysts have looked at the employment options of various different sectors as part of the COVID recovery. They've identified that investment in the care sector, particularly childcare, but also health, education and housing, would generate significantly more employment opportunities for both genders, I might point out, and more productivity than construction and infrastructure. What work has the commission done to assess the comparable stimulus impacts of various investment options?

Mr Power: We haven't done any specific work around that.

Senator WATERS: Why not? You're making recommendations about stimulatory investments. Why not look at what's going to be most effective before you make your suggestions?

Mr Power: Our role is to provide a business perspective on how the coronavirus and the restrictions that have been imposed to control it are impacting business, and what that feedback is in terms of how those businesses are responding and what would be helpful to those businesses to continue employing people or to restart employing people.

Senator WATERS: Yes, okay. But earlier you said you were providing advice on JobSeeker, which I would argue is not necessarily related to business interests. So how come you're advising on some non-business aspects and not others?

Mr Power: The advice was predominantly around JobKeeper, but we did provide feedback—as we had feedback—from businesses around JobSeeker and JobKeeper, as well as the small business guarantee scheme and programs such as that.

Senator WATERS: And you didn't consider the stimulatory impacts of investment in childcare or housing or education or the health sectors?

Mr Power: Yes, all of those would have been part of the process of thinking that through. But we didn't specifically analyse and advise around those sectors. We have looked in quite some detail at regions, at tourism, small business, hospitality. So all of those sectors have been the major focus, I would say, around that, more so than any other.

Senator WATERS: Without doing a comparative stimulatory impact assessment, if you like, how did you pick the winners?

Mr Power: Well, we didn't pick winners. We provided—

Senator WATERS: How did you select which ones to advise the government invest public money in?

Mr Power: That's not how we operate. We don't advise the government to invest specifically in any area. We provide feedback on how businesses are operating, what they're doing to respond to the coronavirus, what the issues are around continuing to operate and continuing to employ people, and what impact of any measures that the government's taken has had on those businesses. So we don't select those areas.

Senator WATERS: So you haven't recommended that any particular sector or even any particular project, for that matter, be invested in?

Mr Power: No, we haven't.

Senator Cormann: It doesn't work that way at all.

Senator WATERS: Okay. Well, how were the recovery priorities identified?

Senator Cormann: They were identified through the normal deliberative processes of government. That is not something that the COVID commission is involved in.

Senator WATERS: Were they consulted as part of that process?

Senator Cormann: I'll have to take that on notice. That particular program sits within the Deputy Prime Minister and the department of infrastructure. That would be the appropriate area to ask questions about this. But ultimately, the various decisions came through the deliberative processes of government.

Senator WATERS: Mr Power, do you recall being consulted about the recovery priorities of government in the COVID recession?

Mr Power: I had a number of discussions at advisory board meetings. Commissioners have made comments and input regarding areas of the economy that they think have been most severely impacted and there's been a lot of discussion around that.

Senator WATERS: From reasonably early on, it was clear that there was a disproportionate impact on women from the COVID crisis. Clearly, women are overrepresented in casual employment and overrepresented in the industries that were hardest hit, which you acknowledged earlier. Women also ordinarily pick up the bulk of unpaid care work, and we've been doing that even more this year. Given that, how did the commission consider how to address those gendered impacts in your recovery recommendations?

Mr Power: Again, as I mentioned before, we've looked at it on a sector-by-sector basis to understand what the impact has been on those sectors. I think the opportunity is there for that recovery for women's employment to be very quick if we can get those sectors back up and operating, because women are significantly represented through health and care, as you've pointed out, through services generally, and in education, tourism, hospitality. Obviously health has been unaffected and, if anything, has more demands on it. Education has been relatively unaffected. But things like hospitality—

Senator SIEWERT: I think there'd be a lot of people who'd dispute that!

Senator WATERS: 'Relatively unaffected', education? Have you not met any teachers?

Senator SIEWERT: Do you want to repeat that?

Senator WATERS: I think you've just offended the entire population of teachers in the country.

Senator SIEWERT: Exactly, 40,000 academics have lost their jobs.

Senator WATERS: I'll give you a chance to rephrase that part.

CHAIR: Give figures in terms of employment.

Mr Power: In a relative sense—

Senator SIEWERT: It is employment; 40,000 have lost their jobs in education.

Mr Power: Yes, and I acknowledge that. We need people back in schools and we need people back teaching in schools and I'd be the first to say that. The hospitality sector—

Senator SIEWERT: And unis?

Mr Power: Apologies?

Senator SIEWERT: Universities?

Mr Power: And universities.

Senator WATERS: That's where they've lost the jobs.

Mr Power: Yes, absolutely. We have been doing a lot of work around trying to find ways to reopen those sectors of the economy. So my point was that we know those sectors of the economy that have been hardest hit, and it's the restrictions that have been imposed to control the coronavirus that are doing that. So if we can put long-term management processes in place to control that then we'll be able to get more of that employment back operating again. And, yes, that is what we're trying to do.

Senator WATERS: But I asked you earlier did you do a comparative stimulatory assessment of those sectors, and you said 'no'. But now you're saying that you want to see them recover. What level of scrutiny are you applying and why are you not advocating more strongly for those very sectors that you've just mentioned?

Mr Power: We are advocating strongly for them.

Senator WATERS: In a gas-led recovery?

Mr Power: They're two entirely different issues. What we're trying to do is to provide business input and feedback around the impact of restrictions and how they're impacting businesses. As I mentioned before, hospitality and tourism are two sectors that have been very significantly hit. We're also working very closely with universities to find ways to establish those campuses back—

Senator WATERS: Have you advocated for not cutting university funding, like the government's just done?

CHAIR: Senator Waters, so you're aware, there are five minutes remaining with this witness, if you want to share that time with your colleagues.

Senator WATERS: Thank you.

Mr Power: We've been working with universities to understand how best to respond to this. It's not been an issue around funding; it's been an issue around how we can make sure that universities play the maximum role they can in Australia's recovery.

Senator WATERS: So you haven't advised the government to not cut university funding?

Senator Cormann: I've got to intervene here again. The advice to government, as part of the budget process and the deliberative process of government, is subject to cabinet confidentiality. I think you're well aware of that. I think that Mr Power has been extremely helpful in engaging with you in response to your questions.

Senator WATERS: I have just one final question before I hand over to my colleagues. Has there been any sort of climate lens placed on any of your proposals, given that we are in a climate crisis that hasn't gone away just because we're in a pandemic? Given the emphasis from this government on a so-called gas led recovery, what scientific input—or economic input, for that matter—are you getting in relation to the climate impacts of your recovery proposals?

Mr Power: Again, we've looked at and taken input from a very wide range of sectors, including perspectives on climate. But what we've focused on primarily are those areas that we believe can accelerate our recovery from this. We've looked at how we can get more business activity, more jobs, more investment and, therefore, what areas of the economy can accelerate out of this and help those areas of the economy that are not able to respond as quickly.

Senator WATERS: Without a climate lens on that?

Mr Power: I'm not sure I understand what you mean by a 'climate lens'.

Senator WATERS: In recommending sectors to restimulate the economy, have you considered the climate impacts of those sectors or not?

Mr Power: Yes, that's been part of the consideration, along with a very wide range of considerations.

Senator WATERS: What scientific expertise have you based that on?

Mr Power: We've taken advice from a number of people, including the Chief Scientist, Dr Alan Finkel.

Senator WATERS: Okay.

Mr Power: But, again, we have made recommendations and provided input and advice around those areas of the economy where we think there's an opportunity to give greater levels of employment and encourage greater levels of investment so that we can accelerate Australia's recovery.

Senator HANSON-YOUNG: I'll ask you, Mr Power, but perhaps it might be a question for the minister as well. There's the list of 15 major projects that's been put up by the Prime Minister, talked about as part of the COVID recovery. Mr Power, how much involvement did you have in putting that list together?

Mr Power: None.

Senator HANSON-YOUNG: Right. How much involvement have you had since the list was put together? Have you done any due diligence on it? You're here for the business advice. Have you looked at whether they are projects that are worthwhile?

Mr Power: No, I haven't.

Senator HANSON-YOUNG: Why not?

Mr Power: It's not our role to—

Senator HANSON-YOUNG: What is your role, then?

Mr Power: Our role is to provide business advice and input into the impacts that the coronavirus is having on business activity and on employment and to provide feedback on what is working and what's not working around the packages that governments have put in place to try to restore that employment.

Senator HANSON-YOUNG: What's your understanding of the 15 major projects? What's the purpose of it, then?

Mr Power: My understanding of those projects was that they were projects that were well and truly in process and that they were ready to be invested in and ready to start activity on, but there were approval processes that were being progressed, and that it was about trying to accelerate those projects to create greater levels of investment and employment.

Senator HANSON-YOUNG: The government hasn't asked you or your commission to do any work of the due diligence as to whether they were good projects to put up in lights to say, 'This is what's going to create the jobs around the country'?

Mr Power: No, they haven't.

Senator HANSON-YOUNG: Minister, where did the list of 15 major projects come from? They weren't provided by the COVID commission on their advice. Who has come up with them?

Senator Cormann: The COVID commission, as I have said to a number of your colleagues all morning, is one input to the deliberative processes of government.

Senator HANSON-YOUNG: That's fine. I want to know who came up with the list of 15 projects.

Senator Cormann: The government made a decision on which projects could more sensibly—

Senator HANSON-YOUNG: Based on whose advice?

Senator Cormann: Based on a decision by government. That's what we're here for.

Senator HANSON-YOUNG: Who chose BHP as a project? The Olympic Dam in South Australia—whose idea was that?

CHAIR: That's the last question.

Senator Cormann: Again, these are decisions that are made by government. I'm referring to the Prime Minister's announcements here. These are decisions that are made between the Commonwealth and states and territories on the bilateral basis. The joint assessment teams are working to accelerate projects which are designed to help boost the strength of the economic recovery. These projects are worth more than \$72 billion in public and private investment, and they are projects that will support over 66,000 direct and indirect jobs.

Senator HANSON-YOUNG: Did anyone do any due diligence on the BHP Olympic Dam expansion?

Senator Cormann: The Olympic Dam extension in South Australia is an incredibly important project of national significance—

Senator HANSON-YOUNG: It's just been announced that it's dumped.

CHAIR: Order, Senator Hanson-Young.

Senator HANSON-YOUNG: It's just been dumped today, so you've picked a dud.

CHAIR: Order, Senator Hanson-Young.

Senator HANSON-YOUNG: You've picked a dud, and South Australians are going to lose their jobs—

CHAIR: Senator Hanson-Young, if you seek the call again—

Senator Cormann: I disagree with you.

Senator HANSON-YOUNG: You picked a dud, mate.

CHAIR: Senator Hanson-Young, take it to the chamber. You can have that argument there. Minister, thank you. Thank you, Mr Power and the commission, for your evidence and your attendance this morning. The committee will now break and we will commence with the Department of the Prime Minister and Cabinet.

Proceedings suspended from 11:01 to 11:17

Department of the Prime Minister and Cabinet

CHAIR: I welcome back the Minister for Finance and Ms Foster from the Department of Prime Minister and Cabinet. Ms Foster, do you wish to make an opening statement at this point?

Ms Foster: Just a brief one, thank you. I'm the Deputy Secretary, Governance, and Head of APS Reform in the Department of the Prime Minister and Cabinet. The members of PM&C's executive in attendance for this session to answer your questions are Mr Simon Duggan, Deputy Secretary, Economy, Industry and G20 Sherpa; Ms Alison Frame, Deputy Secretary, Social Policy; Ms Caroline Millar, Deputy Secretary, National Security and International Policy; and Mr Tom Gilmartin, Chief Operating Officer. Other senior officers will be available to assist as required.

There have been the following changes to the executive since the last hearings: Ms Frame commenced as Deputy Secretary, Social Policy on 31 August 2020; and Mr Gilmartin commenced as Chief Operating Officer on 30 March 2020. I have PM&C's current organisational chart here for the committee.

CHAIR: Thank you. That can be tabled. Minister, do you wish to make an opening statement?

Senator Cormann: No, thank you.

CHAIR: How I intend to run this program this afternoon, given we don't have any structure in terms of outcomes or agencies—

Senator WONG: Let Penny go as long as she wants!

CHAIR: Not quite. That's a nice ambit claim, Senator Wong, but not quite.

Senator WONG: It would be very efficient!

Senator Cormann: You just want to leave early!

CHAIR: What I was going to say is that I will share the call evenly between senators who have questions and give both senators and witnesses a break by rotating the call occasionally as well. Senator Wong, you have the call.

Senator WONG: Thank you. I first want to go to the department's involvement in the issues associated with the Leppington Triangle purchase by the Commonwealth, which has received a deal of attention, is the subject of two APS breach of code of conduct inquiries, and has been the subject of an Audit Office report and a referral to the AFP.

In a letter that Mr Woolcott provided to the opposition he indicates that he, Mr Woolcott, the Public Service Commissioner, had a discussion with Mr Gaetjens about the Audit Office report on the morning of 28 September. I'm asking you first to confirm that Mr Gaetjens did discuss the report with Mr Woolcott on 28 September, a week after the audit report was tabled. Then I want to understand how many other discussions Mr Gaetjens has had with Mr Woolcott about the Leppington Triangle purchase.

Mr Duggan: I can confirm that Mr Woolcott's evidence yesterday was correct: there was a conversation between Mr Woolcott and Mr Gaetjens on 28 September.

Senator WONG: I asked a second question, Mr Duggan.

Mr Duggan: I'll have to take that one on notice and give you further information.

Senator WONG: Oh, come on! You've come to this committee after everything that has been on the public record—an Audit Office report and a referral to the AFP—and you're not able to come prepared to tell me about what engagement the Secretary of Prime Minister and Cabinet has had on this issue?

Mr Duggan: I have a range of information that I'm able to provide the committee with on that particular issue; I don't have the precise dates and times of Mr Gaetjen's discussions with Mr Woolcott.

Senator WONG: Okay. While this committee is still proceeding today I would like a list of the engagements that the secretary has had with other secretaries and other heads of agencies, including the APSC, in relation to Leppington Triangle.

Mr Duggan: I'll take that on notice and we'll endeavour to get back to you in the course of events today.

Senator WONG: Yes, I hope so. This is a matter which has been put to the AFP because the Audit Office could not rule out the possibility of criminal activity and the defrauding of the Commonwealth. It's been pursued extensively. Mr Gaetjens is the head of the Public Service; I expect, and the committee would expect, him to be able, through you, to provide answers as to his engagement on this. So I'd like a chronology of this engagement, please.

Mr Duggan: We'll get that for you during the course of events.

Senator WONG: Can someone give me an indication of how long that will take?

Mr Duggan: I'd imagine that Mr Gaetjen's officers are viewing this as we speak, so they will have started pulling that together for you.

Senator WONG: Thank you—I hope so. Do you know when Mr Gaetjens first discussed the Audit Office report with Mr Atkinson, the secretary of the department of infrastructure?

Mr Duggan: We'll have to get information on that one as well.

Senator WONG: Oh, really? You have really come this underprepared, Mr Duggan? Or is this simply PM&C not cooperating?

CHAIR: Senator Wong, I don't think a question that—

Senator WONG: No, I am actually astounded. How can you come to this committee, with this issue—Ms Foster, did you prepare for estimates?

CHAIR: Senator Wong, I'd ask you not to reflect on the witnesses—

Senator WONG: I asked Ms Foster—

Senator Cormann: Obviously, the responsibility for this issue is with the department of infrastructure—

Senator WONG: No, no—

Senator Cormann: and you asked extensive questions yesterday, as was appropriate.

Senator WONG: No—

Senator Cormann: We will be as helpful as we can be, as we always are—

Senator WONG: No, you're not.

Senator Cormann: Well, yes we are—

Senator WONG: Actually, not under this Prime Minister, you're not helpful—

Senator Cormann: Yes—well, I—

Senator WONG: This department is the most unhelpful.

Senator Cormann: Well, I disagree—

Senator WONG: Maybe not since Mr Abbott—

Senator Cormann: You're making a political point and I understand why you're making a political point—

Senator WONG: No, it's not a political point.

Senator Cormann: It is a political point .

Senator WONG: This is about money that your government has allowed to be expended on a purchase where it appears there's a possibility of criminal behaviour. I would have thought that the head of the Public Service answering questions about this was unremarkable and, in fact, appropriate in a democracy. Now, you have officers who have come here—

Senator Cormann: As Mr Atkinson advised yesterday—

Senator WONG: You have officers who have come here who are unable to provide evidence and to answer questions about Mr Gaetjens' involvement.

Senator Cormann: There are ongoing investigations underway, including a code of conduct investigation and, indeed, an AFP inquiry.

Senator WONG: Yes.

Senator Cormann: I think, in that context, that it is entirely appropriate for these processes to be allowed to get to the bottom of what happened and why.

Senator WONG: Well, as the 'Cormann order' reminds us, the Senate is also a very important part of our democracy, and this is too.

Senator Cormann: Indeed, but we have to make sure that—

Senator WONG: We have questions. I want to know what engagement PM&C and Mr Gaetjens had prior to and subsequent to the Audit Office report being tabled. Who—

Senator Cormann: And the official has taken that on notice and is going to get back to you as soon as he can—

Senator WONG: It is either incompetence or a cover-up that you have come unprepared to answer questions.

Senator Cormann: I reject both of those assertions.

Senator WONG: Okay. Well, then, explain to me what you can tell me. What can you tell me, Ms Foster, about PM&C's engagement on this issue?

Ms Foster: I'm aware that Mr Atkinson has discussed with both Mr Gaetjens and Mr Woolcott his approach to managing and responding to the outcomes of the Audit Office. It's my understanding that he commenced those discussions immediately after receiving the embargoed report from the Audit Office—the point at which Mr Gaetjens received a copy of that report. Mr Gaetjens indicated to me that he's very comfortable with the approach that Mr Atkinson is taking and that he has confidence in the actions. As you know, there is both an AFP referral and some internal code of conduct activity taking place.

Senator WONG: From that answer, it's clear Mr Gaetjens spoke to Mr Atkinson prior to the report being tabled publicly, if he spoke to him in relation to the section 19 report, correct?

Ms Foster: No, Senator—

Senator WONG: You said the embargoed report.

Ms Foster: When it's first provided to the secretary it's the final report, but it's embargoed until it's released.

Senator WONG: That's exactly what I said.

Ms Foster: It's not the section 19.

Senator WONG: Apologies, that's true. My point is—

Ms Foster: The section 19—

Senator WONG: I don't need a lecture on section 19. It's a diversion, frankly. What I'm wanting to clarify is: Mr Gaetjens, in addition to the discussion with Mr Woolcott, which is referenced—correct—there was also a discussion with the secretary of infrastructure, et cetera. Do we know when that was?

Ms Foster: Mr Duggan has said he will get you that date on notice. My understanding was that it was shortly after the report was released.

Senator WONG: No, that's not what your evidence was. Your evidence was that the discussion occurred after the embargoed copy of the report, not after it was released publicly.

Ms Foster: Senator, it's a very short time frame.

Senator WONG: Sure, but it's relevant.

Ms Foster: It is. We'll make that sure we get that—

Senator WONG: Mr Duggan, did you discuss with Mr Gaetjens or the Prime Minister's office the approach to questions on the Leppington Triangle issue in estimates today?

Mr Duggan: No, I didn't.

Senator WONG: Did you, Ms Foster?

Ms Foster: I brought to—

Senator WONG: You didn't.

Ms Foster: the Prime Minister's office's attention something I wanted to share with the committee, which was that Mr Atkinson had actually called me before the final report. When he was in receipt of the section 19 report, he didn't share the content of the report with me. He wasn't calling me in my role as deputy secretary of PM&C, but rather as a colleague who had experience in issues around code of conduct and more general leadership and governance issues, because it was clear to him, on receipt of the section 19 report, that he had some serious internal issues to look at and he was using me as a long-term, trusted colleague to bounce his ideas off.

Senator WONG: I will come back to that. With your governance hat on, I'm asking you: in addition to that, did you discuss with the Prime Minister's office the approach to questioning on the Leppington Triangle in this estimates hearing?

Ms Foster: Only in that aspect.

Senator WONG: So there was no discussion about the fact that you don't come with any information about how much contact or how much engagement PM&C has had on this issue?

Ms Foster: Absolutely not. I think Mr Duggan has further information. The thing that he's taken on notice is just confirming exactly how much contact Mr Gaetjens personally had, but he has further information to share.

Senator WONG: I will give you an opportunity. I would like to know. We found out last night that the referral to the Australian Federal Police in relation to these events took place in July. When did PM&C become aware that this matter had been referred to the Australian Federal Police?

Ms Foster: I became aware when Mr Atkinson told me, probably two or three days ago. So it was before his public evidence at estimates yesterday.

Senator WONG: PM&C was the question.

Ms Foster: I'm just turning to Mr Duggan.

Mr Duggan: I became aware after the tabling of the final report in parliament, and I was informed by Mr Atkinson.

Senator WONG: Remind me of the date of the final report. The 20th?

Mr Duggan: On the 21st it was tabled in parliament.

Senator WONG: Both of you have answered about your personal knowledge. I'm asking when the department, to the best of your knowledge, became aware.

Mr Duggan: To the best of my knowledge, that was when the department first became aware.

Senator WONG: So 21 September?

Mr Duggan: 21 September, yes.

Senator WONG: That's when you became aware?

Mr Duggan: It's when I became aware.

Senator WONG: To your knowledge, did anyone else in the department know about the referral to the AFP prior to that time?

Mr Duggan: To the best of my knowledge, no.

Ms Foster: Mr Gaetjens has just confirmed that he had no knowledge prior to that.

Senator WONG: Prior to the 21st?

Ms Foster: Yes, that's right.

Senator WONG: Did you brief the Prime Minister's office as a consequence of your knowledge of the referral?

Mr Duggan: Not my knowledge of the referral. I did brief the Prime Minister's office on receipt of the pre-embargoed report.

Senator WONG: Sorry. Say the first part of your answer again, please.

Mr Duggan: I didn't brief the Prime Minister's office on the referral to the AFP, but I did brief them on the receipt of the embargoed report.

Senator WONG: Okay. Can we be clear on how you're using the word 'brief'? Did you inform the Prime Minister's office in any way, via WhatsApp or Signal or verbally, about the referral to the AFP after you became aware of it?

Mr Duggan: No.

Senator WONG: Did you know whether or not Mr Atkinson had told the Prime Minister's office?

Mr Duggan: I was aware that he'd informed the Deputy Prime Minister and the Deputy Prime Minister's office, but I had no direct visibility of him informing the Prime Minister's office.

Senator WONG: Sorry. Can you remind me how you became aware of the referral to the AFP?

Mr Duggan: I was informed by Mr Atkinson over the phone.

Senator WONG: I'm just not sure those dates add up. I'll go back and check the *Hansard*. Ms Foster, did you say Mr Atkinson contacted you about the section 19 report? This is relation to your 'trusted colleague' conversation?

Ms Foster: He contacted me after the receipt of the section 19 report.

Senator WONG: When was that?

Ms Foster: It was about a week before the embargoed report was released.

Senator WONG: 'Embargoed report'—you keep using that phrase.

Ms Foster: Sorry.

Senator WONG: Do you mean when the report is tabled or when the embargoed report is provided to relevant parties?

Ms Foster: I meant when the embargoed report was provide to relevant parties.

Senator WONG: When was that date?

Mr Duggan: That was 17 September.

Senator WONG: So on 17 September the embargoed report was provided. To whom?

Mr Duggan: It was provided to the Prime Minister, the Deputy Prime Minister, Minister Tudge, the secretary of Prime Minister and Cabinet, and the secretary of the department of infrastructure.

Senator WONG: Were you the officer responsible for considering it when it came in, or was Ms Foster?

Mr Duggan: It was me and my team who were responsible for that.

Senator WONG: Prior to that time, did you have any knowledge about the extent of the allegations and concerns in relation to the Leppington Triangle purchase?

Mr Duggan: I had no visibility at all until we received the embargoed report.

Senator WONG: How about you, Ms Foster? Did you have any visibility of concern?

Ms Foster: No. The first indication I had that there was even an ANAO report running with the department of infrastructure was when Mr Atkinson called me to discuss the code of conduct issues.

Senator WONG: So when does he call you?

Ms Foster: As I said, I think it was about a week before the 17th.

Senator WONG: So, about 10 September or thereabouts, you get a call from the secretary of the department of infrastructure et cetera, saying what? What does he say to you?

Ms Foster: My recollection is that he advised me that he had been provided with a section 19 ANAO report.

Senator WONG: So at this stage, he's already had it. That doesn't accord with Mr Duggan's evidence. Mr Duggan's evidence is that, on 17 September, the Prime Minister, the Deputy Prime Minister, Minister Tudge, the secretary of Prime Minister and Cabinet and the infrastructure secretary get it. But, if he calls you on the 10th, he's obviously got it earlier.

Ms Foster: It's a difference between the section 19 report, which was provided to Mr Atkinson in order to provide a response—

Senator WONG: And the embargoed copy?

Ms Foster: and the embargoed final report.

Senator WONG: Sorry. So your answer, Mr Duggan, was in relation to the embargoed copy, not the section 19 report?

Mr Duggan: That's correct.

Senator WONG: Sorry, I misunderstood your answer. Finish your answer, Ms Foster.

Ms Foster: Certainly. So he indicated that he was in receipt of a section 19 ANAO report, that it had raised some significant allegations relating to his staff, and that he was starting immediately to turn his mind to how he should respond to that and the sort of process he might set up around it—whether he would go to a code of conduct inquiry at that stage and how he might approach those processes. So the conversation was a fairly technical one. We

talked about the decisions that he would need to make about who would be the decision-maker in the code of conduct. I hate to get really technical, but there are two different roles that are played: one officer takes the decision about whether there's a breach of a code of conduct, another determines the sanction. So we talked about the relative merits of having that as one person, which is open to us, or having that as two people. It was really him just starting to get his mind around not just the technical response to that ANAO report, which was what he was doing, but what internal responses he should be starting to make, and he was using me as a sounding board.

Senator WONG: Did you report this contact to Mr Gaetjens and the PMO before the report became public?

Ms Foster: I told Mr Gaetjens the next time I saw him—it would have been within a day or two—in essence, that I had had a call from Mr Atkinson and that he'd indicated that he had a report that was raising some very serious issues around an APS staff member. Part of the point of me talking to Mr Gaetjens was to ask him if his office could let me know when the embargoed report on the department of infrastructure appeared so that I could be aware that it was there.

Senator WONG: Is this a usual part of your job—giving this kind of advice?

Ms Foster: It relates in part to the four years I spent in the Public Service Commission, but it's not unusual for secretaries or deputies to call me, often to say, 'Have you had experience of a situation like this? How did you approach it? What are the pitfalls I need to be aware of?' I think it's really just a factor of having spent four years as deputy commissioner and then three years now.

Senator WONG: Why don't they call Mr Woolcott?

Ms Foster: I'm sure they do sometimes.

Senator WONG: And why don't they call Mr Gaetjens?

Ms Foster: And I'm sure they do sometimes. So, in this instance, as I said, Mr Atkinson and I are long-term colleagues and he was just wanting a trusted colleague—

Senator WONG: Where did you work with him? Was that when he was Senator Cormann's chief of staff?

Ms Foster: No. We first worked together briefly in the Department of Defence, and then we spent almost three years together in the department of regional Australia.

Senator WONG: Did you also make any report on this, or provide any advice to the PMO?

Ms Foster: No, I didn't.

Senator WONG: Orally or—

Ms Foster: Not orally and not in writing.

Senator WONG: Or on Signal or WhatsApp?

Ms Foster: Not at all.

Senator WONG: How many groups of those have you got now?

Ms Foster: Not terribly many, Senator.

Senator WONG: What do you do when you get an FOI request?

Ms Foster: All of my communications are available to the decision-maker.

Senator WONG: You don't have Signal disappearing after a day or a week?

Ms Foster: I do not.

Senator WONG: Is that the instruction to all departmental officers?

Ms Foster: I've got a brief somewhere on Signal, but I think that is the instruction.

Senator WONG: You too, Mr Duggan? We should go through your names again. That was quite fun. You changed the names, didn't you?

Mr Duggan: Like Ms Foster, I don't use WhatsApp anymore for that purpose.

Senator WONG: That was enough. Mr Duggan, my memory was right about time—this doesn't make sense. You've just told me that Mr Atkinson told you that there had been an AFP referral on or about 21 September.

Ms Foster: Sorry, Senator. I've just been advised that that can't be correct because Mr Atkinson himself didn't know until the 8th of October.

Senator WONG: Yes, until the 9th or 8th of October.

Mr Duggan: I've just received the same advice. Mr Atkinson called me within a day or two of him finding out. So it must have been the 8th or 9th or maybe 10th.

Senator WONG: Did you not take a note? This is a referral of a public servant to the police.

Mr Duggan: I didn't take a note of that.

Senator WONG: Really? You don't have any records of that conversation?

Mr Duggan: Not of that conversation, Senator.

Senator WONG: I don't know if it's public servants or if any other staff are involved, but how often are there referrals to police about public administration?

Mr Duggan: It happens occasionally, but rarely.

Senator WONG: Great, but you don't know the date.

Mr Duggan: Senator, as I said, to correct the evidence, it would've been shortly after 8 October.

Senator WONG: You don't know what you're correcting the evidence to, do you? You're saying it wasn't the 21st, but it was shortly after he became aware?

Mr Duggan: That's correct.

Senator WONG: Your recollection of that is: why—because he told you that he'd become aware?

Mr Duggan: I'd received advice that Mr Atkinson found out on the 8th, and so clearly I couldn't have found out from Mr Atkinson before the 8th. So my evidence is that it would've been maybe the 8th or as late as the 10th.

Senator WONG: We've just had Mr Atkinson confirming his evidence—actually, I think he now says the 8th. He told me the 9th. You don't know which date. We keep having senior

public servants who give us the wrong date about knowledge of a police referral. It just seems a bit odd.

Ms Foster: I think the advice from Mr Atkinson to Mr Duggan was not something that Mr Duggan needed to take action on. So, he was informing him—and, Mr Duggan, please correct me if I'm wrong—but there was no actual action for PM&C to take in response to that.

Senator WONG: Is that the only requirement for note-taking?

Ms Foster: No, Senator, I was just trying to give some context.

Senator WONG: No, it's not. I understand. He's accepted it: he's given me the wrong date and he'll try and work it out—I get that. But, really, this is the first advice to Mr Morrison's department about the referral to the police. I would've thought that that was something people should be aware of. Who did you tell once you were told about the police referral; and do you have any notes of those conversations?

Mr Duggan: I don't have notes of those conversations. I informed Mr Gaetjens.

Senator WONG: That day?

Mr Duggan: That day.

Senator WONG: What did he say?

Mr Duggan: I can't recall him saying anything other than thanking me for the advice.

Senator WONG: Did you have a discussion about who would inform the Prime Minister's Office or that the DPM had been informed?

Mr Duggan: I passed on all the information I had, Senator, which, as I said, was that Mr Atkinson had indicated to me that he'd informed the Deputy Prime Minister and his office, and so I informed Mr Gaetjens of that.

Senator WONG: Did you assume the Deputy Prime Minister's office would inform the Prime Minister?

Mr Duggan: I did, yes.

Senator WONG: So you didn't need to do that?

Mr Duggan: That's correct.

Senator WONG: Was there any brief or advice provided to the Prime Minister about this at that point or subsequently?

Mr Duggan: Not on the AFP referral specifically, but there was advice provided to the Prime Minister on the ANAO report.

Senator WONG: When was that advice provided?

Mr Duggan: Preliminary advice was provided over the phone initially on receipt of the preliminary report, so the Prime Minister's Office was immediately informed. It was received within PM&C on the 17th. I received it on the 18th, provided preliminary advice to the Prime Minister's Office on that day and then we followed up with more specific emailed advice, which was a summary of the report. On the basis of discussions that we had with the department and what their response to the report was, written advice was provided on 20 September through the Prime Minister's Office to the Prime Minister.

Senator WONG: Oral advice—18 October?

Mr Duggan: 18 September.

Senator WONG: Sorry, I've got the wrong date down. Email advice and a summary of the report on the 20th?

Mr Duggan: That's correct, Senator.

Senator WONG: And what was the third—written advice? You followed up, you said.

Mr Duggan: The email advice was the written advice.

Senator WONG: And then you said you followed up again?

Mr Duggan: No, so two points of advice to the Prime Minister: one was the oral advice on the 18th; and the second was the written advice on the 20th.

Senator WONG: Sorry, I thought you said there was a third interaction—a follow-on.

Mr Duggan: No, no subsequent interaction.

Senator WONG: Did that advice go through Mr Gaetjens?

Mr Duggan: That advice was copied to Mr Gaetjens when it was sent up to the Prime Minister's Office.

Senator WONG: Does that advice reference the possibility of criminal conduct?

Mr Duggan: No, it doesn't.

Senator WONG: Does that advice reference any actions taken by ministers and ministerial staff?

Mr Duggan: Not to the best of my recollection.

Senator WONG: Does that advice reference anything in relation to the AFP referral?

Mr Duggan: No, it doesn't, because I wasn't aware of it at that point.

Senator WONG: Can I just say this to you, Mr Duggan and Ms Foster: I want to put on record my concern about the approach PM&C's taken this morning. First, you turn up without the capacity to answer questions about Mr Gaetjens' involvement and want to take it on notice. You then give the committee an incorrect date about a material fact—the date the Prime Minister's department was informed about the referral to the AFP. And you're not able to answer detailed questions about that or subsequent engagement on it because you took no notes. I think the Prime Minister's department ought come a little more professionally prepared. So what happens after that advice? What action was taken, if any? What happened after 20 September?

Mr Duggan: We've continued to engage—

Senator WONG: With whom?

Mr Duggan: With the Prime Minister's office to keep them informed, as we've become aware of issues as they have arisen.

Senator WONG: Who is the person? You can just give me a position rather than a name, if you want. Who did you engage with in the Prime Minister's office about this?

Mr Duggan: The adviser responsible for the department of infrastructure in the Prime Minister's office.

Senator WONG: Is that a policy adviser?

Mr Duggan: Yes, a policy adviser.

Senator WONG: And what about the chief of staff? Are you engaging at all with them?

Mr Duggan: I've had no interaction with the Prime Minister's chief of staff on this.

Senator WONG: What about the Prime Minister? Was the Prime Minister briefed in person about this at any point?

Mr Duggan: I haven't briefed the Prime Minister in person.

Senator WONG: That wasn't my question.

Mr Duggan: I'm not aware of anyone from Prime Minister and Cabinet briefing the Prime Minister on this issue.

Senator WONG: When you say 'we kept them informed as and when things were happening', do you have any chronology or notes of those various interactions? Or can you go through and tell me? Now I'm just asking what you did.

Mr Duggan: Sure. I personally haven't had any contact with the Prime Minister's adviser on this particular issue, but my team are in constant contact with the Prime Minister's adviser in this regard.

Senator WONG: So I'd like some details of this 'constant contact'.

Mr Duggan: Mostly it will be phone contact. They meet regularly, so they would have discussed the issue and—

Senator WONG: I'd like the chronology. I would like to know all contact about this matter with the Prime Minister's office from the time PM&C became aware.

Mr Duggan: Yes. I'll have to take that on notice and get that back to you.

Senator WONG: Are they listening, your people? Is it one person or more?

Mr Duggan: There's a very small team that looks after infrastructure issues in PM&C. It may be up to three people who have interacted on this issue.

Senator WONG: Are they able to turn up? Are they here?

Mr Duggan: Mr Chisholm, who's the first assistant secretary for the division is here.

Senator WONG: Do you have a list of your contact with the Prime Minister's Office, Mr Chisholm, and those of your colleagues?

Mr Chisholm: As Mr Duggan has said—I'm coming to your point—following receipt of the embargoed copy, we provided advice to the office about the contents of the report. Subsequent to that time, I'm not aware of us providing additional advice—

Senator WONG: That's not his evidence. Hang on—

Mr Chisholm: Can I just continue my answer? It may be that, as part of regular discussions with the office—

Senator WONG: What do you mean 'it may be'? Please don't answer me in the conditional. Your deputy secretary's just given advice that you or your unit were in 'constant contact' with the Prime Minister's office in relation to developments on this case. So please don't give me an answer that is conditional, because that evidence has been given, unless you wish to correct it. What I'm asking you for as the responsible FAS—is that what you are?—

Mr Chisholm: That's correct.

Senator WONG: I would like the details, please, of that engagement. If you're not able to give me that now, I'd prefer not to have a long discussion about what you think 'may' have happened. I'd like to know what did happen.

CHAIR: Senator Wong, we have just hit half an hour. I will rotate the call soon.

Senator WONG: Sure. Is he going to come back to me?

Mr Chisholm: Yes.

Senator WONG: When can you come back to me?

Mr Chisholm: Today, straightaway.

CHAIR: Senator Siewert, are you seeking the call?

Senator SIEWERT: Not on this particular issue.

CHAIR: That's okay. I'm just going to rotate the call, so take the opportunity—

Senator WONG: He just wants me to stop talking for a while!

CHAIR: Senator Wong, that's so unfair! We all love to hear you talk!

Senator WONG: And I gave you chocolate last night too!

CHAIR: You did. That's true.

Senator WONG: That bribery didn't work, did it?

CHAIR: I'm impervious!

Senator Cormann: I hope you're declaring it!

Senator SIEWERT: I suspect you're going to tell me to go and ask somewhere else, which I will, but I specifically want to ask Prime Minister and Cabinet about the apparent appeal that's been taken to the AAT about national cabinet and whether PM&C will be represented at the AAT.

Ms Foster: I'll just ask Mr Reid, head of Government Division, to join me.

Senator SIEWERT: Thank you. Will the PM&C be represented at the AAT appeal?

Mr Reid: Senator, is this the matter that's been brought by Senator Patrick that you're referring to?

Senator SIEWERT: The matter that's been brought in terms of challenging whether confidentiality and the cabinet provisions apply to the national cabinet.

Mr Reid: There has been a claim lodged in the AAT, appealing a freedom of information request, and Prime Minister and Cabinet has engaged legal counsel on that matter.

Senator SIEWERT: Who's the legal counsel you've engaged?

Mr Reid: The Australian Government Solicitor.

Senator SIEWERT: Thank you. Has this matter, the claim that national cabinet has the same provisions as cabinet, been raised by the states and agreed to by the states and territories?

Ms Foster: National cabinet was established by agreement of all first ministers, and they agreed that they wished national cabinet to be established as a subcommittee of the federal cabinet with all of the same provisions applying to it.

Senator SIEWERT: Under what legal basis is that? Just them agreeing to it doesn't make it so.

Ms Foster: Senator, as you know, cabinet operates by longstanding convention, and this committee was formed by the agreement of all the members under those provisions.

Senator WONG: It doesn't operate under the same conventions. Don't say that when it's not true.

Senator SIEWERT: It can't do that.

Senator WONG: They're out there smashing each other publicly. Ministers generally don't do that. And it's not bound by consensus. Sorry, but I just think you shouldn't give evidence that's not correct. It might be the Prime Minister's line, but you should not give that evidence.

Ms Foster: I believe the evidence I just gave to be correct.

Senator WONG: It's not.

Senator SIEWERT: Did you actually get advice on that? Did you actually get advice on what you just said?

Senator WONG: It's a political line.

Senator SIEWERT: As much as they may wish it or you may wish it or the government may wish it, did you actually get advice that that is procedurally and legally correct?

Ms Foster: I was just making a statement of fact.

Senator WONG: No, it's a statement of opinion.

Senator SIEWERT: Yes, exactly.

CHAIR: Senators, don't interject while Ms Foster's answering.

Senator WONG: Chair, this is a prime ministerial media release. The officers should not say that. It does not abide by Westminster. It is not under the Westminster conventions.

CHAIR: Senator Wong, that's your view and you're entitled to put that, but please allow Ms Foster at least to put her—

Senator WONG: This is the deputy secretary of the central department. She ought not to use the Prime Minister's media release.

CHAIR: I would encourage you not to reflect on witnesses.

Senator WONG: I am reflecting, because—

CHAIR: Order! But, if you can't restrain yourself from doing that, at least allow them to finish their answers.

Senator WONG: Yes, fine.

CHAIR: Ms Foster, please complete your answer.

Ms Foster: I was making what I believe to be a statement of fact: that the first ministers agreed that they wished for the national cabinet to be established as a subcommittee of cabinet and they agreed that the principles of confidentiality would apply to their considerations.

Senator Cormann: It stands to reason that, for the same reason you have, under the Westminster conventions, cabinet confidentiality within the Australian government and within every state government to ensure that there can be appropriately robust exchanges of

views and information so that the best possible decisions are made, that requirement applies to the same extent to the national cabinet—

Senator WONG: It doesn't.

Senator Cormann: because we want to ensure that the national cabinet is in a position to have free-flowing, frank and robust conversations that lead to the best possible decisions on how to guide Australia through this one-in-100-year global pandemic and its implications for Australia.

Senator SIEWERT: I'll go back to my question. You may wish that, and the government may wish that, and you may think it's fact, but did you actually get legal advice that that is the case—that you can extend the provisions of cabinet to the national cabinet?

Ms Foster: The participants of national cabinet agreed that that's how they would handle material coming from that cabinet. As the members, they can agree that they will abide by those conventions.

Senator SIEWERT: That then entitles them not to claim—

Ms Foster: It's been established as a subcommittee of cabinet.

Senator SIEWERT: When did you learn of the AAT appeal?

Ms Foster: I wonder if Mr Reid can help me.

Mr Reid: I'll just get that date for you, Senator. It would have been the day it was filed. I'm just trying to find the file.

Senator SIEWERT: If you could, that would be great—thank you.

Mr Reid: It's 29 September.

Senator SIEWERT: Okay. There have been a number of requests for information made by a number of us, with confidentiality and cabinet deliberations used as excuses not to provide the information. What are the reasons for not enabling and answering questions, for example, from the Australian Health Protection Principal Committee? I always use that acronym the wrong way, so I thought I'd better spell it out!

Ms Foster: Where the AHPPC is responding to direct tasking from national cabinet or where it's preparing material for national cabinet consideration, we apply the cabinet confidentiality provisions. There's a lot of other work that the AHPPC does that continues on as it did before.

Senator SIEWERT: So are you saying that the broader community, including politicians other than government politicians, can get access to other information from that committee?

Ms Foster: Where the AHPPC determines that that's appropriate. They have their own mechanism for how they handle the material that they consider and create. I've been explicit about where the national cabinet provisions apply.

Senator SIEWERT: It seems to me that the provisions of cabinet have been applying to all of the COVID advice. Has there been a decision taken that—

Ms Foster: Senator, I was just very explicit about where it applies in relation to AHPPC, and it's where it is directly tasked by national cabinet or where it's preparing material for consideration of national cabinet.

Senator SIEWERT: That's where I was going. I heard what you said, which is why I was going to COVID-19, because it seems to me that provision of information on COVID-19 has not been available, for example, to the COVID committee. So my question is: is anything to do with the advice provided by them on COVID-19 now considered cabinet advice?

Ms Foster: Only in the circumstances that I've just specified.

Senator SIEWERT: How many times, then, has that been applied to anything that relates to their advice on COVID-19?

Ms Foster: I would have to take that level of detail on notice unless one of my colleagues can help me.

Senator SIEWERT: Can anybody help?

Ms Foster: I think the fact that no-one's appearing means no. We'll take it on notice.

Senator SIEWERT: Okay. Can you take that on notice, please.

Ms Foster: Sure.

Senator SIEWERT: That'll do for the time being. I'll come back.

Senator WONG: I have questions on the so-called national cabinet, which doesn't operate in accordance with the Westminster conventions of consensus and solidarity and where members appear to be able to just get into a full pitched political battle outside—but, anyway, I'll come back to that. I'm going back to the Leppington Triangle. Mr Duggan said you briefed the Prime Minister on two occasions, the preliminary advice on the 18th and then email advice including a summary on 20 September. You're coming back to me with what other discussions occurred. If you haven't got them, let's not get into a longer discussion until you have them.

Mr Chisholm: [inaudible]

Senator WONG: I appreciate that. Thank you. Mr Duggan, has the department prepared any question time briefs on the audit report or its aftermath?

Mr Duggan: I've commissioned from my team a full run through of all the information that we have and all the interactions that we've had with the Prime Minister and his office on this, including asking them when we provided question time briefing and updates to that briefing. It should be with us very soon.

Senator WONG: Should we come back to that? Just to confirm in all of that: the evidence is, and nobody is changing it at this point, that the first advice to PM&C about the referral to the Australian Federal Police that you believe anybody in the department was aware of it was when you spoke to Mr Atkinson on or about 9 October, in which he informed you of that fact?

Mr Duggan: That's correct.

Senator WONG: If anybody has any different evidence, perhaps they can ring a bell or something.

Mr Duggan: I've checked with my team in the intervening period. My team only became aware when it became public information.

Ms Foster: And I similarly have checked with government division and they did not know.

Senator WONG: Until it became public?

Ms Foster: That's correct.

Senator WONG: But Mr Duggan told you?

Ms Foster: Mr Atkinson actually told me in a conversation a few days ago.

Senator WONG: So not in his section 19 discussion with you?

Ms Foster: No. He did not know at that stage.

Senator WONG: It was made public on Friday but you knew before that, didn't you?

Ms Foster: Very shortly before, yes.

Senator WONG: What does 'very shortly before' mean?

Ms Foster: That's why I'm saying it was within the last few days, and so it's—

Senator WONG: Hours before or in the same week?

Ms Foster: In the same week.

Senator WONG: Do you have any knowledge of what evidence has been provided to the AFP, and has PM&C been asked to provide any information to the Australian Federal Police?

Mr Duggan: I have no engagement, no knowledge of any evidence being provided to the AFP by PM&C.

Senator WONG: When Mr Taylor forged a letter, the Prime Minister phoned the New South Wales police commissioner in relation to the investigation. Has the Prime Minister contacted the AFP commissioner about the Leppington Triangle referral?

Mr Duggan: Not to my knowledge.

Senator WONG: Has any member of the Prime Minister's office had any contact with the AFP?

Ms Foster: Not to our knowledge.

Senator WONG: Are you able to provide any response to that, Senator Cormann?

Senator Cormann: I don't have any visibility beyond what the department has just advised you.

Senator WONG: Did you have any role in the purchase, Senator Cormann?

Senator Cormann: No.

Senator WONG: When did you first hear about the purchase?

Senator Cormann: I became first aware of this on the day that the ANAO report was tabled, when the Department of Finance provided me with a briefing note about the ANAO report after it had been tabled and published.

Senator WONG: You became aware of the referral to the AFP after—

Senator Cormann: Sorry, you asked me when I first became aware of the purchase. That was the question I heard you ask. The first moment I became aware of the purchase was when the Department of Finance briefed me in relation to the ANAO report after it had been tabled in parliament and had been published by the ANAO, which was on 21 September.

Senator WONG: How did you become aware?

Senator Cormann: Of which?

Senator WONG: The first time.

Senator Cormann: I just said. The first time I became aware was through a briefing note from the Department of Finance after the ANAO report had been tabled.

Senator WONG: So there were no discussions with the Prime Minister's office or the Deputy Prime Minister's office?

Senator Cormann: With me? No.

Senator WONG: Do you know the owners, the Perich family?

Senator Cormann: No.

Senator WONG: We've had a lot of evidence about dates. I think it's a little confusing. Can I suggest we do this: there's the subsequent evidence from your group, Mr Duggan, about engagement with the PM's office after, but I actually just want to make sure we are really clear about the dates on which three officers from Prime Minister and cabinet became (a) aware of the content of the audit report and (b) learned of the AFP referral. Those officers are Mr Gaetjens, Ms Foster and yourself, Mr Duggan. Do you think after lunch we could just maybe table that or just make a statement about those three? The two things I want to know are: when did the following officers (a) learn of the contents of the audit report and (b) learn of the AFP referral? Gaetjens, Foster and Duggan.

Ms Foster: I can give you two of those dates now. Both Mr Gaetjens and I learnt of the content of the report when the embargoed report was delivered, which was on the 17th.

Senator WONG: And the AFP referral?

Ms Foster: The AFP referral we'll have to find out. I think Mr Duggan has indicated that he told Mr Gaetjens. We'll find out as precisely as we can.

Senator WONG: Okay. They're the two pieces of information. In addition, we're looking at what advice has been provided to the Prime Minister's office which you've commissioned. Senator Cormann, have you ever met with any of the landholders concerned with the development of Western Sydney airport and its surrounds?

Senator Cormann: No.

Senator WONG: Any of your office?

Senator Cormann: I don't believe so but I'm happy to take that on notice just to make sure. I'd be very surprised

Senator WONG: I assume as Minister for Finance you do have concerns about the purchase?

Senator Cormann: Clearly. That is why there are a whole range of inquiries and processes underway now. You'd be aware that the ANAO report did not direct any recommendations at Finance. You'd also be aware from your line of questioning and the answers provided by Mr Atkinson yesterday that the Department of Finance's involvement at the beginning of this process was focused on compulsory acquisition as the appropriate way to pursue the securing of this particular asset for the Commonwealth. It was a decision made within the department of infrastructure to vary that without reference back to the Department of Finance. That is why there are various processes now underway to get to the bottom of what happened, and that is appropriate. On the face of it it's very concerning what has

happened here, which is why we need to ensure that we get to the bottom of precisely what has happened.

Senator WONG: So you don't share the Deputy Prime Minister's view that taxpayers got a bargain?

Senator Cormann: I'm not going to provide commentary. Clearly—

Senator WONG: I'm asking if that's the government's view.

Senator Cormann: I'm not going to provide commentary.

Senator WONG: It's not commentary.

Senator Cormann: My position is that the initial acquisition strategy as per the engagement with Finance to pursue compulsory acquisition should have continued to be pursued, and if there was a variation to that there should have been further consultation and engagement within government at that point rather than for the decision to be made, as it appears to have been made. But I don't want to really go any further into this, because there are processes underway now that obviously need to be allowed to take their course.

Senator WONG: I'm not asking for commentary. You're representing the Prime Minister. The Deputy Prime Minister has made a—

Senator Cormann: You were asking me as Minister for Finance, actually.

Senator WONG: I'm asking you as the Minister representing the Prime Minister. Is the Deputy Prime Minister's assertion that taxpayers got a 'bargain' in this purchase the position of the government?

Senator Cormann: I'm not aware of the basis on which the Deputy Prime Minister made that comment, but I'm also aware that Mr Atkinson yesterday indicated that, based on past experience, compulsory acquisition can also end up being quite expensive. We don't know what the exposure of the Commonwealth would have been in the alternative scenario down the track, but there are processes underway now that will get to the bottom of what happened and what the implications and the responses should be.

Senator WONG: We can have a discussion with Finance about this, Senator Cormann, but that line of argument that you just ran was actually rebutted by the Auditor-General's report—that is, to inflate evaluation—

Senator Cormann: I'm not running a line of argument.

Senator WONG: No, let me explain. Let me finish. To justify an inflated valuation on the basis that there might have been more should you have gone down the compulsory acquisition route was specifically rebutted by the Auditor-General.

Senator Cormann: I'm not justifying it at all. I'm just indicating to you that my view is that the initial acquisition strategy should have been followed through—compulsory acquisition—and that if there was a view within the department of infrastructure that this ought to be adjusted then there should have been reference back and further consultation within government, including with Finance, which I'm led to believe did not occur. But there are processes underway now to get to the bottom of it.

Senator WONG: It's a simple question. You represent the Prime Minister. Is the Deputy Prime Minister's statement that it was a bargain a position of the government?

Senator Cormann: I will let the processes that are currently underway take their course.

Senator WONG: Does the Deputy Prime Minister's statement represent the position of the government?

Senator Cormann: The position of the government is that there are now a whole series of processes that need to be allowed to take their course to get to the bottom of what happened and why.

Senator WONG: Given this and a whole range of other matters, the government's commitment to legislate an integrity commission becomes even more relevant. Some eight months ago, Mr Porter told the parliament that the government's national integrity commission legislation was 'very well advanced' and ran to 350 pages. Has anyone from PM&C seen this 350 pages of legislation?

Mr Reid: Was the question: have we seen the draft legislation?

Senator WONG: Yes.

Mr Reid: Yes, we have.

Senator WONG: Was an interdepartmental body—an IDC or equivalent—formed to do the work on an integrity commission?

Mr Reid: I can't now recall what it was called. There was certainly a lot of interagency and interdepartmental work on that project.

Senator WONG: I'm sorry; I was distracted. Could you answer that again.

Mr Reid: I can't recall what it was called or whether it was formally titled an IDC or anything like that, but there was a lot of interdepartmental work, including with PM&C.

Senator WONG: Can you tell me who was involved in this body that doesn't have a name? Shall we call it a working group? I just want to reference the collective. What would you like me to use?

Mr Reid: I certainly think there were a series of interdepartmental meetings.

Senator WONG: Okay. Not just bilateral but a group coming together from various portfolios?

Mr Reid: I would have to take on notice who and when.

Senator WONG: Okay. Approximately when?

Mr Reid: Through 2019.

Senator WONG: So that's post the election, presumably, in 2019—or pre as well?

Mr Reid: Again, I'd need to take that on notice. I don't have in my papers dates of when various meetings were held in the development of the legislation.

Senator WONG: Were you the officer from PM&C who had primary carriage of it?

Mr Reid: Certainly my division, yes.

Senator WONG: Again, people can't tell me. On this, I'm not actually going to ask you for precise dates; perhaps on notice you can do that. I'm just trying to get a sense of how long this has been going. Is it your evidence that this interdepartmental process commenced prior to the 2019 election?

Mr Reid: Yes.

Senator WONG: Thank you. And it continued thereafter?

Mr Reid: Yes.

Senator WONG: And it has now concluded?

Mr Reid: We haven't met as a group for some time.

Senator WONG: 'Some time' meaning this year?

Mr Reid: There may have been a meeting very early in the year.

Senator WONG: Okay.

Senator Cormann: And then, of course, we were hit by the COVID pandemic.

Senator WONG: That's the government's line.

Senator Cormann: Well, the parliament had two one-day meetings in crisis circumstances.

Senator WONG: You actually ran out—

Senator Cormann: The budget was deferred from May to October.

Senator WONG: You ran out of legislation in the Senate—ha, ha!

Senator Cormann: You know that there were difficulties in getting people to Australia as the crisis initially hit.

Senator WONG: Don't wrap yourself—

CHAIR: I'm not sure it's funny. It wasn't at the time.

Senator WONG: Come on! Please don't make that assertion.

CHAIR: You're laughing.

Senator WONG: People died.

CHAIR: Yes, and you're—

Senator WONG: My point is that the government are using a line two years after it promised an integrity commission—

Senator Cormann: It's not a line.

Senator WONG: that the parliament hasn't met, when Senator Cormann has run out of business in the Senate—

Senator Cormann: That's not true.

Senator WONG: It is true, and we've got 350 pages of legislation which still hasn't been introduced. Yes, I think that is laughable in the face of the sort of corruption, or potential corruption, that we have just been discussing.

CHAIR: Okay. Well, let's all try our comedy acts elsewhere another time and get back to some questions.

Senator WONG: Okay. Can we just go back to the process. This process of interdepartmental meetings which occurred last year resulted in legislation being drafted—correct?

Mr Reid: Initially they resulted in the discussion paper which was released in December 2018 by the Attorney-General.

Senator WONG: So these meetings must have occurred in 2018.

Mr Reid: Yes.

Senator WONG: So we've been going for a couple of years now.

Mr Reid: Since the announcement by the government, yes.

Senator WONG: When was that again? It's hard to remember, isn't it? It's so long ago!

Mr Reid: I don't have a date here. The Attorney-General's Department obviously have been running this matter since then. They'd have the detail on dates and specifics.

Senator WONG: Please don't try and do that to me. You're PM&C. I can ask questions about your involvement, okay? So was it sometime in 2018 that the government made their announcement?

Ms Foster: We'll follow up and get the dates.

Senator WONG: Okay. So you have meetings. You have a discussion paper in December 2018. The government goes to an election with a commitment to legislate a national integrity commission. That group, post the discussion, is responsible for consultation or engages in consultation about the discussion paper of an anticorruption body or an integrity. That group then engages in consultation about the legislation—correct?

Mr Reid: Yes.

Senator WONG: And you were engaged in that?

Mr Reid: PM&C were engaged in that.

Senator WONG: And you saw a copy of the draft bill?

Mr Reid: Yes.

Senator WONG: When did you see the copy of the draft bill? Before Christmas last year?

Mr Reid: I'd have to remind myself, but I suspect the answer is yes.

Senator WONG: Okay. Can you provide me on notice with not only the dates of the meetings but also information on this task force or working group—who it was chaired by, what the membership is and how often it's met?

Mr Reid: It was certainly led by the Attorney-General's Department.

Senator WONG: Yes. I'd like to know when you attended, then. You must know.

Mr Reid: Sorry, Senator?

Senator WONG: I'd like to know the meetings and when you attended and so forth.

Mr Reid: Certainly.

Senator WONG: Thank you. So you saw a draft bill almost a year ago, potentially.

Mr Reid: Yes.

Senator Cormann: If it hadn't been for the COVID pandemic earlier this year, this would have been dealt with. But we have had to deal with the COVID pandemic, and so we have had to reprioritise this year what we deal with first.

Senator WONG: I just don't accept that.

Senator Cormann: But we remain committed to it and we will progress it.

Senator WONG: You have had speedy passage through the parliament of every piece of COVID legislation. You had remarkably speedy passage of your budget, which was passed on the Friday after the budget was presented.

Senator Cormann: That was very good. I thank you for that.

Senator WONG: Yes, but my point is that this excuse for the continued delay of an anticorruption body has worn thin. You've had hours in the parliament where you had to filibuster your own legislation because you haven't had—

Senator Cormann: I completely reject that.

Senator WONG: I'm happy to provide information about that to anybody who's interested. You haven't had legislation to occupy the Senate's time. So to come in and say, 'You know that promise we made two years ago for an anticorruption body, which we haven't acted on? Oh, it's all because of the pandemic,' I think is in pretty poor taste, actually. So when is it going to be introduced?

Senator Cormann: As soon as it's ready.

Senator WONG: Is it not ready?

Senator Cormann: Let me just say that you would be aware that Australia's consistently ranked as one of the best-performing countries when it comes to making sure that appropriate measures against corruption are in place. In the context of the example that you're raising now, when the processes have identified the concern, appropriate inquiries, including law enforcement inquiries, are now underway. It's not as if—

Senator Cormann: You have a cabinet minister whose office forged a letter and who's still sitting in the cabinet. Don't give us a lecture.

Senator Cormann: Hang on. I think you're lucky that you were talking under parliamentary privilege here. I reject that proposition.

Senator WONG: Absolutely. He has never explained why.

Senator Cormann: You are lucky that you are talking under parliamentary privilege.

Senator WONG: He would not have survived—he would not have got away with it as easily as he has—if he had been a Senate minister and had to answer questions as you are doing now. Is the bill finalised as far as PM&C are aware?

Mr Reid: As far as PM&C is aware, the bill is with the Attorney-General and will be released as the minister—

Senator WONG: And has been since when?

Mr Reid: I'm not sure.

Senator WONG: You saw a draft bill prior to Christmas. Has anything happened since you saw that?

Mr Reid: I'd have to check the last time we provided any comments on a draft bill or draft legislation.

Senator WONG: Okay. Can you do that?

Mr Reid: Yes.

Senator WONG: Later today?

Mr Reid: Yes.

Senator WONG: Thank you. Will legislation introducing a national integrity commission be introduced this year?

Senator Cormann: I'm happy to take on notice whether I can be more helpful and indicate a specific timetable, but, of course, the final endorsement of any final proposal is subject to the deliberation of cabinet at the appropriate time on the recommendation of the Attorney-General. When the government is in a position to make a final decision, then that will be part of the relevant announcement arrangements at the time.

Senator WONG: Can you tell us why it's taking so long? Why are you dragging your feet on this?

Senator Cormann: We're not dragging our feet on this.

Senator WONG: Hang on. You are.

Senator Cormann: I completely reject that proposition. We have reprioritised in the context of dealing with a one-in-100-year pandemic.

Senator WONG: No.

Senator Cormann: The efforts of government—

Senator WONG: Stop saying that. That's not right.

Senator Cormann: It's true. I happen to be inside the government—

Senator WONG: You started this in 2018. The pandemic has been here since early 2020. There was the 2018 public announcement and discussion paper. You've had all of 2019, and then—

Senator Cormann: In 2019 there was an election, as you know.

Senator WONG: Yes, I agree.

Senator Cormann: Although I would again point out you've had parliamentary time you haven't been able to use and you still have not even introduced the bill you promised.

Senator Cormann: It would've been released as a draft piece of legislation earlier this year, if it hadn't been for the pandemic, but I'm sure the Attorney-General will act as swiftly as he possibly can.

Senator WONG: Will you legislate this term?

Senator Cormann: I'm sure that this will be legislated as soon as possible, and it will be subject, obviously, to a final decision by cabinet.

Senator WONG: So that hasn't gone to cabinet yet.

Senator Cormann: I said that it will be subject to a final decision by cabinet.

Senator WONG: So the cabinet hasn't signed off on the final version?

Senator Cormann: It will be subject to a final decision by cabinet at the appropriate time.

Senator WONG: Wow. I have to say that people looking at this might think you might be dragging your feet deliberately.

Senator Cormann: I'll leave the commentary to you. I think any reasonable person around Australia knows the government has been focused on dealing with what has been a

massive, unprecedented challenge to ensure that we could guide Australia through this period in the best possible way.

Senator WONG: Cloaking yourself in this when answering these questions, again, I think is in very poor taste. The reality is that you've been sitting on this for two years.

Senator Cormann: I'm just making a statement of fact.

Senator WONG: It is an assertion to justify a delay which has gone on far longer than the pandemic and in a context where you had plenty of parliamentary time. I look forward to finding out when cabinet actually decides it's going to do it, as per your commitment two years ago. We look forward to seeing a draft bill. I note there will now be a draft bill for consultation before we even get to the legislation being introduced by parliament.

CHAIR: Do I detect you moving onto another issue?

Senator WONG: Yes. I want to talk about corruption or potential corruption and the investigation into Ministers Sukkar and Andrews.

Senator Cormann: Before we move on, I can confirm that none of my staff have had any meetings with any relevant landholders.

Senator WONG: We'll ask questions of the Department of Finance regarding two separate investigations as to the conduct of Mr Sukkar and Mr Andrews and the allegations which were aired extensively in 60 Minutes that they directed taxpayer funded electorate staff to conduct branch stacking activities within the Liberal Party. Has anyone in the Department of the Prime Minister and Cabinet received a copy of these investigation reports into the conduct of Mr Sukkar and Mr Andrews?

Ms Foster: No.

Senator WONG: No-one in PM&C has seen it?

Ms Foster: No, and nor would I expect us to.

Senator WONG: Well the Prime Minister is relying on them to justify not doing anything after he demanded that the opposition do something about branch stacking activities, so I'm interested as to whether his department has seen them and provided any advice?

Ms Foster: And the answer is no.

Senator Cormann: Let me just make a point here that I'm sure you'd appreciate. I am the Special Minister of State, and, irrespective of the political persuasion of any member or senator that is subject to this sort of investigation, which is conducted at arm's length from the government of the day, it is dealt with with a completely straight bat and at arm's length from executive government. It would be entirely inappropriate, irrespective of the political persuasion of the relevant member of parliament involved, for executive government to be circulating these sorts of reports on this basis.

Senator WONG: And you have been. I think there is a distinction between the mudslinging on politicians' travel and so forth, which is within the guidelines and might otherwise have media interest—and I understand your point about political engagement on that. But this is a very different allegation. This is an allegation that taxpayer funds were used to employ people not for the purposes of servicing constituents or dealing with policy issues or electorate issues but to conduct a branch stacking exercise in order to expand Mr Sukkar's and Mr Andrews's power within the Liberal Party branch. That's a very different allegation.

Senator Cormann: You're repeating allegations—

Senator WONG: No, no—

Senator Cormann: Let me respond to this directly. You asked about what report the Prime Minister's department may have had access to. What the Prime Minister's department had access to and what everyone had access to is an official statement from the Department of Finance after they engaged an independent reviewer to assess the allegations. The review came back with some findings, and the Department of Finance published a statement on their website clearly explaining that no further investigation was warranted and that, essentially, those two members of parliament were cleared of any allegations of wrongdoing.

Senator WONG: I don't think that's right, but anyway. But the ministerial standards are the Prime Minister's ministerial standards, and the secretary of PM&C has a role in relation to the Statement of Ministerial Standards. Correct?

Ms Foster: That's correct.

Senator WONG: Did Mr Morrison request any advice about whether or not the conduct of Mr Sukkar that was outlined in the media reports created concerns or constituted a potential breach of the Statement of Ministerial Standards?

Ms Foster: No, he did not.

Senator WONG: No. He didn't, did he.

Ms Foster: Because there was a process, which Minister Cormann described, going on within the Department of Finance.

Senator WONG: Has anyone from the department looked at the Department of Finance report or any of the evidence to determine if there may have been a breach of the ministerial standards?

Ms Foster: As you're aware, the department doesn't have an own-motion capability.

Senator WONG: You've not been asked to?

Senator Cormann: The Department of Finance issued a statement which—

Senator WONG: Let me just finish.

Ms Foster: We have not been asked to, and that's the only basis on which we could conduct such an investigation.

Senator WONG: So the Prime Minister has not asked the department to consider whether any of the public allegations against Mr Sukkar constitute potential breaches of the Statement of Ministerial Standards.

Ms Foster: That's correct.

Senator WONG: Has the Governance Committee of cabinet considered Mr Sukkar's conduct?

Senator Cormann: You're now going to the deliberative processes of cabinet, and I'm sure you're aware that that is not something you can ask us about.

Senator WONG: Do any members of the Governance Committee of cabinet watch *60 Minutes*?

Senator Cormann: I'm happy to take that question on notice.

Senator WONG: Did you?

Senator Cormann: Yes, I did, actually.

Senator WONG: Did you have any concerns about the conduct of a minister?

Senator Cormann: I know how things can be presented in the media. That's why you have an independent review by an independent reviewer, conducted at arm's length from the government.

Senator WONG: There was a public disclosure by members of the Liberal Party about Mr Sukkar's activities. Are you telling me that you, as Minister for Finance and a member of the Governance Committee, had no concerns when you watched that program?

Senator Cormann: I have the same approach to this as I would with any other member of parliament, and that is for the relevant assessment and reviews of what has and hasn't been done in the exercise of parliamentary duties to be done independently and in a non-partisan, non-political fashion. Whether it is Green, Labor, National or Liberal, that is the same approach that I would take on any such occasion. I understand that, at various times in the political process, allegations are thrown around, and that's why I support—

Senator WONG: They're thrown out by your own side.

Senator Cormann: That's why it's important to have independent review processes, and an independent review was conducted, and the conclusions were published by the finance department on their website.

Senator WONG: . Has the Prime Minister been provided with a copy of the investigation report?

Senator Cormann: I think you've already asked that question.

Senator WONG: No, I asked if PM&C had been provided with it.

Senator Cormann: I have not seen anything else other than the statement that Finance has published on the departmental website, which is the normal process.

Senator WONG: Has the Prime Minister been provided, for the purposes of—

Senator Cormann: I don't believe so. I wouldn't have thought so. I haven't been, so I don't think that he would.

Senator WONG: This matter goes to a minister and a member of the Prime Minister's team. The standard he has set in relation to allegations against Labor Party members was that this was a test of Mr Albanese's leadership. So I'm asking whether or not the Prime Minister has informed himself by looking at the reports of the investigation undertaken by the finance department.

Senator Cormann: The Prime Minister, appropriately, is aware of the statement that was issued by the Department of Finance after an independent, arms-length investigation that was commissioned by the Department of Finance.

CHAIR: Senator Wong, that's time.

Senator WONG: I can come back to this, but I can finish this matter reasonably quickly.

CHAIR: Okay.

Senator WONG: Just to confirm: the Prime Minister has not requested a briefing from PM&C about the investigation reports?

Ms Foster: That's correct.

Senator WONG: And you've not been asked to obtain any briefing or information from Finance for the Prime Minister's consideration?

Ms Foster: That's correct.

Senator WONG: So he's happy not to look at it?

Senator Cormann: He's seen the statement of the Department of Finance, which settles the matter.

Senator WONG: Right. I'm just confirming—I think this is right—that the Prime Minister has not asked the secretary of PM&C to conduct any investigation into or consideration of whether there's been a breach of the ministerial standards by Michael Sukkar.

Ms Foster: That's correct.

Senator WONG: Was anyone from PM&C interviewed in the conduct of these investigations?

Ms Foster: Not to my knowledge, and I think I would know if they had been.

Senator WONG: You'll confirm that on notice, then?

Ms Foster: Sure.

Senator WONG: Or you'll correct that, if that's incorrect. In the conduct of the Department of Finance investigations, was anyone from the Prime Minister's office interviewed?

Ms Foster: I don't know.

Senator WONG: Senator Cormann?

Senator Cormann: I'm not aware, and I don't know why they would have been, but I'm happy to take it on notice.

Senator WONG: One of the people concerned is a minister. This goes to ministerial standards. So there are two issues here—well, there are many issues, but there are two issues here. This reminds us why we need the integrity commission that's been promised for two years. But one issue is whether or not the guidelines that apply to the use of parliamentary—they're no longer called 'entitlements'—

Senator Cormann: Work expenses.

Senator WONG: Work expenses—sorry. The issue is whether the guidelines have been breached or not—whether the conduct's consistent. But then there is a secondary issue, which is the high standard that ministers are expected to adhere to. I'm asking whether or not anybody in the Prime Minister's office has turned their mind to, or whether the Prime Minister has turned his mind to, whether or not Mr Sukkar's conduct is conduct that is consistent with the ministerial standards.

Senator Cormann: The Prime Minister retains full confidence in Minister Sukkar.

Senator WONG: That wasn't my question.

Senator Cormann: Well, that's the answer. I'm not aware of what is on the mind of individual people in the Prime Minister's office. If you want me, on notice, to ask for—

Senator WONG: Okay. I'd like to know whether or not they had any engagement in the investigation. But I do want to know this—

Senator Cormann: Sorry, that's why I've got a difficulty. I've got to pause you here. The investigation was an investigation commissioned by the Department of Finance in relation to allegations in relation to work expense arrangements. The Department of Finance did not commission any investigation in relation to matters related to the ministerial standards.

Senator WONG: Yes, there's been no investigation in relation to ministerial standards?

Senator Cormann: And the findings out of the independent review commissioned by Finance are there for all to see. That clears the matter up, and there is nothing else, really, to consider from here.

Senator WONG: Nothing to see here! Okay. I'm going to ask a final question. I appreciate, Chair, that you've given me some latitude. Can you please give me an answer to this question: does the Prime Minister consider that Mr Sukkar's conduct has been entirely consistent with his own ministerial standards?

Senator Cormann: The Prime Minister has full confidence in Minister Sukkar.

Senator WONG: No, I'm asking you to take on notice that question, not just give me a Mathias Cormann answer.

Senator Cormann: That's not a Mathias Cormann answer. That is a government answer.

Senator WONG: It is—'full confidence'. I want to know: does the Prime Minister consider that Mr Sukkar's conduct is consistent with the ministerial standards.

Senator Cormann: The answer to that question is yes.

Senator WONG: Thank you.

Senator Cormann: But I'm happy to take it on notice if you want to get further information on that.

Senator WONG: Thank you.

Ms Foster: Mr Reid has one date that he wishes to correct.

CHAIR: Please.

Mr Reid: Very briefly: I was asked before by Senator Siewert when we first became aware of the AAT proceeding that was initiated, and I said it was 28 September. I misread my brief. I'm sorry. It was 29 September.

Senator SIEWERT: Thank you.

CHAIR: The committee will break. When we come back, I've agreed to offer the call to Senator Waters and Senator Rice, who are juggling other committees and will ask their questions then.

Proceedings suspended from 12:35 to 13:41

CHAIR: The committee will now resume. Ms Foster, you have an update?

Ms Foster: I just want to correct the record. Mr Reid, just before the break, said that he wanted to correct a date. He said that he had become aware of the AAT appeal on the 29th.

He then corrected the record to say, 'Actually, I meant the 29th.' What he meant was the 28th, so the correct date is the 28th.

CHAIR: Okay. We'll forgive him. Senator Rice, you have the call.

Senator RICE: Thank you. I want to ask about the Gaetjens report into the community sports infrastructure grants—the sports rorts. I just want to confirm a few dates in relation to the Gaetjens report. I understand the Prime Minister's office told the secretary on 17 January this year that they wanted the report—is that correct?

Ms Foster: I'm sorry, Senator: on 17 January that—

Senator RICE: The Prime Minister's office told Mr Gaetjens that he wanted a report into the community sports infrastructure grants.

Ms Foster: That's correct. The secretary received oral advice on the 17th that the Prime Minister was writing to him. He received that letter on Monday 20 January, dated 17 January.

Senator RICE: Right. And then the secretary wrote two letters to then Minister McKenzie, on the 22nd and the 24th?

Ms Foster: That is correct.

Senator RICE: And then on the 28th the secretary spoke to the Audit Office asking about evidence?

Ms Foster: On 28 January, Mr Gaetjens contacted Mr Hehir requesting access to the spreadsheets that Mr Hehir had referenced at paragraph 3.20 in his report.

Senator RICE: We've learnt that there was a meeting between then Minister McKenzie and the Prime Minister, in November 2018, about seeking extra funding for the program. How did you learn about that meeting?

Senator Cormann: Firstly, any decision in relation to funding allocations for the program would have been a decision made through the deliberative processes of cabinet, specifically by the Expenditure Review Committee.

Senator RICE: With all due respect, Minister, that wasn't my question. My question was: when did the department learn about the meeting between the Prime Minister and Minister McKenzie?

Senator Cormann: The point is you are going to the deliberative processes of cabinet. That's the point I'm making.

Senator RICE: Well, my question is very straightforward. It's: when did PM&C learn about the meeting between the Prime Minister and Minister McKenzie?

Ms Foster: I was just checking with my staff to make sure that my memory was correct. We first learnt of that through the ANAO evidence to the committee.

Senator RICE: Okay. So you didn't know about it?

Ms Foster: That's correct, Senator.

Senator RICE: When did you get a copy of the documents from the Department of Health?

Ms Foster: I'm just looking at my time line. I requested the Department of Health to provide submissions that had been lodged by Sport Australia in respect of each round on the 28th. They were provided later that day.

Senator RICE: Did that include the document titled 'TPs for meeting with the PM'?

Ms Foster: No, it didn't. They were the formal submissions going forward from Sport Australia, and I think in some cases also the Minister's responses to those, and so they were formal briefs with spreadsheets attached.

Senator RICE: When did you get a copy, or did you get a copy, of that document, the talking points for meeting with the PM?

Ms Foster: We had access to what was known as the adviser spreadsheet, which was referred to in the ANAO report at para 320, via the Department of Health after Senator McKenzie gave her agreement for us to access records of her staff—so we just had to go through that process. That spreadsheet also had a Word document. I don't remember the title that you just gave me. What I remember is that it was a potential briefing note for further consideration of the grants program, but I'm pretty confident that we're talking about the same document.

Senator RICE: I'm pretty confident we are as well. The ANAO in their evidence to the sports sports inquiry identified it as a document entitlement 'talking points for meeting with the PM'. Can you repeat when you got a copy of that?

Ms Foster: It was Thursday 30 January.

Senator RICE: So your evidence is that you didn't know about the meeting between Minister McKenzie and the Prime Minister in November 2018?

Ms Foster: That's correct.

Senator RICE: Nor did you have a copy of that talking points document before that meeting?

Ms Foster: That's correct.

Senator RICE: Thank you. That's the evidence of the department. Do you know whether the secretary would have had that document?

Ms Foster: I'm speaking on the secretary's behalf also. There was a letter that former Minister McKenzie wrote to the Prime Minister in late 2018 after that meeting seeking an expansion of funding for the Community Sport Infrastructure Grant Program. Were the department and the secretary aware of that letter before the Gaetjens inquiry?

Ms Foster: I don't believe so but I'd need to check that to make sure that the answer is accurate.

Senator RICE: Why do you feel that you don't believe so, then?

Ms Foster: Because, until Mr Gaetjens was asked by the Prime Minister to inquire into whether or not there was a potential breach of the ministerial standards, we had not had involvement with the sports grant program. It was being run in a different portfolio with no reference to us. So I can't imagine how we would have had access to that. But, being unable to confirm that absolutely, I'd like to double-check.

Senator RICE: Okay. There was a further letter after the meeting between minister McKenzie and the Prime Minister on 10 December confirming that the meeting had taken place, extra funding was being provided and it was going to be a \$100 million program. Was the department aware of that letter?

Ms Foster: No. I'd like to go back to your earlier question. I was correct to say that we received the adviser spreadsheet and the accompanying four-page document on 30 January, but in fact I was just testing my memory. I believe that former Minister McKenzie's chief of staff at the time that we were doing the inquiry had forwarded us that document a couple of days earlier. I'm just having my staff check that and we'll come back and confirm that with you. We were asking him about those issues in the report. He had been able to identify, from memory, the document but not the attached spreadsheet. So it's possible that we had the document a few days before the date I've given you, and I'll confirm that as soon as I can.

Senator RICE: In either case, it was before the secretary's meeting with the Prime Minister on 31 January?

Ms Foster: That's correct.

Senator RICE: The talking points document basically outlined what would be available under a \$30 million program and what would be available under a \$100 million program, and laid out an electoral analysis. The secretary had that information before that meeting with the Prime Minister on 31 December?

Ms Foster: That's correct in a chronological sense, but I should also note that we had asked questions of Minister McKenzie's office about the status of those documents and had been advised that the documents did not form part of the decision-making but in fact had been prepared for a discussion around potential budget, and the minister confirmed that to Mr Gaetjens.

Senator RICE: The minister confirmed that. However we've got evidence that there was a meeting between then Minister McKenzie and the Prime Minister. There was the talking points document that was prepared for that meeting. After the meeting, the program was expanded to \$100 million. All those bits of evidence had a very clear link with the electoral analysis of which electorates would benefit from an increase in the program. Basically, the secretary got a piece of crucial evidence linking the Prime Minister to the whole sports rorts affair and met with him the day before finalising his report, but neither the secretary nor the Prime Minister say that the Prime Minister has any role.

Senator Cormann: I have to correct a few assertions here. I completely reject that characterisation, incidentally. There are two key points that I need to remind everyone of. Point No. 1 is that the final decision-maker has been clearly established consistently now. It was Senator McKenzie as the then Minister for Sport. The second point is that, as a result of the minister appropriately exercising her ministerial discretion, the proportion of funding going into non-government-held electorates increased compared to the initial recommendations made by the relevant agencies. The minister, by exercising her discretion, actually ensured that there was an increased proportion of funding going into electorates that were not held by the government.

Ms Foster: Senator, if I could add, the dates that you put together are information that is available to you now but were not available to the secretary at the time. So he did not know of

the meeting. The description that he had had of the four-page Word document was that it was a potential briefing note for further consideration of the grants program, that it had never formed the basis for decisions as part of the program and that it had never been seen by the minister outside of the excerpt contained in the ANAO report. On the evidence from the adviser who prepared the document, in her interview with the ANAO, she said, 'It was a draft, internal working document used to work through some potential thinking about the program, but never enacted upon.'

Senator Cormann: 'Never enacted upon'.

Ms Foster: She made this claim repeatedly. That was the information that was available to Mr Gaetjens.

Senator RICE: So what you want us to believe is that the minister had a meeting with the Prime Minister. Having had a briefing, we've got an adviser that prepared what has now been called 'draft, never enacted upon, talking points' documents. But surely the minister would have been briefed prior to that meeting with the Prime Minister. We have evidence from that talking points document that was the basis of the briefings. There was an electoral filter being given, and discussions with the Prime Minister had that electoral filter on it through the basis of the briefing.

Ms Foster: No—

Senator Cormann: You can't make that assertion.

CHAIR: Sorry, Minister and Ms Foster. Can I quickly intercede? I've been looking for an opportunity to do this. Senator Rice, I had an indication that you needed about 10 minutes. You've had about 15, and you are sharing your time with Senator Waters. I just want to make you aware of that.

Senator RICE: I'm aware that I need to hand over to Senator Waters, but I think it is amazing that we are now being—

Senator Cormann: You can't make the assertion that you've just made. There are a range of different elements here, but, firstly, it is clearly established that the final decision-maker in relation to the allocation of grants was Senator McKenzie.

Senator RICE: It would be extremely—

Senator Cormann: It's also clearly established as a matter of fact that the proportion of funding going into, in particular, Labor held electorates went up as a result of her exercise of her discretion.

Senator RICE: With all due respect, we're running out of time. I don't need you to give me your talking points on this.

Senator Cormann: There is nothing unusual about the fact that there was engagement between the Prime Minister of the day and one of his ministers in relation to representations received from colleagues and/or logistics around announcement arrangements. That has been our consistent position, and we stand by that position.

Ms Foster: Senator, I also wanted to make the point that—

Senator RICE: I'm now going to hand over to Senator Waters.

Senator Cormann: I think the officer has just got a final comment to make.

CHAIR: Yes—Ms Foster?

Ms Foster: Senator, what I can tell you about is what information Mr Gaetjens had available to him, and it does not equate with the range of information that you have compiled and put to the Senate inquiry today. I just want it to be clear that we have to remember what Mr Gaetjens had in front of him at the time that he was writing his report.

Senator RICE: I'm grateful, Ms Foster, that you have laid out how that evidence was described by Mr Gaetjens, and I think the Australian public can make their judgement.

Senator WATERS: Hi, again, folks. I've got a few issues to go through, starting off with the ANAO. The Auditor-General wrote to the PM requesting that ANAO funding be increased to allow the office to meet its target of 48 performance audits per year, noting, 'Without more funding, its audit capacity would reduce by 20 per cent over the forwards.' I understand that that request was supported by the Joint Committee of Public Accounts and Audit, but the budget did not increase its funding. Did the Prime Minister consider the letter from the Auditor-General as part of the budget process?

Senator Cormann: The budget process, of course, considers all of the submissions that are made by various agencies. Clearly, in the context of this budget, there were some pretty significant fiscal pressures. I can confirm that, through the budget process, all relevant representations were considered. Decisions were made, and the decisions are reflected in the budget.

Senator WATERS: The Auditor-General told us last night that he had not received a response to his letter to the Prime Minister. Is it normal practice for the Prime Minister not to respond to a direct request from an agency?

Senator Cormann: I'll check the specifics, but the way the budget process works is that representations are made for additional funding from right across government and right across relevant agencies, and the response, in terms of the decisions that the government has made through the budget process, is, of course, reflected in the budget.

Senator WATERS: But is it normal for the PM to not respond to correspondence from an agency?

Senator Cormann: The Prime Minister responds to correspondence from agencies, but it depends a bit on the context and the purpose. Submissions are made in the context of the budget process, and, clearly, it would be highly unusual for there to be a running series of letters going back and forth in the context of budget deliberations. We receive the input, we receive advice from a range of sources, we make decisions and those decisions are reflected in Budget Paper No. 2.

Ms Foster: I was just going to make a similar point. The standard process is: as you know, a submission is lodged into the budget process, and the response is the budget decision. And so the fact that there's an additional letter making a representation is somewhat to the side.

Senator WATERS: Thank you. What was the justification for refusing the ANAO's request for additional resources?

Senator Cormann: I've answered that in my first answer. In this budget, we had to deal with some very serious fiscal pressures, and we had to make decisions on the appropriate prioritisation in the context of some of those pressures. But, as the Auditor-General also

confirmed yesterday in response to some questions by Senator Scarr, the suggestion somehow that there's been a cut to the ANAO budget is false. I think he was quite explicit in relation to that. I'm just reading here now from the *Hansard*—

Senator WATERS: I don't need to recap last night. I was here to hear that initially—

Senator Cormann: Senator Scarr asked, 'the reality is that there was no cuts across the forward estimates from your perspective?' and the Auditor-General, Mr Hehir, said, 'That's correct'—

Senator WATERS: Minister, I do apologise for interrupting, but I don't need this information.

Senator Cormann: So, in any budget process that I've been involved in, there's always the aspiration of how much additional money all sorts of different parts of government want to receive under the budget process. And there's also, of course, as the Prime Minister has previously indicated to the House of Representatives during question time, a 10-year review currently underway into the ANAO and what their resourcing requirements are, as there are other relevant resourcing reviews that have taken place in relation to other agencies. I would expect that, in an appropriately considered fashion, there would be some conclusions drawn out of that process.

Senator WATERS: Thank you, Minister. Was the decision to not increase the ANAO's funding—so that they could meet their ideal performance audit targets—influenced by the number of adverse ANAO report findings that have been critical of various government decisions?

Senator Cormann: No. I completely reject that proposition. The government has to make decisions about the appropriate allocation of resources all the time, in the context of competing priorities. I think everybody knows that, in this budget, we had to deal with some very, very significant fiscal pressures in the context of the COVID pandemic. The resources of the ANAO have not been cut, as has been falsely asserted by some. The resources of the ANAO continue as they were. And there's a review into the appropriate resource allocations moving forward that's currently underway, and, once that work is completed, appropriate decisions will be made at that time.

Senator WATERS: The Auditor-General has said that the scrutiny provided by the ANAO has improved performance within government agencies. Do you agree, and do you think that that impact will be reduced, given the 20 per cent reduction in the capacity of the ANAO to do their work to hold power to account?

Senator Cormann: I disagree with the reduction in capacity. The resources of the ANAO have not reduced—

Senator WATERS: The forward estimates will reduce their ability to do audits by 20 per cent.

Senator Cormann: I certainly agree that the ANAO fulfils an important role within our system of government, as it has for a very long time, and that is why its resourcing has been maintained. There's a review in terms of the longer-term resourcing requirements, which will be finalised at some point in the future.

Senator WATERS: Minister, do you dispute that their capacity to undertake performance audits will be reduced by 20 per cent? Are you actually disputing that? I hear that you're asserting that their funding is being maintained—I'm not quibbling with that—but it has not been introduced—

Senator Cormann: Their funding has been maintained. Thank you, that's great. Let me say that across the public service as a whole, agencies obviously have to work in an environment where efficiency improvements and productivity improvements are expected as a matter of course.

Senator WATERS: They've done all that.

Senator Cormann: That applies across the whole public service, of course. What I also know, after seven years in this job, is that every part of government will always be able to come up with reasons, ideas and suggestions on why they should get more resources out of the budget. In this particular budget, we were dealing with some very significant fiscal pressures in the context of the COVID pandemic and the health, economic and fiscal response to the COVID pandemic, and that is why the resources have been maintained. They've not been cut, but we haven't allocated any increases that might have been desired.

Senator WATERS: Minister, are you disputing the ANAO's information that was provided in their letter to the Prime Minister and last night in estimates while you sat next to him in the room, as did I—

Senator Cormann: I did not sit next to him in the room last night. I'm not sure which room you were in, but I wasn't.

Senator WATERS: that there is a 20 per cent—sorry, I apologise; it was the other guy.

CHAIR: I'm not sure that's his correct title.

Senator Cormann: You mean Senator Seselja?

Senator WATERS: I do mean Senator Seselja.

Senator WONG: The great Canberra Liberal strategist!

Senator WATERS: The great Canberra Liberal—how could we forget! Do you reject the ANAO's assertion that the continuation of their funding, as opposed to the increase of their funding, will result in a 20 per cent capacity reduction in their performance audits? Are you disputing that or not?

Senator Cormann: You are now asking me that same question a third time.

Senator WATERS: You haven't answered it yet, so I'll keep asking it.

Senator Cormann: I have answered it. You might not like the way I'm answering it, but I'm answering it in the appropriate fashion, and that is that the ANAO is one of many, many, many agencies and organisations that come to government with a request for more money. We've got to make judgements about competing priorities and, in the context of this budget, there were particularly significant fiscal pressures, obviously, bearing down on us in the context of the coronavirus pandemic—

Senator WATERS: You've just given away billions in tax cuts. The fiscal pressure line doesn't convince anybody.

Senator Cormann: and we've made appropriate decisions. There hasn't been any saving, there hasn't been any reduction in funding. Funding has been maintained, but, you're right, funding hasn't been increased. But there is a review of the longer term resourcing requirements which will do its work and come to a conclusion at the appropriate time. That will feed into future decisions in relation to appropriate resourcing of that agency in a similar way as has happened for other agencies in the past.

Senator WATERS: The budget also freezes funding over the forwards for the Commonwealth Ombudsman and appears to foreshadow a significant reduction in the Office of the Australian Information Commissioner's funding from 2022. Is the PMO concerned that reducing funding to agencies providing accountability and transparency will further impact on Australia's perception of corruption ranking?

Senator Cormann: Firstly, the PMO doesn't appear at Senate estimates, and the second point that I would make is a point that I've made before, and that is that Australia is consistently ranked by Transparency International as one of the best performing jurisdictions in the world when it comes to appropriate measures and frameworks against corruption.

Senator WATERS: That's just not right, Minister. That wasn't my question.

Senator Cormann: Australia is one of the best performing countries when it comes to appropriate governance, transparency and accountability ranges.

Senator WATERS: Where's the ICAC, then? We've been waiting for two years—two years.

Senator Cormann: We've had this conversation. We've had a global pandemic.

Senator WATERS: Well, let's stop talking and get something done.

Senator Cormann: We are working on it as quickly as we can.

Senator WATERS: Your talking points said it was not a priority.

Senator Cormann: That is not right.

Senator WATERS: You can't walk and chew gum at the same time, apparently.

Senator Cormann: Let me tell you, there was a lot of walking and chewing gum at the same time going on.

Senator WATERS: We are still waiting for an ICAC two years down the track. Evidence to the New South Wales ICAC last week indicated that Minister Taylor had had contact with parties involved in the Leppington sale. Has Mr Gaetjens been asked to undertake any investigation as to whether Mr Taylor's conduct was in breach of the Statement of Ministerial Standards?

Ms Foster: No, he has not.

Senator WATERS: Will that decision be revisited and, if so, what would be the trigger to revisit that decision?

Senator Cormann: What is the allegation that you're making? What are you suggesting?

Senator WATERS: There are multiple agencies now investigating potential criminal conduct involved in that whole issue. Minister Taylor has had a meeting with them—

Senator Cormann: These investigations are conducted—

Senator WATERS: and you're not going to look at whether there's anything wrong there?

Senator Cormann: These investigations, appropriately, are conducted independently by statutorily independent agencies, law enforcement. The AFP is an independent statutory law enforcement agency.

Senator WATERS: If you want to make the ministerial standard statutory, we would strongly support that.

Senator Cormann: You've asked the question—

Senator WATERS: But you don't do that either.

Senator Cormann: if I may answer it. It would be entirely inappropriate for there to be political interference in the way the AFP conducts its work.

Senator WATERS: Excuse me, are you contending—

CHAIR: Senators Waters, can I just intercede there briefly.

Senator WATERS: I will wrap up. Are you contending that enforcing the ministerial standards is political interference?

Senator Cormann: What is your allegation? What is actually your allegation? Are you making an allegation?

Senator WATERS: I'm asking whether or not it will be looked at.

Senator Cormann: On what basis?

Senator WATERS: On the basis that there are multiple problems with the issue.

Senator Cormann: No, you were referring to investigations that are currently taking place. The AFP investigation is an independent investigation. The code of conduct inquiry is also—

Senator WATERS: I get that you don't want to look into Minister Taylor. But I—

Senator Cormann: If you've got a specific allegation—

Senator WATERS: I was asking what the trigger would be to revisit that.

CHAIR: Senator Waters, I'm going to intercede here. You are getting close to the 30 minutes that you said you needed for this bracket. How are we going?

Senator WATERS: I would like a little bit more time if I could please, Chair—maybe five more minutes? I would be grateful. I haven't had terribly much because I had a colleague who interceded.

CHAIR: But, as we agreed, you had half an hour to share between you and you've—

Senator WATERS: If I could beg five more minutes, I will then not have any more time today in this committee.

CHAIR: Okay.

Senator WATERS: It's been reported that someone from the PM's office said that no credible women had the view that the budget had gendered impacts. Is that still the position of the department? Do you maintain the position in the leaked talking points that the budget is gender blind and does not disproportionately impact women? Ms Foster, perhaps that's one for you? Please spare us and respond.

Ms Foster: It was not a departmental statement that you were referencing.

Senator WATERS: Did the department have any input into the utterance of that statement?

Ms Foster: No.

Senator WATERS: Have you since advised folk not to say such things?

Ms Foster: That's not a role for PM&C.

Senator WATERS: Okay.

Senator Cormann: Let me just point out here that it's under our government that workforce participation of women—before this crisis hit—reached record highs and that the gender pay gap reduced to the lowest level on record.

Senator WATERS: That's because the mining boom came off the boil. We all know that.

Senator Cormann: That is what has been—Oh, so that's the mining boom?

Senator WATERS: Yes.

Senator Cormann: Is that right? So—

Senator WATERS: Yes. That is what WGEA have advised us in the past.

Senator Cormann: you're now supporting the future investment in the future strength of the resources sector?

Senator WATERS: No. I'm simply responding to your false assertion that the gender pay gap has reduced because of anything you've done.

Senator Cormann: That sounds to me like an anti-women statement. If you're suggesting that the mining boom has helped drive record participation—

Senator WATERS: Given the limited time I've got, I'll continue with my questions. Yesterday the National Foundation for Australian Women released its annual Gender Lens on the Budget . It's been doing that annually since the women's budget impact statement was axed by Tony Abbott in 2014. Has your office been briefed on that report?

Ms Foster: I will ask my colleague, Ms Frame, who runs our social policy group to respond to your question.

Ms Frame: As my colleague, Catherine Hawkins, the head of the Office for Women advised yesterday we received that report at 1 am. That is about 36 hours ago. At the moment we are working through the report, so we have not provided a brief on that report as yet.

Senator WATERS: But you're working on doing one at the minute?

Ms Frame: Not a formal brief, but we're having a look through what material has been prepared.

Senator WATERS: Why not a formal brief?

Ms Frame: It may become a formal brief. We just haven't put it into that form yet. As I said, we don't have any analysis yet. We've just received it, we are looking at it and preparing an analysis that may take the form of a formal brief and it may not. But we will be—

Senator WATERS: Who gets to decide that?

Ms Frame: We will be analysing their findings, and I—

Senator WATERS: I don't understand who gets to choose when it becomes a formal brief or not.

Ms Foster: It will be on the advice of Ms Frame and her staff about their assessment of what's there and whether or not they believe a formal brief is warranted.

Senator WATERS: Do you think that this comprehensive gender analysis is something that the government should be undertaking to inform the preparation of the budget, rather than the not-for-profit sector doing a post facto analysis of the impacts of the budget on women?

Ms Frame: That's not something that I can comment on.

Senator WATERS: The Office for Women was established to provide the PMO, cabinet and relevant ministers with policy advice on various matters: gender equality, economic security et cetera, yet we've heard evidence both here in these estimates and in the COVID committee that the office was not consulted on the gender impacts of JobKeeper, JobSeeker, the early access to super or other key budget measures and that no request was made for them to provide a gender lens on the budget proposals or to undertake a gender analysis of the budget once it was released. Why does the PMO fund an Office for Women to provide it with advice and then not request advice?

Ms Frame: I think the Office for Women also clarified that they did provide some input on some measures, such as consideration of child care, and there was some consideration in the broader social policy group around JobSeeker. So there has been contemplation of some of those measures. I would also point out that the Office for Women did, in the budget context, produce a significant *Women's economic security statement*. That was the focus of their efforts, and it is a key part of the JobMaker plan. That *Women's economic security statement* also goes through the JobMaker, JobSeeker, JobKeeper measures and references them with regard to women's economic security and what those broader economic supports are delivering for women in Australia.

CHAIR: One last question, Senator Waters.

Senator WATERS: There were various representations made by women's safety organisations—AWAVA, Harmony Alliance, the Economic Security for Women Group. They all requested \$1 billion per year for 12 years for frontline domestic violence prevention and response services, as well as investment in childcare and the care economy. Why was all of that advice ignored?

Ms Frame: I'm not aware that that advice was received. I can get you more information on that, but I'm not aware that the Office for Women was specifically cognisant of that request around the billion dollars. But I'll take that on notice. I would point out that the government committed \$150 million to women's safety and domestic violence services as part of the COVID response, all of which has been allocated.

Senator WATERS: Thank you. I'll put some more questions on notice.

Senator WONG: Do we have the things that people were getting—the chronology and the additional information in relation to the contact with the department on Leppington?

Mr Duggan: Yes, I do have a chronology of all the contact between PM&C—my team and I—with the infrastructure department and the PMO and the Prime Minister.

Senator WONG: Can you table that?

Mr Duggan: It's not in a form I can table; it's my scribbled notes, unfortunately, but I'm happy to read them to you.

Senator WONG: Do you just want to read it out? Why don't you do that and then I'll ask on notice anything further.

Mr Duggan: On 17 September, the secretary of Prime Minister and Cabinet received an email from the Auditor-General with an embargoed copy of the Auditor-General's report. On 18 September, that email was forwarded through to myself, the first assistant secretary of the relevant division—

Senator WONG: Which is?

Mr Duggan: James Chisholm, and the infrastructure team in the Industry, Infrastructure and Environment Division. Also on 18 September, the relevant branch head—the branch head of the infrastructure branch—placed a call to the first assistant secretary in the infrastructure department seeking any additional information that they could provide at that time.

Senator WONG: Sorry—your relevant infrastructure official?

Mr Duggan: Our relevant assistant secretary, called the relevant first assistant secretary in the infrastructure department, seeking whether there was any further information—including talking points—on the department's response to the report. Also on 18 September, as I mentioned previously, PM&C provided preliminary advice both to Secretary Gaetjens, and also the PMO's infrastructure adviser, on the embargoed copy of the report.

Senator WONG: This was the preliminary advice you told me about earlier?

Mr Duggan: That's correct.

Senator WONG: But that was in writing now, you tell me? I thought the preliminary advice was oral and then the email advice was on the 20th.

Mr Duggan: That's correct. On the 18th it was an email to the secretary's office, but a phone call to the PMO adviser.

Senator WONG: From?

Mr Duggan: The senior adviser—so, executive level 2—in the infrastructure department to the Prime Minister's office's adviser.

Ms Foster: The senior adviser is one of our officers—our EL2s are known locally as senior advisers.

Senator WONG: But it wasn't in the infrastructure department; it was in PM&C.

Mr Duggan: It was in PM&C. That's correct, yes.

Senator WONG: And to the PMO.

Mr Duggan: To the PMO.

Senator WONG: So the preliminary advice on the 18th was actually in writing as well?

Mr Duggan: The preliminary advice to the secretary of PM&C was in writing. That was an email. But the preliminary advice to the PMO was a phone call.

Senator WONG: To?

Mr Duggan: To the Prime Minister's infrastructure adviser.

Senator WONG: Is this the same person who came up with the colour-coded spreadsheet in the sports rorts matter?

Mr Duggan: I have no visibility of that issue. The next date then is 20 September, when written advice was provided both to the secretary's office and to the relevant PMO adviser. At that time, copied or attached to that written advice were the talking points prepared by the infrastructure department on their response. Also on 20 September, we updated what we call a 'live issues brief', which colloquially is known as a question time brief, for the Prime Minister. The next relevant date—

Senator WONG: Where were they prepped? Those were prepared by PM&C?

Mr Duggan: Prepared by the department.

Senator WONG: Do you have visibility, or were there any drafting changes with the PMO?

Mr Duggan: Not to my knowledge. The information I have from my team is that we simply provided points.

Senator WONG: Is the practice usually that if there's any additional advice from the Prime Minister's advisers—does that come back to the department for integration into that, or is that a separate brief?

Ms Foster: I'll get Mr Martin to help me if I'm wrong, but I think that that's integrated into the one system. So we load the brief into the system, and I think that it can then be adapted within that system.

Senator WONG: Do you have visibility, then, of any amendments that the PMO make?

Ms Foster: I think yes, but I'll get—

Senator WONG: I'm going to ask for all the documents that you've referenced—if you can take on notice the provision of all of them. You'll have to make decisions about which you give me and which bits you give me, and then we can have another argument about that—so we can both look forward to that! But, in respect of this one, my additional request is to ask for any variations to the document that was drafted on 20 September.

Mr Duggan: I'll take that on notice.

Senator WONG: Thank you. Keep going, please.

Mr Duggan: The next pertinent date then is 8 October. I can confirm that that was the date that I received the phone call from Secretary Atkinson advising me, at that time, that there had been a referral to the AFP of the matter.

Senator WONG: Yes.

Mr Duggan: I informed Secretary Gaetjens on that date and I understand—so, having discussed this now with Secretary Atkinson, he then informed the Deputy Prime Minister's office on 9 October.

Senator WONG: Sorry, 9 October?

Mr Duggan: That there had been an AFP referral—Secretary Atkinson advised the Deputy Prime Minister's office.

Senator WONG: You used past tense, I think, in your answer this morning that Mr Atkinson advised you he had informed the DPM. But, on that timetable, he didn't do so until the day after he spoke to you?

Mr Duggan: My recollection was that the discussion talked about him advising the Deputy Prime Minister's office. Talking to Secretary Atkinson, that was prospectively for 9 October. Since then, there's no more written advice or communication between PM&C and the Prime Minister or the Prime Minister's office, but there have been informal conversations, I can confirm, with the Prime Minister's adviser, including as recently as this morning, just ensuring that they had the information—he felt he had all the information that he needed to inform the Prime Minister, and, at each step, the adviser has confirmed that they had what they needed for the purposes of briefing the Prime Minister.

Senator WONG: What does 'informal'—there's no such thing as an 'informal communication'.

Mr Duggan: Phone calls—

Senator WONG: Sure, okay.

Mr Duggan: We meet regularly, but there's nothing in written form.

Senator WONG: On how many occasions have there been informal communications between you or Mr Chisholm or members of your team and this adviser? Is it the same gentleman who was involved in the sports rorts? Do you know?

Mr Duggan: Again, I just don't have any visibility on that.

Senator WONG: On how many occasions has he been called?

Mr Duggan: I can confirm that there was a phone call this morning—

Senator WONG: What was that about?

Mr Duggan: Following the reporting in the media overnight, just to check whether or not the Prime Minister, or his office, needed any further information.

Senator WONG: Who made that call?

Mr Duggan: My understanding—

Senator WONG: Was it you, Mr Chisholm, or one of your staff?

Mr Chisholm: No, it was the acting assistant secretary for the Industry, Infrastructure and Environment Division—so in my division.

Senator WONG: Who is that? Is that person here?

Mr Chisholm: No, not at the moment.

Senator WONG: Why not?

Ms Foster: We had a very limited number of people we could bring with us because of the restrictions in the waiting room; that was all.

Senator WONG: Yes, but they can come here, if we need them to.

Mr Duggan: Yes.

Senator WONG: They had a conversation this morning. Who initiated that?

Mr Chisholm: I'd have to check. The officer may have initiated the call.

Senator WONG: You're doing that thing again.

Mr Chisholm: I'm trying to help.

Senator WONG: That's nice. I'm pleased—very grateful for it. But 'may' doesn't help.

Mr Chisholm: We can confirm who made the call.

Senator WONG: So, basically, you're telling me a PM&C official spoke to PMO before they turned up today at estimates.

Mr Chisholm: Yes, that's right.

Senator WONG: What do you say the conversation was about?

Mr Chisholm: As Mr Duggan said, our understanding of the conversation, in light of the evidence yesterday, was: did the office have all the information that was needed?

Senator WONG: Was there any discussion in that conversation about the handling of this at the estimates today?

Mr Chisholm: Not that I'm aware of.

Senator WONG: Did you ask that question?

Mr Chisholm: Of?

Senator WONG: The official.

Mr Duggan: I had no knowledge of this phone call until the lunchbreak and, given that Mr Chisholm and I are the ones answering the questions around this issue, certainly no discussion has reached us.

Senator WONG: What level is the officer who made the call this morning?

Ms Foster: An acting assistant secretary. Is that correct, Mr Chisholm?

Mr Chisholm: I can confirm that the phone call was made by the office to the official.

Senator WONG: It might be useful to have that person turn up. Who else has had conversations with advisers and the PMO about this?

Mr Duggan: We've had a thorough discussion with everyone in our team who had any knowledge of this report, and what I've gone through, in terms of chronology, are all the discussions that have been had with the office.

Senator WONG: No, not all the discussions, because you've also got your separate category catch-all of 'informal communications'.

Mr Chisholm: I might add that the conversation this morning was actually about other matters that we are working on to support the Prime Minister, and this came up as an incidental question about whether there was anything additional that the officer required. The call was not about this issue specifically.

Senator WONG: Was this the officer who's been engaged in the informal communications to which you just referred?

Mr Duggan: That person would be—

Senator WONG: Okay. Could this person please attend estimates later today then, because I do have questions about that? Does the PMO have copies of the briefs you have today?

Ms Foster: I was just about to say no very definitely. I'm almost positive, but I'm going to have someone behind me make sure that that's correct.

Senator WONG: Does the PMO, in particular, have any copies of the briefs in relation to the Leppington Triangle purchase?

Ms Foster: We prepare ministerial briefs, and they, of course, would go to—

Senator WONG: Your briefs that you now have in front of you that didn't have sufficient information, in my view—

Ms Foster: No.

Senator Cormann: Question time briefs or briefs for estimates are handled in precisely the same way as they always have been.

Senator WONG: No, this is a different question.

Ms Foster: When we prepare notes for ourselves, we don't share those with the PMO.

Senator WONG: That's what I'm asking.

Ms Foster: That's my answer.

Senator WONG: But it's not just notes; you have your own briefing documents.

Ms Foster: Yes.

Senator WONG: Then you also prepare briefing documents for the minister. Sometimes they are similar, sometimes they're the same and sometimes, obviously, departmental notes will go further.

Ms Foster: We treat them quite separately. Ministerial briefs go to the office—

Senator WONG: I understand.

Ms Foster: our own briefs stay with us.

Senator WONG: Yes, I'm asking whether or not any of the briefs that PM&C officials are using today in relation to Leppington have been provided to the PMO.

Mr Duggan: My understanding is that they haven't. They've been provided to us as officials briefs, not ministerial briefs.

Senator WONG: Okay. You'll confirm that?

Mr Duggan: We can do that, yes.

Senator WONG: Is somebody going to come back later to tell me about the range of informal conversations?

Mr Duggan: We will endeavour to. As Mr Chisholm said, basically there's been no structured meeting or discussion around this issue.

Senator WONG: Yes. But somebody—obviously an officer of the department—is engaging with the Prime Minister's office, so I'd like to understand what was said.

Mr Duggan: That's correct. Just to be clear, there's a weekly meeting between the relevant team and the relevant adviser, where this may have come up incidentally through that period. We're trying to be as complete and detailed as we can in that information. We will check with the team—we did this this morning and over lunch. Their only recollections of the discussions are the ones that I've conveyed to you.

Senator WONG: Perhaps we could have that person attend and we can just confirm that.

Mr Chisholm: I can confirm that that is accurate.

Senator WONG: I have asked for her to attend, because she is—is it a she?

Mr Chisholm: Yes.

Senator WONG: She is the only one with personal knowledge of what was said. So what all of you are giving me may have higher understanding et cetera. I want to know what was said. It may be that it's a very quick discussion, okay? Something you said, Mr Duggan, I don't quite understand the rationale for. I think you said that on the 18th, when you've had the email advice to the secretary, or communication with the secretary, and the verbal discussion or the phone call with the PMO, there was a request at that stage on 18 September for talking points.

Mr Duggan: Yes. That was a discussion between the assistant secretary of the relevant part of the infrastructure branch with—

Senator WONG: The acting assistant secretary, isn't it? Is that this person that you are referring to? Mr Chisholm?

Mr Chisholm: Sorry?

Mr Duggan: In terms of who the assistant secretary was on the 18th, just confirming whether or not that was the acting assistant secretary.

Mr Chisholm: No, that would have been the substantive occupant—so, Nicole, yes.

Mr Duggan: Yes.

Senator WONG: Where is that person?

Mr Duggan: That person is here, actually, so we can get that person to the table.

Senator WONG: Okay. Well, has the substantive assistant secretary been part of these informal discussions or not?

Mr Chisholm: No.

Senator WONG: She can say it; she's just there. While you're taking your seat can I ask this: why did you need talking points before the report was tabled?

Mr Duggan: In the context of providing the briefing through to the Prime Minister's adviser, which we provided, as I said, on the 20th, the day before the tabling of the report, as part of that briefing we also provided the talking points that we received from the department on the way they were—

Senator WONG: Yes, but it was not public. Why do you need talking points? Was it just to inform—

Mr Duggan: For the 20th.

Senator WONG: All right. It is just prepping?

Mr Duggan: Yes, just prepping.

Senator WONG: Okay.

Ms Spencer: At the time I was assistant secretary, infrastructure and agriculture branch. I can confirm that, on 18 September, I called the infrastructure department regarding the audit report, just to make sure that we were ready for the week ahead. Did they have talking points ready to go? Purely preparatory.

Senator WONG: Ms Foster, did you make the font on this document so small because you know my eyes are getting worse!

Ms Foster: I can only say that when I asked for one this morning I got it in A4!

Senator WONG: Blimey Charlie! So where are you on this document?

Ms Foster: Sorry, Senator.

Senator WONG: I apologise. I'm not trying to be rude. I am just finding the document hard to read. There's Simon Duggan on it.

Ms Spencer: Current position is acting first assistant secretary, COVID coordination, under Social Policy Division.

Senator WONG: Okay, but you were in industry—

Ms Spencer: —infrastructure and environment.

Senator WONG: And the assistant secretary there is Industry, Innovation Science and Communication—Infrastructure, Population—look at this document!

Ms Foster: This document isn't bigger; it's just a bit clearer.

Senator WONG: Thank you. Infrastructure, population, agriculture, regional development—that is the AS position you were in?

Ms Spencer: Correct?

Senator WONG: And you were substantive in that until when?

Ms Spencer: Until 2½ weeks ago.

Senator WONG: Congratulations—I think!

Ms Spencer: Acting—but for a significant term.

Senator WONG: Okay. And then the person who is on this chart I have here is acting?

Ms Spencer: Correct.

Senator WONG: And has been for 2½ weeks?

Ms Spencer: Correct.

Senator WONG: So this period of substantive and acting—the period in question covers both of you. So you can tell me now, between when you were first were engaged on this, the 18th—and when did you leave to the new job?

Ms Spencer: 2½ weeks ago.

Senator WONG: I'm just trying to remember dates. How long after 18 September does that make it?

Ms Foster: Do you mean 5 October?

Senator WONG: No. The 18 September discussion is the one in which Ms Spencer asked the department of infrastructure for information or talking points—correct?

Ms Spencer: Correct.

Senator WONG: At that point you're substantive?

Ms Spencer: Correct.

Senator WONG: I'm just trying to work out how much longer you stayed there before you moved to COVID.

Ms Spencer: Ms Foster was correct: 5 October.

Senator WONG: Okay. So between the 18th and the fifth what were your conversations with the PMO on this matter?

Ms Spencer: Very few.

Senator WONG: And with whom?

Ms Spencer: With the senior infrastructure adviser.

Senator WONG: Is this the sports rorts spreadsheet bloke?

Ms Spencer: That's not for me to comment.

Senator WONG: It's a factual question. Is this the adviser who on the public record has been indicated to be the one who was involved in the spreadsheet?

Ms Spencer: This is the senior infrastructure adviser.

Senator WONG: Is that a yes? This is all on the public record.

Ms Spencer: As referenced in the public record, yes.

Senator WONG: Thank you. So the same person. So you were talking to him. Can you tell me, between the 18th and the fifth, how many discussions you think you might have had about the ANAO report and/or the AFP referral?

Ms Spencer: Specifically on the AFP referral neither the senior adviser nor I knew about the AFP referral until it was in the media on Friday.

Senator WONG: You don't know if he didn't know. You just know that he didn't say to you he knew—correct?

Ms Spencer: I can't answer for him.

Senator WONG: Tell me about the first part of the question.

Ms Spencer: Other conversations on the ANAO report were purely process: did the office have the information they needed? That was purely the substance of the conversations.

Senator WONG: Did he ever ask you any questions about it?

Ms Spencer: No.

Senator WONG: You said very few, like less than 10?

Ms Spencer: I would say maximum one to two conversations—

Senator WONG: Between the 18th and the fifth?

Ms Spencer: and probably in a list of many issues that we were covering in terms of budget and other things.

Senator WONG: Okay. Thank you. I'm trying to remember whether Mr Chisholm was bringing back anything further, or have you two consolidated your position as it were?

Ms Foster: Mr Duggan pulled together the information for his group. We also had for you the letter which—you also asked about Mr Gaetjens's contact. We have the letter which Mr Atkinson wrote to Mr Gaetjens and to Mr Woolcott.

Senator WONG: That Mr Woolcott references in his response to Senator Gallagher?

Ms Foster: That's correct. We would be happy to table that for you now.

Senator WONG: Thank you. And you'll take on notice my request for all the documents that you referenced in the chronology?

Mr Duggan: Yes.

Senator WONG: I will come back to this. Can you give me an indication of the other official and what time that might occur?

Ms Foster: We're just trying to do that now.

Senator WONG: I'll move on to something else.

Mr Duggan: This is her day off work. She's at home with small children. She's trying to find alternate—

Senator WONG: I would be a bad feminist if I tried to get her in.

Mr Duggan: We can try to get her here. She just needs to find some care arrangements.

Senator WONG: No. Why don't we hold that. Can we have a discussion in the break? Is that all right?

Mr Duggan: Yes.

Senator WONG: I don't want to disrupt her.

Ms Foster: We can put to the official specific questions.

Senator WONG: That's what I'm flagging. Tell her not to arrange child care at short notice.

CHAIR: Can I jump in there on this letter? Was this intended to be tabled?

Mr Duggan: Yes.

CHAIR: And there is no issue? It is marked official sensitive. I just want to make sure there is no issue.

Mr Duggan: Mr Gaetjens has given us permission to table that.

CHAIR: Thank you.

Senator WONG: I was going to move off this topic, Chair.

CHAIR: You may. Please do.

Senator WONG: Very quickly, we had a discussion—I can't remember; it's been so long since we've had estimates—about the one-person Cabinet Office Policy Committee. Is Mr Morrison still the only member of the Cabinet Office Policy Committee?

Ms Foster: Mr Morrison is the standing member of that committee. As we discussed last time, he convenes other ministers and officials as appropriate to the subject at hand.

Senator WONG: Yes, but he's the only actual permanent member?

Ms Foster: He is the permanent member, yes, so that he can pull together the right group depending on the topic.

Senator WONG: How often has the Cabinet Office Policy Committee met?

Ms Foster: I don't have details of the dates. I'd have to check with the minister to see if we can find those dates and if we can provide them.

Senator WONG: Sure, both. But actually I'm just trying to get a sense of the number of times. Are we talking once or 40?

Ms Foster: We'll take that on notice.

Senator WONG: You must know.

Ms Foster: I don't actually know, Senator.

Senator WONG: Who is cabinet—

Ms Foster: The head of cabinet division?

Senator WONG: Yes.

Ms Foster: At the moment it's Ms McGregor.

Senator WONG: What happened to Mr Shearer?

Ms Foster: Mr Shearer is the cabinet secretary, so he's a political—he's part of the PMO. Ms McGregor will have to—the cabinet handbook, as you know, still says—

Senator WONG: I'm going to come to that. I'm going to ask some questions about the cabinet handbook et cetera. Do you have officials here who can answer that?

Ms Foster: We do. I'll ask Ms McGregor to come to the table.

Senator WONG: That's a great idea.

Ms Foster: I'm just not sure that she'll be able to give you the number of times that the COPC has met.

Senator WONG: Because it hasn't met?

Ms Foster: It has met, it's just that we don't normally, without reference to the minister, talk—

Senator WONG: He's very quiet and he's playing with his phone, so he probably doesn't mind you answering a little bit.

Ms Foster: About the number of meetings that we've had?

Senator WONG: I'm just trying to work out whether we're talking about one or 40. Are you able to give me an approximate since we last met?

Ms McGregor: I was just having a look to see whether I had general numbers. It meets reasonably regularly depending on other meetings as well. It would be in the vicinity of 10-plus meetings.

Senator WONG: Since last estimates? What's the time frame?

Ms McGregor: Probably since about March.

Senator WONG: And other ministers have attended those meetings?

Ms Foster: That's correct.

Senator WONG: At the Prime Minister's request?

Ms McGregor: Yes.

Senator WONG: You have to get advice on this, but I'm asking which ministers have attended.

Senator Cormann: I'll take that on notice.

Senator WONG: I am asking whether external stakeholders to government have attended these cabinet meetings.

Ms McGregor: At times external stakeholders are invited to those meetings.

Senator WONG: Who?

Senator Cormann: We'll take that on notice.

Senator WONG: They are not ministers.

Senator Cormann: But it goes to the deliberative processes of cabinet.

Senator WONG: This is about transparency. If some prime ministerial mate just turns up to a cabinet meeting I think people have a right to know.

Senator Cormann: Sure. That's why I want to make sure that the information is accurate and provided consistent with the usual conventions.

Senator WONG: There isn't a usual convention with a one-person cabinet meeting with a bloke inviting his mates along for a discussion that's got cabinet protection.

Senator Cormann: There's one permanent member and then there are, of course, other ministers who attend as appropriate. It's not unusual even for the cabinet to be briefed on matters that are high priority.

Senator WONG: It is unusual for external stakeholders—people who are not members of the public service—to attend cabinet committee and for a government to hide it.

Senator Cormann: As I say, I've taken the question on notice and we'll—

Senator WONG: Have any officials of the Liberal Party attended any of these cabinet committee meetings?

Senator Cormann: Again, I have taken the question on notice.

Senator WONG: Really? Wow.

Senator Cormann: I am not aware. I was not part of the relevant meetings that you're referencing, so I'll make sure that I have accurate information provided consistent with the usual conventions.

Senator WONG: Mr Textor, Mr Crosby—have any of them attended?

Senator Cormann: I'm not aware that any of them have attended COPC meetings.

Senator WONG: Are you aware, Ms Foster?

Ms Foster: No, I'm not.

Senator Cormann: I'll make sure that we get you accurate information.

Senator WONG: Are there any note takers from the department at these meetings?

Ms McGregor: The cabinet secretary generally note takes.

Senator WONG: He's a political—

Ms McGregor: Officials attend as requested and based on whatever the topic—

Senator WONG: You're not a note taker, are you?

Ms McGregor: I don't go to the COPC meetings as a note taker.

Senator WONG: It's pretty convenient, isn't it? You get to invite whoever you want but you don't have to tell people who you're inviting, because it's cabinet in confidence, even if they're not members of the cabinet or members of the Public Service. You can just invite any political person you want.

Senator Cormann: I completely reject that proposition.

Senator WONG: That's exactly what's happened.

Senator Cormann: We are the elected government of Australia.

Senator WONG: Yes, and you have obligations to be transparent with the parliament and the people. He's not an emperor. He has obligations to the people and the parliament.

Senator Cormann: I understand that you might not like the fact that we are in the position to make decisions, but we're following the usual—

Senator WONG: It's nothing to do with that. It's about obligations in a democracy—

Senator Cormann: but we're following the usual—

Senator WONG: to be transparent about who has got his ear.

Senator Cormann: Indeed, and there's a good reason for cabinet confidentiality and there's also a good reason for cabinet to avail itself of relevant advice in relation to specific issues. I don't think that there is anything remarkable about that.

Senator WONG: Well, you're wrong. Yes, there is a very good reason for cabinet confidentiality, and that is why conventions around cabinet ought to be observed. It is not consistent with the way in which cabinets have operated to have external stakeholders brought into a cabinet committee process where their involvement can be hidden from any external scrutiny on the basis of cabinet confidentiality. What I say to you is: cabinet confidentiality was never meant to be hiding who has the Prime Minister's ear.

Senator Cormann: I completely reject that characterisation.

Senator WONG: You're refusing to tell us who turned up, you're refusing to rule out that Liberal Party operatives attend—this is misuse of cabinet convention to hide from scrutiny.

Senator Cormann: I reject your assertion. I've taken a question on notice.

Senator WONG: This bloke wants to hide himself from scrutiny.

Senator Cormann: To suggest that I'm refusing to provide information because I'm taking a question on notice is wrong.

Senator WONG: It's not you; it's your boss. He doesn't want to fess up.

Senator Cormann: The second point is that there's nothing wrong with cabinet informing itself based on relevant advice where that advice can be obtained.

Senator WONG: So is the COPC, the Cabinet Office Policy Committee, still undertaking what you've described as deep dives?

Ms Foster: Typically, yes.

Senator WONG: Sorry?

Ms Foster: Typically, yes, that's the sort of function that COPC plays—an opportunity to explore an issue in depth before formal options are worked up.

Senator WONG: And is the use of the Cabinet Office Policy Committee also the way in which the national COVID commission is shielded from public scrutiny?

Ms Foster: Senator—

Senator Cormann: The National COVID-19 Commission Advisory Board is situated within the Department of the Prime Minister and Cabinet. We've gone through that in some detail this morning. The usual requirements in terms of any information that's provided from that task force situated within Prime Minister and Cabinet to inform the deliberative processes

of cabinet of course would apply. That is the normal arrangement in relation to these sorts of information and advice flows.

Senator WONG: Okay. Just some questions about the operations of the national cabinet. I understood from the media that Mr Morrison postponed the so-called national cabinet meeting because there was a mechanical issue with his VIP plane. That's correct?

Ms Foster: That's correct.

Senator WONG: Right. When were you informed that it was going to be postponed?

Ms Foster: The meeting was due to be on the Friday, and we were advised shortly after the plane was found to be unserviceable, on Thursday night.

Senator WONG: When were the jurisdictions advised?

Ms Foster: The Prime Minister contacted his counterparts directly to advise them of the issue and that he would need to postpone the meeting—

Senator WONG: I don't think that was my question, though.

Ms Foster: and it was on the Thursday afternoon, pretty soon after he found that the plane was unserviceable.

Senator WONG: Right. So the first—

Ms Foster: The Prime Minister contacted, as I said, his colleagues, and the department contacted other participants.

Senator WONG: It was the first national cabinet in a month, wasn't it? Was there nothing time sensitive on the agenda?

Ms Foster: From memory—in fact, I have it here. The Prime Minister indicated that there were no pressing matters that national cabinet was anticipating, or significant announcements or decisions, but that, rather, it was continuing to review a number of proposals and get status reports, provide them with further direction and that national cabinet would deal with those formally this coming Friday, and we have a meeting scheduled for this week.

Senator WONG: Presumably the Prime Minister does have the capacity to communicate securely even when travelling?

Ms Foster: That's correct. As you know, typically we would have a secure facility of some sort in most locations. But there were no supporting officials, so the relevant adviser was not with him. Mr Gaetjens was here with us here in Canberra. So it was more a logistical issue around appropriate support for the Prime Minister.

Senator WONG: You published a new edition of the *Cabinet Handbook* on the website yesterday—just in time for estimates, Ms Foster.

Ms Foster: Indeed.

Senator WONG: It's convenient timing.

Ms Foster: The issuing of the *Cabinet Handbook* is a matter for the PM.

Senator WONG: When did you provide the Prime Minister's office with the new version?

Ms Foster: We had been discussing this, on and off, over some months—

Senator WONG: The national cabinet has been working without any guidelines, until this was published—that is, any formal guidelines—and, certainly, they've been revised as they went—

Senator Cormann: The priority initially was to deal with the crisis and to get the system going.

Senator WONG: I'm just asking: when did the Prime Minister agree—you provided a brief for the new *Cabinet Handbook*. Is that correct?

Ms Foster: I'm trying to think whether it was a brief. We've had a number of discussions. I'm being—

Senator WONG: Please—you know what I'm trying to get to.

Ms Foster: Yes.

Senator WONG: When did they get the new *Cabinet Handbook*?

Ms Foster: What I'm trying to say is that we had a series of discussions in an iterative way about the most appropriate way to handle this over the last few months. So, the last time—

Senator WONG: When did they conclude?

Ms Foster: We had a substantive discussion a few weeks ago.

Senator WONG: So, was it ready to go a few weeks ago?

Ms Foster: From our perspective, we had answered all of the questions that had been raised—

Senator WONG: But it's not drafted in the PMO, is it?

Ms McGregor: We provided a draft to the Prime Minister's office.

Senator WONG: And they redrafted it?

Ms Foster: No. They talked through with us whether or not, as drafted, it actually met the requirements. As I said, it was an iterative—

Senator WONG: Are there any changes between what's been announced—were there any changes to the draft?

Senator Cormann: You know well and truly, going to the cabinet process—

Senator WONG: This is extraordinary. You've got a situation where the emperor even writes his own handbook. We don't even have Prime Minister and Cabinet writing the handbook. We've got—

Senator Cormann: This is just ridiculous. All of the state and territory leaders, including state Labor premiers, are singing the praises of this process. I can quote them to you, if you want.

Senator WONG: Senator Cormann, I am not talking about the national cabinet. I'm talking about a new *Cabinet Handbook* which goes to how government operates. What appears to be the evidence—and, Ms Foster, maybe, instead of dancing around it, you could be straight with us—is that the Prime Minister's office holds the pen on the final *Cabinet Handbook*. I'm saying, 'All power to the "emperor"—Emperor Morrison.' That's what we're seeing.

Senator Cormann: The Prime Minister is the elected Prime Minister of Australia, working with the elected premiers and chief ministers around Australia. This is what Premier McGowan says about the national cabinet:

"It's a thousand times better [than COAG]. It's nimble, it's not stage-managed, you actually talk for real about issues. It elevates the states and gives us a greater say nationally."

That's what he said on 13 June. Premier Andrews said, 'National cabinet is working well, with all first ministers focused on fighting the coronavirus pandemic.'

Senator WONG: Shall we talk about Mr Frydenberg hacking into Premier Andrews or hacking into Premier Palaszczuk?

Senator Cormann: There's more. 'My view would be that COAG is basically finished, or should be.' This is Premier Andrews. So, this is a process that was put in place by the Prime Minister—

Senator WONG: You know I'm asking about the *Cabinet Handbook*.

Senator Cormann: and this is part of the great national leadership that the Prime Minister has provided to our nation through this period—

Senator WONG: I am asking about the *Cabinet Handbook*.

Senator Cormann: The *Cabinet Handbook* has been adjusted to reflect the creation of the national cabinet—

Senator WONG: Can I go back to the *Cabinet Handbook*, please?

Senator Cormann: The national cabinet, of course, was formalised on 29 May—

Senator WONG: Here we go. This is just wasting time.

CHAIR: Senator Wong and Minister Cormann—please.

Senator WONG: He's just wasting time.

Senator Cormann: I disagree.

CHAIR: I don't want to waste anyone's time on this point—

Senator Cormann: It's an important point. I'm not finished, Chair—

CHAIR: Could you just pause for one moment?

Senator WONG: That's because it's not relevant to the question.

CHAIR: Senator Wong, could I ask you please to pause for one moment, just so we can—

Senator Cormann: It is relevant to this question.

Senator WONG: I tell you what—why don't we hold back your resignation and bring you back for a spillover day so you can talk endlessly?

CHAIR: Senator Wong, I shouldn't have to ask four times. I just want to call everyone to order, just to lower the tone a little bit. We've been going so well today. If we could just not interject over each other, I think it will go a lot smoother.

Senator WONG: Can I ask a question?

Senator Cormann: I've not finished my answer. I want to—

CHAIR: You can conclude your answer, Minister, and then, Senator Wong, you can ask questions uninterrupted as well.

Senator Cormann: This is highly relevant. The national cabinet was a governance response to an unprecedented crisis that we were facing. It brought the federal, state and territory governments together in what was an evolving situation. On 29 May, the national cabinet agreed formally to the cessation of the COAG model and, since that time, all of the relevant processes and administrative arrangements underpinning the national cabinet process have been properly put in place. The guidelines that were released the other day are a part of that. I think that any reasonable Australian would accept that the national cabinet has worked well, that the Prime Minister has shown great leadership in bringing the country together in this context—and the administrative arrangements, appropriately, reflect that.

Senator WONG: Are we done! Can I go back to the *Cabinet Handbook*. It has always been drafted by Prime Minister and Cabinet. It has never been drafted by the Prime Minister's office. I'm asking you whether or not there were any changes to the new *Cabinet Handbook*, which was just gazetted or published yesterday, in the Prime Minister's office?

Ms Foster: My understanding is that there were very minimal changes, but it's always been our practice that the *Cabinet Handbook* or the amendments to it are drafted in the department, often as a result of discussions with the cabinet secretary, and so it's not a linear process where we sit in isolation and draft and throw something up and they change. We actually talk it through with them so that what we send up is normally close to the fact, and in fact that was the case in this event. I just want to emphasise that the process we went through with this was the process that we go through for any amendment.

Senator WONG: I'd be very careful about that.

Ms Foster: We draft—

Senator WONG: I do not believe that to be the case. Having been involved in a number of these previously, I do not believe that to be the case. Perhaps don't make such a general assertion from the table.

Ms Foster: I've just checked with our head of Cabinet Division and she's confirmed that our normal process is to draft amendments, in discussion with the office, often, to send them up for—

Senator WONG: Why are you—

Senator Cormann: This is clearly a strategy this morning. You're trying to make unremarkable processes—

Senator WONG: It's because she's been excessively political, so I respond. When she's not, I don't.

Senator Cormann: You are trying to make unremarkable, normal processes sound as if there's something wrong. The Prime Minister is the head of the government, the Prime Minister is the head of the cabinet—

Senator WONG: He's not the emperor!

Senator Cormann: That's an outrageous slur.

Senator WONG: That's how he behaves.

CHAIR: Order, Senator Wong.

Senator Cormann: I reject that completely.

Senator WONG: He avoids scrutiny, avoids transparency—

Senator Cormann: He is the head of the government. He's responsible, they are—

Senator WONG: —he continues ministers who have corruption allegations against them.

CHAIR: Senator Wong, please!

Senator Cormann: They are the cabinet guidelines, that are publicly released, of the government that he leads, because the Australian people entrusted him with that responsibility at the last election. For as long as the Australian people entrust the Prime Minister to lead this government, then this is his responsibility. Yes, he gets advice and input from his department and other sources, but ultimately he is accountable and it's his document.

Senator WONG: Okay, tell us who attended the Cabinet committee's external—which external members attended it?

Senator Cormann: I have told you, I have taken the question on notice, because I don't know.

Senator WONG: The only reason you can take it on notice and make a cabinet confidentiality claim is because he has established a one-person cabinet committee, which enables him to decide to extend cabinet confidentiality to whichever meeting he wants. It's an extraordinary thing.

Senator Cormann: I reject that characterisation. I have taken the question on notice because—

Senator WONG: Ms Foster, I asked a timing question. First, can you confirm when you engaged with the cabinet secretary in this government. That person is, as you described it, a political staffer. So it is not a cabinet secretary who is a member of the Public Service?

Ms Foster: He's a MOPS staffer.

Senator WONG: Thank you. You described him as a political staffer previously, I think?

Ms Foster: That was loose language. He's an MOPS staffer.

Senator WONG: Political staffer.

Senator Cormann: He's a MOPS staffer.

Senator WONG: He's a political staffer. Did he used to work with the IPA.

Senator Cormann: He's employed under the MOPS.

Senator WONG: Did he work for the IPA? Was he an IPA person?

CHAIR: I don't think I'm supposed to answer questions here, Senator Wong.

Senator WONG: You're my IPA expert!

Ms Foster: Mr Shearer has also had a significant Public Service career.

Senator WONG: Why are you doing this? I didn't ask you this question!

Senator Cormann: You are trying to slur somebody.

Senator WONG: This is where you and I go into conflict—where you proffer what are frankly political defences that should be for the minister. I didn't ask you a question about his previous CV. I am well aware of it.

Ms Foster: I thought you were asking about his background.

Senator WONG: No, I was asking you to confirm that you described him as a political staffer, which you have.

Ms Foster: I was not attempting to do anything but provide facts—

Senator WONG: Going back, you said it was finalised from your perspective three weeks ago.

Ms Foster: I think I said that we had answered all of the questions that had been asked of us in relation to it some weeks ago. I can't remember whether it was three or five. It was around that timeframe.

Senator WONG: So a draft was provided. You had what you described as many iterations. Questions were asked of you. Who was the final pen-holder on it?

Ms Foster: Ms McGregor is the drafter, or her staff, but ultimately it is for the Prime Minister to approve with whatever changes he feels are appropriate.

Senator WONG: Did you get a final version from the PMO, Ms McGregor?

Ms McGregor: We sent a draft to the Prime Minister's office. My recollection is there were minor typographical changes made to that draft, nothing substantial.

Senator WONG: So you got the final back?

Ms McGregor: We got a version back with those typographical amendments made.

Senator WONG: Is that the version with the edited changes, which is—

Ms McGregor: With the national cabinet.

Senator WONG: No, please let me finish the question.

Ms McGregor: Apologies, Senator.

Senator WONG: Is that the version which is now being published?

Ms McGregor: Yes.

Senator WONG: Right. You provide a draft, they send it back with some minor changes, which you say are minor, which Mr Shearer has undertaken, and you fixed it up. When did that happen? When did you get it back?

Ms McGregor: We got it back earlier this week or last week.

Senator WONG: Earlier last week?

Ms McGregor: Towards the end of last week, I think it was. I'm losing track.

Senator WONG: You won't get in trouble if you just tell me what happened.

Ms McGregor: I can confirm it was Friday; that's my recollection.

Senator WONG: Friday a few days ago or Friday the week prior?

Ms Foster: The Friday that's just—

Ms McGregor: I will need to check the exact timings, but the Friday just gone.

Senator WONG: You got the changes from Mr Shearer.

Ms McGregor: The brief came back to us via the normal system, the PDMS, with a version that had those changes. We worked to have that typographically correct, I guess, and formatted properly so that it could be made public, which is also our normal process.

Senator WONG: The forward has removed the phrase:

Our success will depend on continuing in the tradition of the best Cabinet governments.

Was that a change that was made by PM&C or at the request of PMO?

Ms McGregor: I'd have to check on that.

Senator WONG: You don't know why we removed the reference?

Senator Cormann: The officer has taken it on notice, which the officer of course can do, so we'll get you an accurate response.

Senator WONG: I'm asking a different question, which is: do you know why that section was removed?

Ms McGregor: I can't comment on that; I don't know.

Senator WONG: That's fine; if you can't, you can't. Who drafted the section on the national cabinet? Was that drafted in the department or was it drafted in the PMO?

Ms McGregor: My recollection is that we drafted that largely in the department, and in some discussions with states and territories there was quite a bit of input into it. It was based largely on the terms of reference that had been agreed by the Prime Minister, first ministers and premiers at national cabinet.

Senator WONG: The *Cabinet Handbook* says:

The National Cabinet operates according to the longstanding Westminster principles of collective responsibility and solidarity.

Those principles are elsewhere referenced in the *Cabinet Handbook* as requiring that 'once decisions are arrived at and announced they are supported by all ministers'. It also says:

In practice, a decision of the Cabinet is binding on all members of the Government regardless of whether they were present when the decision was taken.

And it explains cabinet solidarity requires:

Members of the Cabinet must publicly support all Government decisions made in the Cabinet, even if they do not agree with them.

Can you confirm that none of those longstanding Westminster principles actually apply to the national cabinet?

Senator Cormann: What I can say is that the national cabinet does not derogate from the sovereign authority and powers of the Commonwealth or any state or territory. I think, as has happened in the context of national cabinet, there have been, on occasion and on some issues, agreements to have different positions in different jurisdictions based on the different circumstances that they may be facing from time to time. The national cabinet accommodates the fact that, in a large country like ours and in a federation that's made up of different states and territories, in different states and territories on occasions there will be different speeds or different pursuits in an agreed fashion.

Senator WONG: That's all fine, but it's not a cabinet. It might be branded 'cabinet', but the fundamental principles of what determines what a cabinet is don't apply. There's no collective responsibility. There's no solidarity. There's an agreement that there isn't going to be consensus and, from what we can see where you've got the Prime Minister and members of your government attacking premiers—I have to say, not Liberal premiers, only Labor premiers, but that's a different issue—it's quite clear that there isn't any cabinet solidarity.

Senator Cormann: I think there's been great solidarity.

Senator WONG: There may well be, but I'm saying that it's yet another branding, isn't it? It's not a cabinet in anything except name.

Senator Cormann: I disagree, and the state and territory leaders disagree.

Senator WONG: No, it is not a cabinet in anything but name. The principles in our Westminster system that define how a cabinet operates and what a cabinet does do not apply to this meeting of governments. What it does do for the Prime Minister is enable the application yet again of cabinet secrecy to deliberations.

Senator Cormann: Well, Premier Anastacia Palaszczuk—

Senator WONG: So it is a much less transparent—

Senator Cormann: The Prime Minister is really listening to the states—

Senator WONG: I'm talking about the Prime Minister.

Senator Cormann: He's responding, and the level of cooperation is phenomenal.

Senator WONG: Can I finish please?

CHAIR: Minister.

Senator Cormann: You're making all sorts of assertions. You're just wanting me to let you get all these assertions on the record.

Senator WONG: I'll finish, and you can have five minutes.

CHAIR: Minister, you can respond, but let Senator Wong conclude her question before you do.

Senator Cormann: I didn't detect a question.

CHAIR: Maybe one was still coming.

Senator WONG: It's a cabinet in name only.

Senator Cormann: I disagree.

Senator WONG: It does not comply with or apply the principles—

Senator Cormann: Every state and territory minister—

Senator WONG: of cabinet solidarity and collectivity, which are integral, even in your own handbook, and certainly historically, to what a cabinet does. But what it does enable this Prime Minister to do is extend the principle of cabinet confidentiality so as to avert—surprise, surprise—more scrutiny.

Senator Cormann: I disagree.

Senator WONG: It is much less transparent arrangement than COAG was. So, I simply ask this: why does the Prime Minister insist so often on branding things as something which they really are not? We had evidence today or yesterday—

Senator Cormann: How long is this speech going to go for?

Senator WONG: that we had a national bushfire recovery—answer my question: why does he insist on branding things that are not as he says they are, like the National Bushfire Recovery Agency, which is not actually an agency but a 'branded unit', and a national cabinet that isn't a cabinet. It's just a 'branded unit' to avoid scrutiny.

Senator Cormann: Are we going to have an ongoing speech?

CHAIR: Thank you, Minister.

Senator WONG: I've finished. Thank you.

Senator Cormann: I completely reject the proposition. Any reasonable person around Australia would recognise that the national cabinet has been an outstanding innovation in terms of our national governance, particularly in the context of a one-in-100-year global pandemic that essentially required governments from around Australia from all political persuasions to pull together. But don't take my word for it. The Premier of the great state of Western Australia, Labor Premier Mr McGowan, talking about the national cabinet, said:

It's a thousand times better [than COAG]—

the set-up that you seem to favour—

It's nimble, it's not stage-managed, you actually talk for real about issues. It elevates the states and gives us a greater say nationally.

That is Mr McGowan. Premier Andrews of Victoria said:

National cabinet is working well, with all first ministers focused on fighting the coronavirus pandemic ... Once we are through to the other side of this crisis, I expect COAG will look significantly different.

And later Premier Andrews said, 'My view would be that COAG is basically finished, or it should be.'

So, premiers and chief ministers from around Australia have embraced the national cabinet as an important additional mechanism in our national governance. It's working well and it's appropriately reflected now in the *Cabinet Handbook*. The *Cabinet Handbook*, at the federal level, is the Prime Minister's document.

Senator WONG: I think the evidence, including from the Prime Minister's own mouth, is clear. It might be called a cabinet. Whatever arguments for it you might wish to make, it might be called a cabinet but it is not a cabinet. It has no collective responsibility and no solidarity. What it has enabled the Prime Minister to do, because of the way in which the *Cabinet Handbook* has now been drafted by his political staffer, Mr Shearer, is ensure that there is less accountability—

Senator Cormann: I disagree.

Senator WONG: and less transparency—

Senator Cormann: You're clearly testing a new line. You tried to get traction with 'the Morrison recession', which got no traction at all, because every reasonable person knows that it's the COVID recession, and you're now trying to get another buzzword going. It clearly comes out of some Labor Party focus group work.

Senator WONG: Which is the buzzword?

Senator Cormann: I've heard you repeat a buzzword about five or six times this morning.

Senator WONG: Which one is it—the emperor? No, that's just me!

Senator Cormann: I'm sure that is your latest attempt at it, and it will have as little credibility as your previous attempt getting a tag line going.

Senator AYRES: I think we'll be coming back to the recession being longer and deeper because of the decisions that your government is making.

Senator Cormann: Only the Labor Party has missed the 4.5 per cent contraction in the global economy.

Senator AYRES: I think we will be coming back to your responsibility—

CHAIR: Either way—

Senator AYRES: and the Prime Minister's responsibility.

CHAIR: Talk about recessions belongs elsewhere, I think.

Senator AYRES: You're making the recession longer and deeper than it otherwise would be.

CHAIR: Senator Ayres, I think your colleague Senator Wong has nearly concluded this line of questioning, so why don't we all facilitate that.

Senator WONG: I have a lot more I could ask you, but what's the time?

CHAIR: It is really getting on.

Senator WONG: It is getting on. To 'credible women'. I'm not going to ask you, Ms Foster, I'm going to ask the minister, which will be fun. Minister, it was widely reported that an advisor or spokesperson from the Prime Minister's office rang a female journalist, Ms Dent, who had written a piece about the government's failure to focus on women in the budget. This PMO staff member told the journalist: 'No-one credible has a problem with this budget or the policies proposed.' Is that the position of the government?

Senator Cormann: Firstly, I've got no first-hand knowledge of what, apparently, is a background conversation between an unnamed staffer and an unnamed journalist—

Senator WONG: Which has been reported.

Senator Cormann: I'm not going to provide running commentary on every rumour that gets reported in the media. What I would say is that our budget is our plan to get Australia out of the COVID recession, and it's going to be an important plan for all Australians: men and women. We want to get back to the situation we were in before this COVID recession hit; that is: the highest level of workforce participation by women on record, and the lowest gender pay gap on record. That is where we want to get back to. This budget seeks to maximise the strength of the economic and jobs recovery, which is particularly important for women because women were disproportionately impacted by the economic impact of the crisis when it hit, as were young people. So, as we work to maximise the strength of the recovery, our focus is on making sure that as many jobs as possible are restored, as many new jobs as possible are created and that the workforce participation by women goes back to the record levels that we achieved in the past.

Senator WONG: I didn't ask you about rumours, I asked you about a quote from a Prime Minister's spokesperson: 'No-one credible has a problem with this budget or the policies proposed.' I'm asking you if that is the position of the government?

Senator Cormann: I'm not going to provide commentary about anonymous, unsourced report—

Senator WONG: It's from a Prime Ministerial spokesperson.

Senator Cormann: Allegedly.

Senator WONG: Allegedly, okay!

Senator Cormann: I've got no direct, first-hand knowledge of any such proposition. I've just given you the position of the government.

Senator WONG: A number of women have used the public title, 'credible women,' as a demonstration of solidarity with Ms Dent and also, I assume—I won't speak for them—to add their voice or name to some of the concerns that have been raised about the government's budget. Amongst the women who have described themselves online as 'credible women' are Ms Lucy Turnbull, Ms Diane Smith-Gander, Sam Mostyn, Dr Kirstin Ferguson, Kate Morris, Deborah Cheetham, Kathy Lette, Julia Baird, Dr Kerryn Phelps, Angela Jackson, Marina Go, Cassandra Goldie and Dr Neela Janakiramanan, who is a surgeon. Do you think they're all not credible too?

Senator Cormann: I don't know what you are asking me to comment on.

Senator WONG: Your government is suggesting—

Senator Cormann: That's your allegation based on an unsourced—

Senator WONG: Alright, then refute it. It's a Prime Minister's spokesperson in an on-the-record comment. You can't come in here and say: 'I'm not going to comment and I'm not going to confirm that that is or isn't the government's position' then, when I put it to you, say, 'I can't confirm whether it is or isn't the government's position.'

Senator Cormann: No, I completely reject that. I've given you the government's position. The government's position is that our budget is a budget that will get Australia out of the COVID recession. Our budget is our plan to ensure that all Australians have the best possible opportunity to get ahead in the wake of the strongest possible economic and jobs recovery. In that context it is particularly important for women who were disproportionately impacted by the negative consequences on the economy and on jobs out of the COVID recession. It's particularly important for women that our plan to get Australia out of this COVID recession is successful. The measures in this budget are designed to get us back into a situation as before, where, as a result of our work during the first six years in government, we secured the highest workforce participation by women on record and the lowest gender pay gap on record. Look at our record and look at what we are aiming to achieve again into the future.

Senator WONG: So why are so many women upset with the government's budget, then, if you've done such a great job?

Senator Cormann: That is just a broad, general statement.

Senator WONG: No, it's a genuine question. If you think you've done such a great job, and it has not been well received among many Australian women, I'm asking you to tell me why you think that's the case.

Senator Cormann: In the end, all Australians, men and women, will get to pass judgement at the next election about how they believe we have performed and how good our plans are for the future, and they'll get to pass judgement on the alternative proposition. Men and women will have that opportunity, as they do at the federal level every three years.

Senator WONG: I have one more set of questions in the domestic, and then my next set of questions after that will go to international. I just thought I'd flag that. Ms Foster, I want to go to the issue of QAnon.

Ms Foster: Yes.

Senator WONG: I understand that the FBI defined QAnon as a fringe political group and assessed it as being 'very likely to motivate some domestic extremists, wholly or in part, to commit criminal and sometimes violent activity.' That was reported online. It's asserted to be a quote from the FBI, but I don't have the source at this point. Are you familiar with QAnon, Ms Millar?

Ms Foster: Senator—

Senator WONG: Oh, sorry. Ms Foster.

Ms Foster: I was not aware of QAnon until the issue was first raised in estimates some time ago.

Senator WONG: Okay. Given that this is an issue about the FBI, I wouldn't mind Ms Millar coming to the table, and I will ask her about it—or Mr Martin. Ms Millar, can you come to the table, please.

Ms Foster: If we're going towards staffing—

Senator WONG: I will ask questions, but I want to ask first about the FBI and issues around briefing of the Prime Minister in relation to QAnon. Thank you.

Ms Foster: Ms Millar will come to the table now.

Senator WONG: Yes, that's why I was flagging it.

Ms Millar: My colleague Mr Colquhoun is actually briefed on this if you'd like to ask him.

Senator WONG: Sure. That gets you out of the seat quickly, hey?

Ms Millar: I'm sure I'll be back.

Senator WONG: When you say you have briefed, does that mean you've briefed the Prime Minister or you are briefed?

Mr Colquhoun: Not at all, Senator. I know as much, I think, as anybody from the PM&C side knows about QAnon, which is a little bit, because I have responsibility for counterterrorism.

Senator WONG: Sure. Are you aware of the FBI's assessment?

Mr Colquhoun: Yes.

Senator WONG: To your knowledge, has the Prime Minister received briefings at any point subsequent to the FBI's assessment which include the risk of those people committing criminal and violent activity?

Mr Colquhoun: No.

Senator WONG: Would you be aware?

Mr Colquhoun: I normally would be, yes, if the Prime Minister's briefed on a CT matter, but QAnon does not have a large presence in Australia.

Senator WONG: It depends where, I suppose. So PM&C has not determined, post this FBI assessment, for you to brief the PM.

Mr Colquhoun: No, we have not briefed the Prime Minister.

Senator WONG: And the PM's office hasn't requested a briefing?

Mr Colquhoun: They have not requested a briefing of us. The one caveat I will put is that in certain CT matters, particularly sensitive ones, ASIO will contact the Prime Minister's office directly, and I wouldn't be aware in some of those instances.

Senator WONG: Do you have any knowledge of ASIO providing any briefing which includes material in relation to QAnon, particularly in the context of right-wing extremism.

Mr Colquhoun: Not on QAnon specifically, but on the extreme right-wing aspect terrorism, yes, ASIO has provided a number of briefings.

Senator WONG: Sure, and he's also made public statements about that.

Mr Colquhoun: Yes, that's right.

Senator WONG: Are you aware of the views and theories promoted by QAnon proponents?

Mr Colquhoun: Yes, I am.

Senator WONG: I've only become aware recently, but amongst them is that there is a cabal of Satan-worshipping paedophiles whose activities extend to trafficking children through a secret labyrinth of tunnels under Melbourne and Sydney.

Mr Colquhoun: The stories behind QAnon vary dramatically. The main focus is a paedophile ring supposedly largely participated in by members of the Democratic Party in Washington. It all dated back to a thing that was called 'Pizzagate' in Washington where the allegation was that there was a sex ring run out of a pizza shop basement. The pizza shop did not have a basement but was targeted by violent extremists who sprayed it with machine gun fire.

Senator WONG: What is the Australian government's position on QAnon?

Mr Colquhoun: I'm not sure that we have a specific one on QAnon, but on extreme right-wing terrorism, we certainly do. I notice that the Department of Home Affairs briefed on that yesterday that all our counterterrorism and countering violent extremism efforts are ideologically agnostic. I noticed that Home Affairs briefed yesterday that it was roughly an 80-20 split between extreme right-wing terrorism when it comes to countering violent extremism and what might be broadly grouped as Islamist extremism.

Senator WONG: Does the Australian government share the concerns of the FBI that this is a movement that may motivate violent criminal activity?

Mr Colquhoun: Senator, I don't specifically know. I would suspect so, but ASIO could certainly brief you in more detail.

Senator WONG: Sure. At supplementary budget estimates last year, PM&C was asked about an article on the public record which revealed that a longstanding friend of the Prime Minister is a leading proponent of the QAnon conspiracy theory. On the public record the article also stated that the wife of this person was employed by the department at Kirribilli House. You will presumably recall that exchange, Ms Foster?

Ms Foster: Yes, I do.

Senator WONG: You took on notice a range of questions: is a close friend of the Prime Minister one of Australia's leading proponents of the QAnon conspiracy theory; is the partner of that person on the Prime Minister's staff; has a QAnon conspiracist been invited to either

the Lodge or Kirribilli; and has information from this person been passed directly to the Prime Minister? Senator Cormann took them on notice, and you responded saying that personal relationships of the Prime Minister's staff are not a matter for the Department of PM&C and you've got no knowledge of other matters referred to. We have some knowledge of the entity. Shall we call them the entity? What do we call them?

Mr Colquhoun: I wouldn't call them an entity.

Ms Foster: Organisation?

Mr Colquhoun: A movement would be the best way you could describe it.

Senator WONG: Movement, thank you. I understand the principle that a department will not ordinarily want to take a view or interest in the Prime Minister's personal relationships or the personal relationships of his staff, but we do have on the public record now reports that the Prime Minister has an association or a friendship with someone who is associated with a dangerous fringe conspiracy movement. I'd suggest there is a public interest in responding to that.

Ms Foster: So, Senator, I think the lens that Mr Martin and I were coming from was that our association with this issue was to assist in the employment of a staff member for Kirribilli House and that we took all proper measures to make sure that that person was suitable for that employment including, the relevant police checks. That was our responsibility, and we felt that we had executed that responsibility appropriately. The minister was just checking that it was the allegedly the wife of the person.

Ms Foster: That's correct.

Senator WONG: Yes, the partner of the person who's publicly associated with this movement.

Ms Foster: And that we have no indication.

Senator WONG: I appreciate some of those boundaries. I think there's a public interest in ensuring that people are aware that such ideas—there's no vector of influence. It's about transparency.

Ms Foster: We have not in any way sought to conceal any information. We've tried to answer your questions, the Senate's questions, fully and openly and to explain what role we've been playing. I'm just not sure that there's a broader role that the department can take with respect to this issue.

Senator WONG: Are you aware—it has certainly been reported by both the *Guardian* and News Corporation papers—that the Prime Minister's close friend has been banned from Twitter for what the social media platform describes as coordinated harmful activity?

Senator Cormann: I'm not sure that you can characterise that person, whom I don't know, based on the fact that the wife is employed, having gone through all of the relevant checks. I mean, I don't know that's reasonable.

Senator WONG: Sorry, which bits are—?

Senator Cormann: When you say 'close personal'—

Senator WONG: Sorry, I thought he was a close friend. I didn't think that was disputed but, if it is, I'm happy to use a different form of words.

Senator Cormann: I would not necessarily press that point.

Senator WONG: Okay—associate. I think it is on the public record his friendship with this person. I'm not in a position to judge how close he is. The Prime Minister's associate's wife was, on the last occasion working or was intending to work; I can't recall where that was. I know I haven't gone to that point yet but I will go to that point. Anyway, were you aware his Twitter account has been suspended because of what's described as coordinated harmful activity?

Ms Foster: I was not aware of that.

Senator WONG: Were you aware of that?

Mr Colquhoun: No, I wasn't.

Senator WONG: Seems odd, given you do a lot of media monitoring, don't you—PM&C?

Senator Cormann: You're talking here about the husband of somebody who you say works—

Senator WONG: A friend of the Prime Minister, whose wife—okay, an associate.

Senator Cormann: That's your assertion.

Senator WONG: I'm not actually trying to play word games here, Senator Cormann. I have described him as such because that's how he's been reported. If you're pushing back on that and you say describe it in other ways, I'm happy to take your suggestion—associate.

Senator Cormann: The only thing I am aware of, as has been confirmed by Ms Foster, is that the woman concerned has been employed. There doesn't seem to be any suggestion that there is anything concerning.

Senator WONG: No, I think, you should get advice on that. No, I don't think that's right. I think it is on the public record that this person has a relationship with the Prime Minister—or had; I don't know what the current situation is. So he's been banned from Twitter. I'm asking why it is that the department has no knowledge of that. I do find that surprising given questions have been asked, there's been media commentary about it, and you do a fair bit of media monitoring.

Ms Foster: I was just checking with Mr Martin who, as you know, heads our communications area who was also not aware. I think, were it not for the fact that the gentleman's spouse was employed at Kirribilli, I'm not sure that we would have any association with this issue at all. I'm trying not to repeat myself but we have tried to restrict our activities to the employee and to do whatever we would normally do to assure ourselves that that was appropriate.

Senator WONG: Okay. I'll come back to that. Senator Cormann, I will give you this opportunity: I mean, you're pushing back on my description of this as a close friend. Let me just say this—

Senator Cormann: Well, from what I have heard of the evidence just now—

Senator WONG: This has been reported, I think, for over a year. The Prime Minister has never refuted it. If the Prime Minister wishes to describe this friendship in different terms, I'll respect that, but he's chosen not to respond.

Senator Cormann: I can only go by the facts as they have been outlined by Ms Foster. I don't know the people involved. I understand that there is an employee who has a husband and I don't know what the status of that husband is, but I don't think you can reflect on an employee because of what may or may not be the views of her husband and that is what you appear to be trying to do.

Senator WONG: No, actually, I haven't done that. I have asked about the husband and the fact that he had been banned on Twitter, or discontinued, and I have made the point that the friendship with the Prime Minister has been on the public record; it's never been refuted by the Prime Minister. If the Prime Minister wishes to make clear the nature of their friendship, that's a matter for him.

Senator Cormann: I have no knowledge of what's the status is or isn't. I'm only aware of the employee who, I believe, complies with all of the relevant requirements.

Senator WONG: No, I'm going to come on to that. How many staff are at Kirribilli again, Mr Martin?

Mr Martin: There's three staff at Kirribilli House.

Senator WONG: And is one of them the individual to whom we're referring?

Mr Martin: Yes.

Senator WONG: Do all of them have a security clearance?

Mr Martin: They do.

Senator WONG: And that's happened since the last estimates?

Mr Martin: Yes.

Ms Foster: It was in train during last estimates.

Senator WONG: That's right. One other issue that I understand is also on the public record which I was not aware of is there have been reports about some wording used in the Prime Minister's speech on the apology to the survivors of institutional child abuse. Do you have any knowledge of these reports?

Ms Foster: I don't but I will ask our social policy colleagues if they have any knowledge. If anyone does, if they would like to come to the table.

Senator WONG: There is an allegation that there were changes to the speech, including—and this seems far-fetched, but I think it would be useful to put it to you to make sure it is refuted—that these close associated urges a change to the Prime Minister's speech to use a different word, the word being 'ritual'. I'm asking: can we use this opportunity to make clear that is not case?

Ms Foster: I don't know. I have just asked all of my staff openly if anyone has any information. It would appear the answer is no, so the best I can do is take that on notice.

Senator WONG: That is fine. That is all I had on that.

Senator AYRES: I want to ask some questions about the response of the department to findings in relation to Minister Tudge's criminal conduct. On 23 September this year, Justice Flick of the Federal Court said this about Minister Tudge, who was the acting Minister for Immigration: 'The minister has acted unlawfully.' Justice Flick said the minister's actions had unlawfully deprived a person of his liberty and that 'his conduct exposes him to both civil and

potentially criminal sanctions not limited to a proceeding for contempt. ... In the absence of explanation, the minister has engaged in conduct which can only be described as criminal.' When and how did the department become aware of the judgement?

CHAIR: Senator Ayres, I am loathe to have a debate with you about this and certainly not a legal one but can I ask that you observe the usual conventions about how you refer to members of parliament, particularly allegations you make about criminal conduct and other—

Senator WONG: I think he is quoting.

Senator AYRES: I am quoting from—

Senator WONG: He is allowed to quote.

CHAIR: You did quote.

Senator AYRES: I did have a preamble.

CHAIR: You had a preamble that was not a quote; that was what I was referring to.

Senator AYRES: The judge, Justice Flick, said 'The minister has engaged in conduct which can only be described as criminal'. When and how did this department become aware of that judgement?

Ms Foster: My understanding is we became aware of the judgement when it became public, but my staff are checking to make sure. Because there are different parts of the department, some which deal with ministerial issues and others which deal with international and security issues, we are checking to see if any part of the department knew in advance of it being public.

Senator AYRES: Will you be able to come back to me later today?

Ms Foster: Yes.

Senator AYRES: Senator Cormann, does the Prime Minister expect his ministers to act lawfully?

Senator Cormann: Well, of course.

Senator AYRES: What action did the Prime Minister or his department take in response to the judgement?

Senator Cormann: Again, there is obviously a separation of powers in our system, and I'm not going to start commentating on—

Senator AYRES: I'm not sure what that has what to do with it.

Senator Cormann: It has a lot to do with something. A judge has expressed an opinion. Clearly the Prime Minister maintains confidence in Minister Tudge. In terms of any specific inquiries or processes at the time, I'd have to take that on notice.

Senator AYRES: Seriously? There's a decision issued by a justice of the Federal Court, who said that the minister had acted unlawfully and exposed himself to civil and criminal sanctions, and the Prime Minister doesn't have a view?

Senator Cormann: Well, a Federal Court justice has expressed an opinion. Minister Tudge has strongly—

Senator AYRES: It's a little bit more than an opinion. He hasn't sort of said it to a taxi driver or a journalist—

Senator Cormann: Well, you can now—

Senator AYRES: He's issued a decision of the court—

Senator Cormann: You don't get to—

CHAIR: Order! Both Minister and Senator Ayres—

Senator Cormann: yell and bully in this committee. You get to ask questions and I get to answer them.

CHAIR: Order! Thanks, Minister. I'll deal with it. Senator Ayres, perhaps you could just ask your question and then allow the minister to answer and then ask as many follow-up questions as you wish.

Senator AYRES: Thanks, Chair.

Senator Cormann: I go back to my earlier statement. There is, appropriately and importantly, in our system of government separation of power between the parliament, the executive and the judiciary. This process that you're referring to still may be subject to further legal proceedings, which is of course why I am somewhat limited in what I can say. But let me just say that Minister Tudge has strongly rejected the comments that were made by the Federal Court justice in this case regarding the delayed release of an Afghan man from immigration detention. I can also again confirm, as I indicated to you earlier, that Minister Tudge continues to enjoy the full confidence of the Prime Minister.

Ms Foster: Senator, I've confirmed that the department did not know before the judgement became public.

Senator AYRES: Did the department brief the Prime Minister or his office on the judgement?

Ms Foster: I don't believe so, but if that isn't correct then I'll let you know.

Senator AYRES: Senator Cormann, are taxpayers meeting Mr Tudge's legal costs?

Senator Cormann: I'd have to take that on notice. The arrangements here are the same arrangements that are in place and are always in place under governments of both political persuasions. Clearly if ministers are parties in legal proceedings in the course of their duties then, on the same basis as was the case for previous governments, including the previous Labor government, of course the usual support is provided. But in terms of the specifics in this context, I'd have to take that on notice.

Senator AYRES: Well, there's a series of problems here, isn't there? The first is that the Prime Minister's statement of ministerial standards provides that ministers must exercise their duties or their ministerial powers lawfully.

Senator Cormann: And we believe that he has. It's a matter that is still to be resolved.

Senator AYRES: You say it's subject to appeal so you'll worry about it down the track.

Senator Cormann: Minister Tudge has strongly rejected the allegations made by a Federal Court justice.

Senator WONG: It's a judgement.

Senator Cormann: Well, it's an expression of an opinion.

Senator AYRES: It's not the local court; it's the Federal Court.

Senator Cormann: And this may still be subject to further proceedings. It's disputed. It's rejected by Minister Tudge. And it would be inappropriate for me to go into the ins and outs of further legal proceedings. But, in the meantime, Minister Tudge absolutely continues to enjoy the confidence of the Prime Minister.

Senator AYRES: So, Acting Minister Tudge just trundles along and we wait to see if there's an appeal, do we?

Senator Cormann: Well, this is clearly just political commentary rather than a question.

Senator AYRES: I'd like to know why a Federal Court judgement finds that the minister acted unlawfully and why that didn't give rise to an immediate request for a briefing from the department.

Senator Cormann: As I've indicated to you, this matter may still be subject to legal proceedings, and I'm just not going into that sort of commentary and legal opinion provision—

Senator AYRES: Do you know whether it's going to be appealed? Have we passed the deadline for appeal?

Senator Cormann: I'm not going to provide legal advice here to this committee. In fact, standing orders indicate that that's not something I should do. What I do here is make very clear that the Prime Minister continues to have confidence in Minister Tudge, and Minister Tudge has strongly refuted the views and the comments that were expressed by Federal Court Justice Geoffrey Flick.

Senator WONG: Can we just be really clear—and you raised the separation of powers—that these are not comments, these are not opinions; this is a judgement.

Senator Cormann: Well, they are comments—

Senator WONG: If you don't agree with it, if the government doesn't agree with it, it is the government's right to appeal. But it's not like a media report. And you yourself have stated that ministers are expected to comply with the law. In the absence of a judgement on appeal overturning this, this is what the judicial branch of the Commonwealth has said about the conduct of a minister—that it was unlawful. And in that context—

Senator Cormann: And we disagree.

Senator WONG: Yes, well, you're entitled to appeal. I'm not disputing that. But if the answer to Senator Ayres's question is, 'We didn't think we needed to be briefed on the fact that the minister has been found to have acted unlawfully', that's pretty extraordinary.

Senator Cormann: I'd sort of repeat what I've said before. The comments made by this judge—not findings, but comments—are—

Senator WONG: It's a judgement.

Senator Cormann: These are comments that Minister Tudge has strongly refuted. The broader issue is still likely to be subject to legal proceedings, which is why I will not entertain detailed questions on the ins and outs of it. But let me also again confirm the Prime Minister's full confidence in Minister Tudge. And Minister Tudge very strongly refuted those comments that were made by Federal Court Justice Geoffrey Flick.

Senator AYRES: You say that it's likely to be the subject of an appeal. Is an appeal being lodged?

Senator Cormann: I'm not going to go into the proceedings. I've already indicated to you that I'm not going to—

Senator AYRES: So, you just assert that you don't know? Has the deadline passed?

Senator Cormann: I'm not going to go into legal procedural matters. That wouldn't be appropriate. It would not be done and would not be entertained by a minister in a Labor government, either.

Senator AYRES: Mr Morrison said, when he was appointed as Prime Minister: 'Everyone has to play by the rules in this country—everyone—whether you're a big business, setting electricity prices or loaning money or you're just someone parking in the street. We've all got to live by the rules of this country, the law of our land.' When did Mr Morrison change his mind and decide that that doesn't apply to ministers in the cabinet?

Senator Cormann: Well, I reject the premise of the question. It's a ridiculous question. It's just not true. He hasn't, and that assertion is false.

Senator AYRES: So, if there's no appeal lodged—

Senator Cormann: That is a hypothetical question.

Senator AYRES: and we come back to this place in a few weeks time, a few months time. Are you just going to let it drag on?

Senator Cormann: I'm not sure what the question is.

Senator AYRES: The Statement of Ministerial Standards also provides that ministers must not encourage or induce public servants to breach the law. Did any public servant breach the law by following a direction from Mr Tudge?

Senator Cormann: Are you asking me for the—

Senator AYRES: It's a pretty important question, isn't it? Wouldn't you want to satisfy yourself about that?

Senator Cormann: Are you making an allegation? What are you alleging?

Senator AYRES: I'm asking you—

Senator WONG: The decisions he made have been found by a Federal Court judge to not be lawful, and therefore what Senator Ayres is asking is whether instructions based on those unlawful decisions—

Senator Cormann: We don't accept that they were unlawful. They were just comments that were made—

Senator WONG: It's not just comments!

Senator Cormann: by a judge.

Senator AYRES: You can't dismiss that. I mean, I'm not a lawyer. I'm not even a bush lawyer. But I wouldn't dismiss a decision of the Federal Court as a comment. It has a little bit more weight than that.

Senator Cormann: Well, they were comments by that particular Federal Court justice—

Senator WONG: Comments! Wow.

Senator Cormann: that Minister Tudge strongly disagrees with—

Senator WONG: You should talk to your lawyer.

Senator AYRES: He didn't say them to a taxi driver, did he, or to his bookie? He said them in a decision of the court.

Senator Cormann: It wasn't a decision. That's actually not right. It wasn't a finding.

Senator AYRES: Are you sure about that?

Senator Cormann: It was commentary.

CHAIR: Was the matter before the court?

Senator WONG: Yes.

Senator Cormann: No—

Senator WONG: What do you mean? In front of the chair, please tell us. We're now going to have the conservatives attacking the judicial branch. I really love the way in which conservatives like institutions until they don't—

Senator Cormann: I'm actually not attacking anyone—

CHAIR: This has been very unproductive.

Senator AYRES: Mr Tudge was appointed the acting—

Senator Cormann: I'm just stating that we have a difference of opinion and this is yet to work itself out.

Senator AYRES: Mr Tudge was appointed the acting minister almost a year ago, on 13 December 2019. Is it expected that Mr Tudge will continue to perform this acting ministerial role into 2021?

Senator Cormann: You're not going to matters that are 100 per cent the province of the Prime Minister in relation to decisions that may or may not be made in the future. I will leave it to the Prime Minister to make any decisions about the future composition of the cabinet at the appropriate time.

Senator AYRES: I'm not asking about the reshuffle that will follow your departure; I'm saying that he was appointed as the acting minister.

Senator Cormann: But Minister Tudge continues to enjoy the full confidence of the Prime Minister. I've said that several times.

Senator AYRES: Yes, and will the acting arrangement continue through until 2021?

Senator Cormann: well, they will continue until they don't.

Senator AYRES: Thank you.

Proceedings suspended from 15:45 to 16:00

Senator WONG: As flagged prior to the break, I have a question about representations being made by Mr Daryl Maguire to the Prime Minister in relation to visas. The Prime Minister was asked today in question time whether or not Mr Maguire—who, as you know, is obviously before the Independent Commission Against Corruption—had made any representation to him or his office about visas. The Prime Minister said he gets lots of representations. I want to know, given that this was raised in question time, whether or not the

department has any knowledge of any representations being made to the Prime Minister by former Liberal MP Daryl Maguire in relation to visas.

Ms Foster: Thank you for flagging it before the break. We attempted to get some information in that short break and were unable to. We're continuing to pursue that and will come back to you as soon as we can.

Senator WONG: Is it possible that we could do that today?

Ms Foster: We are trying to do that.

Senator WONG: Senator Cormann, I'm now asking you, as a representative of the Prime Minister. Has the Prime Minister or his office been the subject of or received any representations from Mr Daryl Maguire in relation to visas?

Senator Cormann: I'm not aware. I'd have to take that on notice.

Senator WONG: Thank you, Chair.

CHAIR: Senator McKenzie.

Senator McKENZIE: I have a couple of questions about national cabinet. On 31 March, Victoria's police minister, Lisa Neville, announced, and I quote, 'a decision of National Cabinet to put a temporary ban on access to firearms', at a press conference. In mid-April, a staffer in Queensland police minister Mark Ryan's office referred to discussions in national cabinet having prompted chief health officers around Australia to implement bans on the sale of firearms and ammunition. Can you confirm whether this was or was not a decision of national cabinet?

Ms Foster: I don't have that information. Obviously, the team is listening to your question. If someone has that information, then we'll give it to you as quickly as we can.

Senator McKENZIE: Well, I won't proceed with my other questions. I might just come back in a couple of hours. Can we have somebody here who would have that information, because I've got a series of questions around it?

Ms Foster: We'll certainly know by the end whether or not we know, and we'll try to get a message to you through the secretariat.

Senator McKENZIE: Thank you. I'll come back.

CHAIR: Senator Wong.

Senator WONG: I'll move to International now, if I may.

Ms Foster: Ms Millar will come to the table.

Senator WONG: I'm going to start with what you know about stranded Australians.

Ms Foster: I might ask Ms Frame to join us as well, because we're doing it across our domestic and national security groups. In broad terms, Ms Millar is dealing with any consular or international aspects, and Ms Frame with the coordination aspects within Australia.

Senator WONG: Including quarantine?

Ms Foster: Yes.

Senator WONG: Probably both of you will be relevant to this at different times. First, I want an update on the number of Australians stranded overseas who want to return to Australia.

Ms Millar: Our advice from the Department of Foreign Affairs and Trade as of yesterday was that there were 32,300 Australians seeking to return.

Senator WONG: And, just to confirm that I understand the taxonomy of all this, this is not all Australians overseas.

Ms Millar: That's right.

Senator WONG: These are people who are overseas who have expressed an interest, or registered an interest, in returning home.

Ms Millar: That's correct.

Senator WONG: Can someone outline the current cap on international arrivals for each state and territory, please?

Ms Frame: Senator, I will get you that exact information. They were increased a few weeks ago, as you would be aware. In Victoria, as you would appreciate, there is still a cap of zero. In New South Wales, the cap has increased in the week beginning 12 October to 2,950. In WA, as at 12 October, the cap has increased to 1,025. In Queensland, as at 12 October, the cap is at 1,000. South Australia increased their cap on 5 October to 600, and that is ongoing. And the ACT, Tasmania and the Northern Territory do not have a cap.

Senator WONG: Meaning they have no arrivals?

Ms Frame: They will soon have arrivals.

Senator WONG: But not currently?

Ms Frame: Not currently.

Senator WONG: So there's a cap by virtue of supply, as it were, or demand.

Ms Frame: Yes. As you know, the caps were imposed at the request of the state governments. Those governments did not request a cap, and that would have been because they weren't subject to international flights.

Senator WONG: So it's about 5½ thousand?

Ms Frame: It's 5,575.

Senator WONG: I am interested in a document or evidence which shows me what the cap was and the number of places that were utilised within the cap for each particular time period since they were put in place. Do you have that? In other words, do you report this weekly? I assume it's done by week.

Ms Frame: Yes, we do.

Senator WONG: And the cap was introduced on 13 or 14 July?

Ms Frame: That's correct—4 July.

Senator WONG: From that week, do you have the information which shows what the cap was at each of the jurisdictions and how many places were utilised?

Ms Frame: We can get that information. I know we produced that information last week and shared it with the Queensland government. It was information that we specifically brought together in order to assure ourselves around the utilisation of the caps.

Senator WONG: So you have looked at utilisation rates?

Ms Frame: Yes.

Senator WONG: What has been the utilisation rate since 4 July?

Ms Frame: I would need to get you the exact information, Senator, but I can say it's been very high, with regard to the caps. The information we were looking at last week indicated that it was typically between, I think, about 95 per cent and, sometimes, 102 per cent. It did drop to, I think, about 75—I can confirm these figures for you, Senator—when the caps increased. What we ascertained was that, when there was the jump in the cap—

Senator WONG: In October?

Ms Frame: Yes—in Queensland, for example. And that was why we produced that information; we were having the discussion with the Queensland government. They were saying that it seems to be lower than it was, and we demonstrated that there was a bit of a lag in picking up that additional capacity, just a week.

Senator WONG: As a consequence of international flights?

Ms Frame: It's as a consequence of the increase in the cap and the organisation required to utilise the cap. Also, specifically in Queensland there was an airline that was allocated a significant proportion of the cap that wasn't using it, and the department of infrastructure have since then taken that proportion away. So it's very—

Senator WONG: That's just a reduction in the cap to increase the utilisation rate?

Ms Frame: They apply that proportion of the cap to other airlines who have indicated they will be able to utilise those numbers.

Senator WONG: But with removal of the cap, you're changing the denominator, which will change the utilisation rate. It's not actually—

Ms Frame: Removal of the cap?

Senator WONG: You said they took away something.

Ms Frame: From an airline, so we said to an airline—

Senator WONG: I see, allocate it to someone else.

Ms Frame: allocate it to someone else.

Senator WONG: Okay, that's fine. Can I go through a chronology, a short point about numbers. The cap was announced on 4 July, I think you said, and on 20 August we were advised that there were 18,800 stranded Australians. On 2 September it had increased to 23,000. On 24 September, it was 26,800. Today, 20 October, it is 32,375. Is that right?

Ms Frame: It is 32,300.

Senator WONG: So it's getting worse, not better.

Ms Frame: Clearly, Australians overseas are now reconsidering their circumstances or bringing themselves forward to DFAT and adding their name to the list.

Senator WONG: Yes, because if you're there for a short period, that might be manageable. If you're there for a longer period—and quite a lot of time has passed since the borders were closed and the cap was put in place—people's financial and personal circumstances deteriorate, so you're going to get more people registering. That's what has happened. It's almost doubled since 20 August.

Ms Frame: The numbers have increased, and, indeed, DFAT advised that this is what would occur. This happens every time there are incidents.

Senator WONG: But there's been nothing like this, has there?

Ms Frame: But there has been an increase in people coming forward and saying: 'If there's an option to get home, and that's looking more likely, then I would like to register.'

Senator WONG: Anecdotally, the people who've contacted us say, 'We were fine for a bit', 'We've run out of money', 'I've lost my job' or 'My husband's lost his job'. People's circumstances mean that staying where they are becomes more problematic. You'd agree with that?

Ms Frame: That's right.

Senator WONG: Can we go to whose job is what? Is PM&C the central coordinating agency to deliver on the Prime Minister's stated intention that we bring all stranded Australians home by Christmas?

Ms Frame: DFAT are leading that task force.

Senator WONG: So there's a task force.

Ms Frame: There is a task force.

Senator WONG: Who are members of the task force?

Ms Frame: There is a deputy secretary from DFAT, who is leading that work.

Senator WONG: Remind me who that is.

Ms Millar: Tony Sheehan.

Senator WONG: Okay, I'll ask him.

Ms Millar: And the members—

Senator WONG: Who are the members of the task force?

Ms Frame: You would need to ask DFAT the members of the task force.

Senator WONG: Are you on it?

Ms Frame: No, I work with Tony on an IDC, where he brings the work of his task force to inform the work of PM&C.

Senator WONG: I'm sorry—so, the task force is internal to DFAT.

Ms Frame: That's correct.

Senator WONG: Okay. Tell me who's on the IDC.

Ms Frame: The IDC is chaired by me, as the Deputy Secretary Social Policy. It comprises Tony Sheehan from DFAT, the band 3 from Infrastructure. They are heavily involved because of the work involved in booking flights and liaising with airlines. There are also a band 3 from Home Affairs; a band 3 from Border Force; the Acting Chief Medical Officer, Paul Kelly; a band 3 from Education, Services and Employment; and Andrew Tongue from Agriculture, Water And Environment and—

Ms Millar: Defence.

Ms Frame: And Defence, yes.

Senator WONG: When was the IDC established?

Ms Frame: There have been different groups convened over the years. Since COVID became a really significant issue, in March. I've been in this role for seven weeks, as you would be aware. I commenced a band 3 group specifically on coordinating activities around bringing Australians home about one month ago.

Senator WONG: Which is this IDC.

Ms Frame: That's correct.

Senator WONG: A month ago.

Ms Frame: There were a standing band 2 group and a standing band 1 group.

Senator WONG: So you elevated it?

Ms Frame: Yes, that's correct.

Senator WONG: Did you provide advice to the government about what would need to happen in order for the now in excess of 30,000 stranded Australians to get home by Christmas?

Ms Frame: Yes, we did. DFAT did work on how many. They provided the list, and we assisted them and modelled how we would need to respond with flights and what would be needed to get those Australians home.

Senator WONG: Tell me about what would be required.

Ms Frame: That's when we had conversations with the states and territories about looking at facilitated commercial flights to enable more Australians to return home and those conversations that I referred to when we were wanting to ensure that every seat within the cap was utilised and those—

Senator WONG: Okay. So we'd need to facilitate charter flights or facilitate—

Ms Frame: Facilitated commercial flights.

Senator WONG: So the subsidy to a commercial airline or something like that?

Ms Frame: That's correct. PM&C don't lead those negotiations, but, yes, that's correct.

Senator WONG: No, this is just to understand what the modelling would be.

Ms Frame: Yes.

Senator WONG: And expanded domestic quarantine capacity?

Ms Frame: Yes.

Senator WONG: What was the expanded domestic quarantine capacity?

Ms Frame: That was agreed at national cabinet.

Senator WONG: No, I'm not asking what was agreed. I'm asking what you modelled in order to get 30,000 people home by Christmas. How much quarantine capacity would be required?

Ms Frame: Just to be clear, we didn't model it in terms of how much quarantine capacity would be required, because quarantine capacity is contingent on public health inputs, hotel requirements and security requirements—aspects that are not within control of the federal government. So we didn't model backwards. We didn't assume an increase in quarantine capability that we didn't have any indication from the states was available. So it was governed by what the states and territories indicated they could cope with.

Senator WONG: So you didn't actually model the end point of 30,000 people home by Christmas; you modelled how many people we can get home given how many quarantine places we currently have?

Ms Frame: Yes, and then we modelled the increase to the caps a few weeks ago. That obviously made a significant difference. Then we looked at facilitated commercial flights to jurisdictions that don't have a cap where we could increase the number of Australians returning home.

Senator WONG: And how many facilitated commercial flights have been organised?

Ms Frame: I'd need to get those exact numbers from DFAT. I know the first one is scheduled to arrive at Howard Springs on 23 October.

Senator WONG: How many does your modelling assume?

Ms Frame: We haven't modelled the exact number of facilitated commercial flights that would be needed. In PM&C we have not modelled that.

Senator WONG: What does your modelling do? You said you haven't modelled the flights and you haven't modelled quarantine capacity, so what are you modelling?

Ms Frame: The modelling tracks the number on the list at the point when we started the exercise. I should clarify: it's DFAT work, but it is work that is conveyed by them to the foreign minister and also by us to the Prime Minister's office. It models that number of Australians overseas, how many are coming home each week, and how many we would need to enable return flights for in order to get that number down to zero. But that was based—obviously any model is based—

Senator WONG: Can you say that again?

Ms Frame: Yes, certainly. So we had the finite number. We've acknowledged that there are stocks and flows and that the number is constantly moving. More people are coming forward all the time. When we did that model, it was, I think, 26,800 people at that point in time. We had to take an input, and we took that number and modelled, per week, how many Australians would need to come home in order to get that number down. It wasn't zero, but it was how we would model that decrease in the number over the next few months. The specific number that we did model down to zero was the 4,000 vulnerable Australians, who were a subset of the 26,800. That's a point in time, as I said. That's no longer the current number, but that's a point in time.

Senator WONG: Of course. So at no stage have you actually modelled—well, with the modelling on the 26,000, what was the end point? It was a bit above zero, but what was the date of the end point?

Ms Frame: My colleague Ms Spencer might know some more detail on that.

Ms Spencer: It's probably worth adding the other variables that come into play, because part of what's happening is that, as the caps go up, those people are also increasingly getting on commercial flights. So it's not only facilitated commercial flights into Howard Springs.

Senator WONG: Sure. It's a signal to the market. I understand that.

Ms Spencer: Yes.

Senator WONG: I'm just asking: what's the end point?

Ms Spencer: The goal, as stated by the Prime Minister, was to get people home by Christmas.

Senator WONG: So you have modelled what it would take to get most of those 33,000 Australians home by Christmas?

Ms Frame: As I said, Senator, when we did that modelling, it was based on 26,800.

Senator WONG: Yes.

Ms Frame: I need to check the exact number, but that was the point in time at which we did that modelling.

Senator WONG: How many per week would you have to bring home?

Ms Frame: I will need to confirm that number. Do you have any more detail on that?

Ms Spencer: No, I don't.

Ms Frame: But we can get that number to you, Senator.

Senator WONG: It's above the current quarantine caps, isn't it? The maths tells us that.

Ms Frame: Yes.

Ms Spencer: With the additional 500 at Howard Springs, that gives additional capacity, and, as other changes are happening in the hotel quarantine system, as well, that will also make a difference. For example, Western Australia, after the 18 September national cabinet agreement, decided that domestic travellers residents would be quarantined at home instead of hotel quarantine. So, there are many movements that are happening throughout the system. This is work that we're discussing regularly with the states and territories.

Senator WONG: I just want to know—and so do they—at the moment the numbers are going to wrong way.

Ms Frame: No, that's not correct. More Australians are coming forward. Yes, we said the number goes up of the Australians who are wanting to come home, but we are bringing more Australians home every week on the flights.

Senator WONG: Of course, that's self-evident. But the actual number of people who are in need—your demand—is growing. So I'm just trying to clarify. Are we on track to bring 32,000 people home by Christmas?

Ms Frame: I'll need to take that on notice and get you more detail. As my colleague has explained, I'm not trying to make it more complicated than it is, but there are a range of inputs that are affecting this—

Senator WONG: I understand modelling, okay.

Ms Frame: For example, if I can explain, when the New Zealand bubble was announced and one-way travel from New Zealand was enabled to New South Wales, that freed up effectively 15 per cent of their quarantine capacity—

Senator WONG: I understand that real life has many more variables than models. I'm trying to get some sense of the work you have done—what that would imply—in order to meet the government's stated deadline, what your advice is or what your models demonstrate, indicate, about what that implies of per-week arrivals, and whether we are currently broadly on track for that. So I'm not asking you for every variable about what changes in that, but you have done modelling that says 30X thousand, assuming the flow—you must assume a

particular flow that gets added to the number of people who register—and the deadline, I'd like to understand what that implies in terms of weekly arrivals and whether we're meeting that?

Ms Frame: Certainly we can get you that information.

Senator WONG: Thank you. You say you commenced this process about a month ago, but before that there were some more loose or less formal band 2 arrangements? Is that—

Ms Frame: No, they were not less formal. They were formal. Band 2 arrangements, band 1 arrangements—the acting chief medical officer had a band 3 group, a standing band 3 group, which we have transitioned into the band 3 group convened by Prime Minister and Cabinet.

Senator WONG: On 21 August, the Prime Minister said:

What I have asked for from the Foreign Affairs Minister and the Minister for Home Affairs and the Defence Minister is they bring forward measures to me and the Treasurer to see how we can better support those who are still overseas and we acknowledge that some of them are in some difficult circumstances. ... and we'll be doing more to help them in those circumstances and to assist them to get home within those caps.

Have those measures been brought forward by the foreign affairs minister, the home affairs minister and the defence minister?

Ms Frame: Subsequent to that date—that was August, you said, was it?

Senator WONG: 21 August.

Ms Frame: Subsequent to that date, the national cabinet has agreed to significant increases in the caps—1,650 people per week.

Senator WONG: That wasn't my question.

Ms Frame: I'm going through the measures that have directly responded to that comment.

Senator WONG: I asked specifically about what measures were brought forward to the Prime Minister and Treasurer by those three ministers.

Ms Frame: In addition to that, the government announced last week a partnership with the Northern Territory, where the Howard Springs quarantine facility—

Senator WONG: I can read media releases, but that wasn't my question. Shall I ask the question again.

Senator Cormann: The officer is just taking you through all the measures—

Senator WONG: I am quite aware of them. That actually wasn't my question. Do you want me to rephrase the question?

Ms Foster: I think Ms Millar might have some information that helps.

Senator Cormann: Bearing in mind that you are going to deliberative processes of cabinet, in terms of the proposal—

Senator WONG: Here we go! Here's the national cabinet again being used to cover up!

Senator Cormann: I completely reject that proposition. Proposals of this nature, as you would expect, go through the NSC or cabinet process as appropriate, when it comes to these sorts of matters at the federal level. And where there are relevant implications in terms of

state and territory governments, they go through the national cabinet. But with those confines and those limitations, I—

Senator WONG: There's no obvious connection, until you tell me, between the announcement the government has made and the Prime Minister asking those ministers to come forward with a plan.

Senator Cormann: The Prime Minister asking these ministers to come forward on initiatives and measures of this nature implies conformance to the proper processes of government.

Senator WONG: I'm simply asking whether or not any of the decisions that you referenced were as a consequence of those ministers coming forward, or whether PM&C, and your process that you have described, is actually where these ideas are being generated.

Ms Frame: Certainly, those ministers and their agencies have been involved in implementing these decisions and planning these decisions, and there are resources of their agencies involved in furnishing these changes.

Ms Millar: I'm not sure if this is helpful—it may be what you're referring to. As you know, the Department of Foreign Affairs and Trade, through the foreign minister, announced additional support for vulnerable Australians overseas—some loan arrangements that would allow them to come home. That was on 2 September—the expanded hardship program.

Senator WONG: Yes, the loans. What was the date of that?

Ms Millar: 2 September.

Senator WONG: I also understand that the Department of Defence had provided advice and options to support Australians overseas, in support of other agencies. This is in an answer to a question on notice from Senator Keneally, in the COVID committee—sorry, it was not brought forward, but it had provided advice and options in support of other agencies. I'm simply trying to connect again. We had an announcement by the PM, saying, 'I've tasked these ministers to come back with something.' Defence hasn't come back with anything; they provided advice through this forum. It seems to me, and please tell me if I'm wrong, that what's occurred is that PM&C has coordinated an interdepartmental committee, which has generated options. It's not actually been the home affairs minister, foreign affairs minister and defence minister bringing forward any options.

Ms Foster: I think we're going to need to take on notice how this process has been coordinated and come back to you.

Senator WONG: Really? You're coordinating it. Why do you need to take on notice what you have coordinated? Ms Frame has given me a lot of evidence about it. Frankly, she seems to be doing quite a lot of work on this—hopefully good work.

Ms Foster: What I'm trying to get to is that we may need to take on notice exactly what came forward from the ministers.

Senator WONG: We get another announcement that he's going to fix it because his ministers will bring something forward. Defence says they haven't provided options and basically a bunch of public servants at very senior levels are generating options, but the ministers don't have any engagement. That's what it looks like. If I'm wrong, please tell me.

Ms Frame: I can say that at an agency level, for example, the increase in the caps required a significant increase in ADF support. So there are contributions from all those agencies.

Senator WONG: They said that. Their answer to the question on notice is that 'DOD has not brought forward measures to support Australians overseas', which is what the Prime Minister said Defence would be doing. Defence has provided—

Senator Cormann: All of these matters—

Senator WONG: I'm just making a point. Yet again there's a gap between what the Prime Minister says will happen and what actually happens.

Senator Cormann: No, there isn't.

Senator WONG: There always is.

Senator Cormann: There isn't.

Senator WONG: He's very predictable.

Senator Cormann: I completely reject this. You're ignoring the normal functioning of government. The ministers that you're referencing and the ministers that the Prime Minister indicated he was asking to bring certain proposals forward, lead those submissions and lead the relevant considerations on these matters, through the deliberative processes of cabinet, including the National Security Committee. Of course all of these matters are led, as appropriate, by the Minister for Foreign Affairs and the Minister for Home Affairs, through the relevant cabinet subcommittees. The reason you're able to put me at a disadvantage is that you're well aware of the cabinet confidentiality requirements in relation to those processes. So I'm not going to be at liberty to go into specifics. But what the Prime Minister said is absolutely right. What Ms Frame was talking you through were the outcomes of those processes. Ms Frame was actually very helpfully taking you through all of the measures that the government had taken in order to maximise the number of Australians who could be repatriated from overseas. Those measures are the consequence of processes within government, led as appropriate by these relevant ministers as indicated by the Prime Minister.

Senator WONG: Okay. But DOD didn't bring forward any advice? They're represented on your IDC, I assume.

Ms Frame: They are represented.

Senator WONG: But we don't have the ministers—

Ms Frame: They have assisted wherever options have been required.

Senator WONG: I'm not actually suggesting that. I'm just saying we have a fanfare about ministers coming forward with something and—

Senator Cormann: But that is precisely what happened.

Senator WONG: It's just always an announcement.

Senator Cormann: This is the normal process of government. This is what good government is all about: ministers leading relevant submissions with relevant proposals in their areas of responsibility.

Senator WONG: I will do this in foreign affairs. But your government sat on its hands until this got into the media.

Senator Cormann: That is ridiculous.

Senator WONG: It is not, actually, and people know it. If you'd seen the COVID committee evidence you would know that. I don't know what people have been doing. It's not the people at the table I'm referencing. Now we've got 32,000 people. Can I confirm we've had the announcement—you might want to add to this, Ms Frame. The Prime Minister made another announcement, which was the additional—I don't know what page it is—on 16 October in relation to Qantas chartered flights and other facilitative flights. This is 16 October. Can you tell me how many flights were actually facilitated?

Ms Frame: They haven't commenced yet. As I said, the first one arrives at the Howard Springs facility on 23 October.

Senator WONG: How many others are scheduled?

Ms Frame: I'll get you that information.

Ms Millar: I think I can assist. The eight facilitated flights with Qantas coming over the next few weeks are from London, New Delhi and Johannesburg, and the first two flights will depart London on 22 October and New Delhi on the 26th.

Senator WONG: So two from London on 22 October?

Ms Millar: One from London on 22 October and New Delhi. One from each.

Senator WONG: That's it?

Ms Millar: New Delhi is the 26th.

Senator WONG: Let's do this again. There is one from London on 22 October, one from New Delhi on the 26th—what else is scheduled?

Ms Millar: We don't have all the details of those. It's being handled by the Department of Foreign Affairs and Trade. There are six others, eight altogether, with Qantas. I'm aware that the department is also looking at other possibilities. We don't have all that information here.

Senator WONG: Back to your modelling, I'm trying to work out what has driven the number of facilitated flights. This is back to the point I was making to you earlier, which is that if you have this number of people stranded you have an assumption which you'll have to put in about how many people join the queue, as it were—yes?

Ms Frame: Yes.

Senator WONG: You have an end date of Christmas. What that then implies, what one can deduce from that, is the number of people who have to come home per week in order to make that happen—yes?

Ms Frame: Yes.

Senator WONG: How many have to come home per week?

Ms Frame: I don't know what that number is. I'll have to check for you.

Senator WONG: That's the one you're getting on notice for me?

Ms Frame: It does move all the time, but I will get you the modelling.

Senator WONG: But you can give an order. What do you mean it moves?

Ms Frame: It doesn't correlate directly to a number of facilitated commercial flights.

Senator WONG: Of course not. That's the next question. You're jumping ahead. The first question is: what does the Prime Minister's announcement, the number of people who are

stranded, the number of people we assume will join that we want to come home, imply in terms of the number of people we need to get home each week?

Ms Frame: As I said, the last modelling I saw on that was based on a number of 26,800, and we modelled how many people would need to come home on that figure, and that figure keeps changing. And more people are coming home—

Senator WONG: Do you have the 26,000 number?

Ms Frame: I can get you that number.

Senator WONG: That's the one you're going to give me?

Ms Frame: Yes. Then there's the next question, which is how. There are a number of variables. The two primary variables are the number of quarantine places and the number of flights.

Senator WONG: Did you model down to that in terms of how many flights and how many quarantine places?

Ms Frame: As I've said, we've done work to ensure that the quarantine places are being utilised

Senator WONG: That's a different question. This is a denominator question. This is the number of quarantine places there are, not how many are utilised.

Ms Frame: We want to ensure that they are all being utilised, because, as my colleague made clear when we appeared a few weeks ago, there are thousands of seats on planes that are empty flying into Australia, and they are empty because there is not quarantine capacity to meet any passengers at the other end. That is the reason that it is complicated. The other factor that we do have to consider, and it is a big constraint on DFAT, is that we cannot easily arrange facilitated commercial flights into jurisdictions that have a cap. That is another difficulty.

Senator WONG: Because it's more expensive?

Ms Frame: There are actually quite significant legal constraints with airlines as well as the quarantine capacity and the cap to jurisdictions. That is why DFAT and the department of infrastructure are concentrating their efforts with the facilitated commercial flights into uncapped jurisdictions.

Senator WONG: So at this stage we have two. That's all you can provide evidence of?

Ms Millar: We don't have the details. There are eight flights that are being worked through with Qantas, but I don't have all the details here, because DFAT is handling that, but we can get that.

Senator WONG: It's alright, Ms Millar. That's why I'm confirming. The only evidence you can give me today is on the two that you know about that have been scheduled, and there are six more in the offing but I would have to ask DFAT about them?

Ms Millar: That's correct.

Senator WONG: That's fine. Regarding the use of Howard Springs, which you also reference, Ms Frame, the Prime Minister used the number of 5,000 between now and the end of March.

Ms Frame: Yes. I believe that's based on the contractual arrangement with the Northern Territory government, which is approximately 500 passengers per fortnight.

Senator WONG: Is there any correlation between the numbers into Howard Springs and the numbers who are on the facilitated flights?

Ms Frame: Yes, there is.

Senator WONG: What's the correlation?

Ms Frame: The 500 people—certainly the flights that Ms Millar outlined—are numbers that we are assuming and we know will fill those 500 places at Howard Springs when they become available from 23 October. The Northern Territory government offered through this arrangement to have 500 people per fortnight, and the Australian government is arranging flights with the requisite number of passengers to take advantage of those 500 places per fortnight.

Senator WONG: But the 500 is within the 5,000 cap, isn't it?

Ms Spencer: It's in addition to the caps because it is an uncapped airport at Darwin.

Senator WONG: Of course. Sorry. In addition to the cap we then have 500 per fortnight. How many fortnights between now and Christmas?

Ms Foster: I think eight. I'm not known for my maths.

Unidentified speaker: Four or five.

Senator WONG: He's the economics one! How many are you assuming Howard Springs will transit between now and Christmas in your modelling?

Ms Frame: Certainly the Commonwealth government is intending to use every place that we have contracted.

Senator WONG: That's not my question.

Ms Frame: It is in fact the answer, because DFAT are arranging the flights to meet the agreed arrangement.

Senator WONG: Which is what? 4,000?

Ms Frame: If there are four or five fortnights, it would be about 2,000 to 2½ thousand.

Senator WONG: I thought you said it was eight?

Ms Foster: I was counting weeks, sorry.

Senator WONG: Oh, weeks!

Ms Foster: I did say my maths wasn't very good.

Senator WONG: Okay. A couple of thousand?

Ms Frame: Correct.

Senator WONG: So how do we get to 30,000 people home by Christmas?

Ms Frame: The Prime Minister's commitment and priority is to get the 4,000 vulnerable Australians home sooner than—

Senator WONG: Basically, are you telling me we're not going to get the 30,000 home by Christmas?

Ms Frame: I can't answer that question.

Senator WONG: Yes you can.

Ms Frame: I've made it clear that we've got every effort in place, and we are—

Senator WONG: So what is the objective? Is it to get 4,000 home, or is it to get 30,000 home?

Ms Frame: The objective is to get 4,000 home—all the vulnerable Australians—and as many as possible. Ideally, this would be every single Australian who would like to come home. We are working towards that objective.

Senator WONG: But, basically, you're already seguing into 4,000 being the objective—

Ms Frame: No.

Senator WONG: not what the Prime Minister's said, which was all of them home by Christmas.

Senator Cormann: Actually, what the officer is saying is entirely consistent with what the Prime Minister says: as many as possible, but prioritising vulnerable Australians. You've got to recognise that we are dealing with a pretty challenging environment, a pretty challenging global health context and a pretty challenging global aviation context, and, indeed, with the limitations imposed at state and territory level too. So, in that context, we are doing everything we can to get as many Australians home as quickly as possible. But, of course, as people would expect us to do, we are prioritising based on those most vulnerable Australians to come back first.

Senator WONG: Basically, you started late. That's what happened.

Senator Cormann: That's also not correct.

Senator WONG: It's true. You announced caps, and no-one went: 'Well, this is what will happen if we announce, this is what will happen to the market and this is what will happen to Australians overseas.'

Senator Cormann: We agreed to caps that were put forward by the states, in circumstances, I think, that every reasonable Australian understands.

Ms Frame: Can I just add that another significant game changer in that equation over the next few months would be Melbourne Airport coming back online. It used to provide about 27 per cent of incoming passenger capacity internationally, so we are working with the Victorian government to try and agree a date at which they might be able to start taking international passengers as well.

Senator WONG: Is this before or after the Treasurer stops playing politics with the Premier?

Ms Frame: I can't comment on that. I can just—

Senator WONG: But it's not helpful. If you're wanting to negotiate and you have the Treasurer out playing—whatever people's views about it are—political games around it, this is hardly conducive to a sensible negotiation, is it.

Senator Cormann: You're asking for commentary around it—

Senator WONG: I'm making a comment. I'm not asking her to respond. She doesn't need to respond to that. The numbers still don't add up. There are four fortnights between now and Christmas—that's how much I've been paying attention. So, two and a bit thousand—correct?

Ms Frame: Through Howard Springs?

Senator WONG: Through Howard Springs. So, where do the rest of the four come home, and how many of the 30,000 will get home?

Ms Frame: Approximately 5,500 at the moment—5,575 per week under the existing caps with the capped jurisdictions. As I said, Melbourne is potentially coming online, and the Victorian government are working with us very constructively about when they might be able to offer quarantine facilities again and start taking some international flights. There are other uncapped jurisdictions as well who are also very engaged with us about their potential to take some facilitated commercial flights. So, as I said, there are a whole range of factors—that's why it's quite a complex equation—but everything is being exhausted to try and find capacity to bring Australians home.

Senator WONG: You might be saying that everything is being exhausted, but, I have to say, from where a lot of these families and individuals sit, the government's inaction on this until it hit the media is pretty patent.

Ms Frame: I can't comment on that.

Senator WONG: No, you can't.

Senator Cormann: That's just a political line.

Senator WONG: It's actually what they're saying. This is not even me. This is what they're saying. The caps were announced in July, and nothing happened until things hit the media. There was no discussion around facilitation. The stories have been—anyway, we've gone through this, through the COVID committee. So basically what we're confirming is that you're coming back to me about how many of the 30-something thousand—

Ms Frame: As I keep saying, it's of the 26,800. That was the modelling on the number, the stock, at that particular point in time.

Senator WONG: Yes, but you can't ignore the flow. It's obvious that that was going to increase, because it has.

Ms Frame: Yes.

Senator WONG: It has on every occasion you've been asked to provide evidence about this, and I presume that this is well-known to government. But I understand what you're coming back with. You're coming back with what your modelling on the 26,000 shows. I'm saying that what the evidence today demonstrates is: firstly, the government is shifting from its commitment to bringing people back by Christmas to saying—

Senator Cormann: We're not shifting—

Senator WONG: You have shifted from the Prime Minister's commitment to a new commitment, which is: 'We'll bring the 4,000 back, and we'll get as many of the others back as possible.' That's what Ms Frame said, which is not what the Prime Minister said.

Ms Frame: I'm sorry: that's not what I said.

Senator WONG: I'm happy to read the *Hansard* back to you.

CHAIR: Senator Wong, allow the witness to make clear what she said.

Senator WONG: If you tell me what you say you said, we can go back and have a look.

Ms Frame: Sorry, Senator, I've tried to be clear that we modelled the 26,800 and how many we would need to get home every week to get them home by Christmas, but numbers and factors keep moving around us. That's what I said, Senator.

Senator Cormann: It's an evolving situation we're dealing with.

Senator WONG: That's not the point I'm making. The point I'm making is that today you said that the Prime Minister's priority is to get the 4,000 home. I am saying by Christmas, and as many of the 30 or 26, now the 32, as possible. I'm saying that's the government shifting its position—it's shifting the goalposts, because it can't make it.

Senator Cormann: No. The position, as I stated at the time, was based on the modelling at the time. But it is an evolving situation and, as the situation evolves and the facts change, clearly what is practically feasible changes. But we are working as fast and as best we can in the context of a pretty difficult environment.

Senator WONG: He does understand that making announcements doesn't actually bring people home?

Senator Cormann: That's just a political line.

Senator WONG: Because we've had series of announcements—July, August, September, October—

Senator Cormann: And there's been action that has followed.

Senator WONG: He said, 'I'm moving heaven and earth.'

Senator Cormann: And that's exactly what's happened.

Senator WONG: And what's happening is the numbers are still going up—

Senator Cormann: Because, of course, as the processes are put in place—

Senator WONG: which was always obvious; completely predictable.

Senator Cormann: You're clearly not interested in answers; you're just interested in making political points.

Senator WONG: I think I'm reflecting the frustration that so many Australians feel with this continued series of announcements by the Prime Minister, and what is happening is that the numbers are actually increasing.

Senator Cormann: I think the Australian people can see that there's been significant progress made in the context of a very challenging environment, and it's a good thing that, as these processes are settling down, more Australians, obviously, have the confidence and interest to come forward to come home. We will accommodate them and act on that as swiftly as we can.

Senator WONG: Can I go back to the QON from Senator Keneally and the Department of Defence confirming it has provided options to support Australians overseas in support of other agencies. Are you able to tell me what those options are? I assume it was to your IDC.

Ms Frame: As I said, they have provided additional ADF personnel to support the increase in quarantine capacity in the capped jurisdictions, and that has been a significant increase in personnel. They have also, through the Howard Springs proposal, made available RAAF Base Darwin for flights to land, which is preferred by the Northern Territory government and the airport in Darwin. So, they are assisting us, wherever possible, to make

those arrangements easier for the Northern Territory government and across all the jurisdictions where they're providing quarantining capability.

Senator WONG: Have there been any conversations about the use of Defence facilities for quarantine?

Ms Frame: Not in the IDC that I'm leading, Senator. I'm not sure if there have been discussions anywhere else.

Senator WONG: In terms of the IDC, do you provide consolidated advice to the Prime Minister based on the IDC work about what options exist—the way forward—to bring people home?

Ms Frame: We bring together all the agencies that I mentioned and provide a consolidated status report to the Prime Minister on where everyone is up to with their respective tasks under this plan to bring Australians home.

Senator WONG: On notice, I'm asking for a copy of that advice.

Ms Frame: Okay.

Senator WONG: In terms of policy options, is the mechanism for those policy options—which include those we've been discussing—from that IDC and the PM&C generating advice to the Prime Minister? Or is there a collective process?

Ms Frame: On some occasions there's advice to the Prime Minister. There would also be agencies attending who are pursuing things in their own space. They would provide options to their ministers, also.

Senator WONG: Is the lifting of the caps a collective decision of the national cabinet, an individual decision of jurisdictions, or the Prime Minister's decision?

Ms Frame: It was a collective decision of national cabinet.

Senator WONG: Okay. The Prime Minister said on 21 August:

Right now, when you're looking to manage the risk in quarantine, I agree, and that's why I am not lifting the caps currently as they exist on airports at the moment in our major capital city centres.

So did he misspeak?

Ms Frame: No. He subsequently—there were discussions occurring with jurisdictions, obviously, who are leading the quarantining facilities in the states and territories. When there was an indication that they could furnish additional quarantine capacity then the option was taken to national cabinet and agreed.

Senator WONG: That's not what he said though. He said: 'I'. He said: 'I'm not lifting the caps.'

Ms Frame: That was in August, Senator, you said?

Senator WONG: Yes. He said, 'I am not lifting the caps.'

Senator Cormann: 'I'm not' what?

Senator WONG: 'I am not lifting the caps.'

Ms Spencer: Senator, it may be worth clarifying that it is a Commonwealth power under the Air Navigation Regulations, which is utilised.

Senator WONG: Correct.

Ms Spencer: However, the public interest test related to the use of that power for this purpose is to do with the transmission of COVID-19 and the need for 14 days quarantine.

Senator WONG: The air navigation—?

Ms Spencer: Air Navigation Regulations.

Senator Cormann: This is an evolving—

Senator WONG: Sorry; can I just—

Senator Cormann: I'm just responding to what you've said—

Senator WONG: I just want the name of the delegated legislation. You don't know. She's just giving me the name of the regulations—

Senator Cormann: I'm answering on behalf of the government.

Senator WONG: Can I get the name of the legislation first?

Senator Cormann: I'm answering on behalf of the government, Senator. We'll get through this quicker if you let me answer.

Senator WONG: If you'd just let me finish—

Senator Cormann: You are taking a point in time and a public comment from the Prime Minister, in the context of something that's an evolving situation, and, as the facts, the context and the opportunities change, then, of course, the decisions change. It is completely inappropriate in this context to take a comment on one particular day in a different context, and then somehow put it over as things that happened subsequently, after the context and the opportunities changed. That is very, very important. You are taking the Prime Minister's comments completely out of context in the way you're trying to position them here in this line of questioning.

Senator WONG: Ms Frame, could you just tell me what the legislation is? Is it the Air Navigation Regulations?

Ms Frame: Air Navigation Regulations 2016. That is the legal basis for the caps. The legal basis for the quarantine is under state government public health regulations.

Senator WONG: Yes, I understood the distinction she was making. Thank you for that, Ms Frame. You'll come back to me on the weekly arrival rate you assumed for the 26,000?

Ms Frame: Yes.

Senator WONG: Did the department or the Prime Minister's office provide any assistance or facilitation to Mr Abbott during his recent visit to Europe and the United Kingdom?

Ms Millar: The answer is no—no, we didn't.

Senator WONG: I'm assuming you're going to come back, Ms Frame?

Ms Foster: She's not going anywhere, Senator.

Ms Frame: Yes, Senator, I've taken it on notice.

Senator WONG: Are you taking it on notice? I thought you were going to come back later today.

Ms Frame: I thought I took it on notice, Senator.

Senator Cormann: You did.

Senator WONG: Okay. Ms Millar, do you want me to ask the question again?

Ms Millar: If you wouldn't mind.

Senator WONG: Did the department or the PMO provide any assistance or facilitation to Mr Abbott during his recent visit to Europe and the United Kingdom?

Ms Millar: Not to my knowledge.

Ms Foster: The only other person who might know is Mr Martin and he is listening and I'm sure if he has any information—

Senator WONG: He'll trundle up the passage and provide it.

Ms Foster: he will come, but I think the fact that he hasn't appeared means, no, we haven't provided that assistance.

Senator WONG: What about on his return?

Ms Millar: Not to my knowledge either.

Senator WONG: What about the PMO?

Ms Millar: If so, we're not aware.

Senator WONG: Here he is, trundling up the corridor.

Mr Martin: Senator, that's a no.

Senator WONG: It was a very dramatic no. Senator Cormann, can you tell me whether the PMO provided any assistance or facilitation to Mr Abbott in relation to his recent visit to the UK and Europe?

Senator Cormann: Not that I'm aware, but I'd have to take that on notice.

Senator WONG: Was there any communication with him regarding the visit?

Ms Millar: Not that I'm aware.

Senator WONG: I'll ask the same question of the PMO, please.

Senator Cormann: Not that I'm aware of.

Senator WONG: Was there any communication with him about his ostensible appointment to the UK Board of Trade?

Ms Millar: Not to my knowledge.

Senator WONG: Have you been asked to provide advice in relation to that?

Ms Millar: No, we haven't.

Senator WONG: Is the PMO aware of his appointment to the UK Board of Trade?

Senator Cormann: I've obviously read about it in the media and I'm sure so has the PMO.

Senator WONG: Did he have any discussion with the Prime Minister or the Prime Minister's staff about—

Senator Cormann: Not that I'm aware, but—

Senator WONG: about his intent to nominate for another country's board of trade?

Senator Cormann: Not that I'm aware.

Senator WONG: Can you take that on notice?

Senator Cormann: Sure. Clearly, Mr Abbott is an individual in the same way Ms Gillard, Mr Rudd and Mr Howard are individuals, who, of course, are quite entitled to pursue opportunities in their private life after they have left the department. I'm not quite sure what sort of possible responsibilities you believe are relevant here in terms of Prime Minister Morrison.

Senator WONG: I just wondered if he'd told him, and if so—

Senator Cormann: As I say, I'm not aware. I'm not sure that it's—

Senator WONG: I've just asked you to take it on notice. Mr Abbott says he'll be providing advice to the UK government on its post-Brexit trade deals. Is PM&C aware as to whether this would include the UK-Australia FTA?

Ms Millar: The advice that we've received from the Department of Foreign Affairs and Trade—and, in fact, through the UK government's Department for International Trade—was that advisers to the Board of Trade have no direct role in striking trade deals.

Senator WONG: When did you seek this advice?

Ms Millar: Actually, Senator, I'm not aware. My briefing says this, and I did ask.

Senator WONG: I'd like to know why it was sought and when it was sought.

Ms Millar: We can take that on notice for you.

Senator WONG: Does someone behind you know, or does someone elsewhere know?

Ms Millar: No, we don't.

Senator WONG: Has there been any advice sought—possibly including legal advice or advice from other departments—or has there been any consideration within PM&C of the appropriateness of Mr Abbott advising the UK government on a trade agreement with Australia?

Ms Millar: We haven't given any consideration to it, no.

Senator WONG: Why not?

Ms Millar: As the minister said, this is an issue for Mr Abbott—he's a private citizen now—and we've had no engagement with this.

Senator WONG: So PM&C doesn't think it's an issue and nor does the Prime Minister?

Senator Cormann: Are you suggesting that somebody—

Senator WONG: Can I finish any question? Chair, I hadn't even got out—

CHAIR: Fair point, Senator Wong. Please finish your question and, Minister, answer.

Senator WONG: So PM&C doesn't consider it an issue that a former prime minister is advising the negotiating party about a trade agreement and negotiation with Australia? You don't believe that's an issue?

Senator Cormann: Hang on. That is an inappropriate question for you to ask of PM&C. You're asking for an opinion in relation to something that a private citizen—

Senator WONG: It's a probity question. He's a former prime minister!

Senator Cormann: What about the activities of former prime ministers Gillard and Rudd?

Senator WONG: The question is about brokering a deal with the country you used to lead, okay?

Senator Cormann: So you would like—

Senator WONG: I'm just asking whether the department considers it appropriate. I think Ms Millar's answer is not whether they've turned their mind to it but that he's not doing that. Is that correct?

Ms Millar: That's correct.

Senator WONG: On their advice, which isn't your response.

Senator Cormann: You asked her for an opinion on whether she thought it was appropriate, and that is an inappropriate question to ask an official.

Senator WONG: So you're fine with it?

Senator Cormann: I'm just saying you shouldn't ask a question of an official about what their opinion is.

Senator WONG: Does the Prime Minister have any issue?

Senator Cormann: I'm not concerned about what former Prime Minister Abbott is doing in his post-political career as a private citizen.

Senator WONG: He's a former prime minister, and I'm asking whether it's appropriate for him to advise the other negotiating party in the context of a trade negotiation with Australia. Imagine if it were—

Senator Cormann: As I say, I'm not concerned about what former Prime Minister Abbott is doing as a private citizen in terms of his—

Senator WONG: So former prime ministers can go to Germany, China or any one of our major trading partners and say, 'I'm happy to provide my services in the context of your negotiations with Australia,' and you think that's not inappropriate?

Senator Cormann: I think you're characterising what he's doing wrongly.

Senator WONG: Which is your line on this, Senator Cormann?

Senator Cormann: I'm not responsible for what Mr Abbott chooses to do or not to do. If you're suggesting that we should introduce laws that limit what former prime ministers can do after they leave public office—

Senator WONG: That's a strawman argument.

Senator Cormann: No, that is the implication of what you're suggesting.

Senator WONG: No, it's not. That is such a stupid thing to say.

Senator Cormann: You're suggesting that somehow we should be controlling what—

Senator WONG: You're usually smarter than that. That is a strawman argument.

Senator Cormann: No, it's not a strawman argument.

Senator WONG: It's as simple as this. You have two negotiating parties. One has their national interests; another has their national interests. The purpose of the negotiation for each party is to try and broker a deal which maximises their national interest.

Senator Cormann: Well, I don't believe that he is negotiating.

Senator WONG: Let me finish. To have a person who led one country advising another country about how to broker the deal—I'm asking you whether you think that's appropriate. It's not about a law; I'm asking whether you think it's appropriate.

Senator Cormann: I think it's entirely appropriate for former servants in government—or opposition for that matter—to pursue a career after they leave public office.

Senator WONG: No matter what they do? They can hawk themselves to any government?

Senator Cormann: Well, there are limits. There are clearly requirements in the Statement of Ministerial Standards that apply to all former ministers and former prime ministers, and I don't believe that you're suggesting that there is any breach here.

Senator WONG: No, I'm asking.

Senator Cormann: Former Prime Minister Abbott has been out of office for more than five years, yet essentially you want to control what he can do professionally now, forever and a day.

Senator WONG: No, that's not true. Why do you say this stuff?

Senator Cormann: Well, that is the implication of what you're suggesting.

Senator WONG: You're getting tired, aren't you, Mathias?

Senator Cormann: That is the implication of what you're suggesting.

Senator WONG: I mean, seriously! Please stop. Please stop making assertions about what I'm saying which are false. Please stop. I am not saying that.

Senator Cormann: Our government is not responsible—

Senator WONG: I have not said we should legislate. I'm not saying I want to control what he does. They are words out of your mouth. I am saying this: we have a former leader of a country who has hawked himself to the government of another country which is negotiating with us, and I am asking you whether or not you consider it appropriate.

Senator Cormann: And I've answered that question. The role that former Prime Minister Abbott has taken on is not a role that I am concerned about in any way. Your characterisation of his role is false, as has already been indicated to you. He's not involved in negotiations on free trade agreements.

Senator WONG: Okay. Can I tell you what he said? I'll tell you what he said:

... Abbott said he was "only too keen" to help the UK. "A UK-Australia trade deal, maximising the movement of goods, services and people, is clearly in the best interests of both our countries," he said. "My government finalised trade deals between Australia and China, Japan and Korea. I'm looking forward to bringing that expertise to bear as Britain works towards mutually beneficial improvements with its major trading partners."

Senator Cormann: Tony Abbott has not been a Prime Minister of Australia for more than five years. He is a private citizen. He has taken on a job. That's entirely a matter for him. My advice is that he's not involved in trade negotiations in the context of the role that he's taken on.

Senator WONG: Where's your advice?

Senator Cormann: That is the advice that I have received in the past.

Senator WONG: From whom?

Senator Cormann: From my colleagues.

Senator WONG: Ministerial colleagues?

Senator Cormann: Yes.

Senator WONG: So it's been discussed?

Senator Cormann: No, it has not been discussed. You are raising this issue now here in the course of estimates.

Senator WONG: I assume, therefore, from your answer—I'm putting this to you, and you can disagree: does the Prime Minister think it is appropriate for a former Australian Prime Minister to work for a foreign government and to provide advice on issues that are potentially counter to Australia's interests?

Senator Cormann: I don't agree with the premise of that question.

Senator WONG: Which bit?

Senator Cormann: The Prime Minister is comfortable with what former Prime Minister Abbott is doing. He's comfortable with what former Prime Minister Gillard is doing and what former Prime Minister Rudd is doing.

Senator WONG: Which bit of what I said?

Senator Cormann: I do not accept your proposition that somehow he is acting counter to the interests of Australia. That is your false assertion.

Senator WONG: Well, he is working for a foreign government. He is obviously going to provide advice to them about furthering of their interests, not ours.

Senator Cormann: He is a private citizen.

Senator WONG: Okay. So, no, you don't have any concerns. Has the Prime Minister communicated or raised any concerns with Mr Abbott about his new role?

Senator Cormann: I'm not aware of any communications, but, as I have indicated to you, the Prime Minister said publicly that he thought Mr Abbott was a good hire. I think those are the words he used.

Senator WONG: Has the Prime Minister, his office or PM&C provided Mr Abbott with any advice in relation to his new role, including any compliance with relevant Australian legislation?

Ms Millar: We haven't provided any advice, no.

Senator WONG: We? Who's 'we'?

Ms Millar: The department have provided no advice.

Senator WONG: To Mr Abbott?

Ms Millar: No.

Senator WONG: Are you aware of any advice being provided?

Ms Millar: No, I'm not.

Senator WONG: Are you aware of Mr Abbott being advised to register as an agent of foreign influence?

Ms Millar: The Attorney-General has said publicly that Mr Abbott would be aware of the routine requirements for former cabinet ministers under the Foreign Influence Transparency Scheme.

Senator WONG: Yes. That's not what I asked you. Do you have any knowledge other than—

Ms Millar: No, I don't.

Senator WONG: To the department's knowledge, has any other department provided Mr Abbott with any advice in relation to his new role and complying with relevant Australian legislation?

Ms Millar: Not to my knowledge, no.

Senator WONG: Ms Foster?

Ms Foster: Not to my knowledge.

Senator WONG: Has any member of the government, Senator Cormann, provided Mr Abbott with any advice in relation to his new role and compliance with relevant Australian legislation?

Senator Cormann: Not that I'm aware of.

Senator WONG: Has he been provided with any advice as to the use of his office or entitlements as a former Prime Minister of Australia for the purpose of his new role?

Senator Cormann: Not that I'm aware of.

Senator WONG: Have any measures been put in place to ensure he doesn't use his office or entitlements to further the interests of a foreign government?

Senator Cormann: I don't believe that that is what he's doing.

Senator WONG: So no advice.

Senator Cormann: I'm not aware of any.

Senator WONG: On Sunday 19 April Senator Payne announced an international inquiry into—

CHAIR: Are you moving on to another topic, Senator Wong?

Senator WONG: I have.

CHAIR: Minister, I'm not sure if you're aware that there have been media reports, for example in Crikey in December last year, that Kevin Rudd, another former Prime Minister, has delivered a number of speeches in China, including as a guest of the United Front Work Department or its affiliates, including the Central Institute of Socialism. That speech was in November 2017, and Mr Rudd has delivered speeches at a number of other forums including the Australia-China Future Forum, which is described as a united front sponsored forum. Do you have any similar concerns about Mr Rudd's activities as a former prime minister?

Senator WONG: Giving a speech.

Senator Cormann: Mr Rudd, Ms Gillard—

Senator WONG: He's giving a speech. Is that what you're worried about?

Senator Cormann: Mr Abbott, Mr Howard, they're all former prime ministers of Australia who are now private citizens. I think they deserve to be treated with courtesy and respect, and that's what we'll do. It's a matter for them to explain the activities that they pursue.

CHAIR: Indeed, and I'll take Senator Wong's interjection that my concern might be that he was giving a speech. I think it's interesting he's giving speeches, particularly at these locations, but—

Senator WONG: Have you read his speeches?

CHAIR: he's also chair of some advisory bodies linked to the United Front Work Department. People in this forum know what that organisation does.

Senator Cormann: I wasn't aware of it.

Senator WONG: Really?

CHAIR: Crikey was asking the question: why hasn't he registered on the Foreign Influence Transparency Scheme, given his association with these organisations?

Senator Cormann: I think it's a question for him; it's not a question for us.

CHAIR: All right, thank you.

Senator WONG: Have you read his speeches?

CHAIR: No, I wouldn't—

Senator WONG: He's pretty clear about national interest and China. Really, are you suggesting—

Senator Cormann: What are you saying about Mr Abbott, that he's not aware of the national interest?

Senator WONG: Mr Rudd is not working for the Chinese Communist Party. He is—

Senator Cormann: No, I said—

Senator WONG: Mr Abbott—

Senator Cormann: what are you saying in relation to Mr Abbott, that he's not aware of the national interest?

Senator WONG: Mr Abbott is working for a foreign government. That's the distinction. He's doing work for a foreign government, which is why he's had to register. It's a different thing, and making assertions that suggest that former Prime Minister Rudd, whose writings on China are documented—

Senator Cormann: I have not made any assertions at all.

CHAIR: This bloke has.

Senator WONG: Yes, he has—is somehow not patriotic or working for the united front, is pretty bad. I know you like to get in the media, because you want to talk about China, but really it's pretty bad. He is well respected across the political spectrum and internationally for his knowledge of China. He is very clear about Australia's national interest and, if you have read any of his recent speech, you would know that. So I suggest you take some of this sort of wolverine behaviour elsewhere. Really.

CHAIR: Senator Wong, do not put words in my mouth.

Senator WONG: We heard what you said.

CHAIR: Order. I let you have a spray at me. The least you can do for me, as chair, is give me an opportunity to respond. Do not put words in my mouth. I will happily go back and review the *Hansard*—

Senator WONG: Sure, please do.

CHAIR: and stand behind every word that I said. For your information, I attended Mr Rudd's speech in Parliament House for Peter Hartcher's book, with you—

Senator WONG: With me.

CHAIR: and I listened with great interest. I have not suggested once, in this forum or any other, that he's unpatriotic or that he has an allegiance to a foreign power.

Senator WONG: What's the implication of reference to united front?

CHAIR: No, Senator Wong.

Senator WONG: What's the implication?

CHAIR: All I was doing was making the point—

Senator WONG: Seriously?

CHAIR: that you can ask questions about Mr Abbott as a former Prime Minister—

Senator WONG: Who is working for a foreign government!

CHAIR: and his association in the UK, and I can equally ask questions about Mr Rudd and his activities.

Senator WONG: A speech.

CHAIR: A number of speeches—

Senator WONG: —you made reference to the United Front. Everybody knows what you were doing.

CHAIR: Senator Wong, you are showing hypersensitivity—

Senator WONG: No, I am not.

CHAIR: Given the time I allowed you to pursue Mr Abbott and his associations, and your questions about his registration on the foreign influence, you are showing a double-standard and hypersensitivity.

Senator WONG: No—please don't accuse a woman of being hypersensitive. We are quite commonly used to that.

CHAIR: I clearly was not making a gendered reference there.

Senator WONG: Please do not. That's the first point. The second point is that, yes, you did allow me plenty of time, and I appreciate that. There is a distinction between a prime minister giving a speech and somebody who has taken up an employment contract at a position with a foreign government. Right? I am simply making that point. And I think the way in which you referenced United Front—everyone knows what that means. Really, it was not becoming of you, nor respectful of Mr Rudd.

CHAIR: Since you have raised it, I will clarify. The reason I said that is that I did not think it was necessary to go into a lengthy explanation of what the United Front—

Senator WONG: Not because of any—I accept that. But it looked like an implication.

CHAIR: I'm telling you sincerely that it was not.

Senator WONG: I am happy to move on. Can I move onto the next topic or do you want to keep going on this?

CHAIR: You have the call.

Senator WONG: Can I go now to the announcement about the COVID inquiry that Senator Payne made on *Insiders* on Sunday, 19 April. Ms Millar, do you recall that?

Ms Millar: Yes.

Senator WONG: When were you aware that the minister would be announcing an international inquiry?

Ms Millar: I don't recall when I personally was aware. Clearly, there was a lot of international activity, a lot of interest in such an inquiry, preceding the foreign minister's announcement. Let me check for you in case I have a little bit more on that.

Senator WONG: I actually want to know whether or not you knew she would be announcing this inquiry, before you saw *Insiders*, if you watched *Insiders*. You may not watch *Insiders*.

Ms Millar: Sometimes I do.

Senator WONG: Sometimes I don't! Did you watch it this time? This is probably not good for your career. I shouldn't ask you that.

Ms Millar: I did watch it.

Senator WONG: Did you know about it before she announced it on *Insiders*?

Ms Millar: I will get back to you. I simply don't recall.

Senator WONG: Really!

Ms Millar: Yes.

Senator WONG: It's a pretty big thing. You are the international guru in PM&C.

Ms Millar: As you said, it was the foreign minister, supported by her department.

Senator WONG: Hang on.

Ms Millar: DFAT were running this issue, but I will certainly check for you, to the best of my ability, to work out whether I was advised before she made the announcement.

Senator WONG: Were you part of any process for making the decision that Australia would go first and call for an international inquiry?

Ms Millar: First of all, can I just make the point that by the time the foreign minister had made her announcement on 19 April there of course had been a number of other developments. The EU, for example, had circulated—

Senator WONG: But that's a different point. We did not say we were going to join the EU. We made our own announcement about our own inquiry, including a reference subsequently to weapons inspectors. I am going to ask you some questions about this, but I first want to understand if there was a process within government, a proposal from DFAT, that you were aware of, or a proposal from the foreign minister or from the Prime Minister that was considered by officials and the subject of advice before the announcement was made, meaning you had visibility of it, or not?

Ms Millar: I don't recall having visibility of that decision before an announcement was made, but I can check with colleagues.

Senator WONG: Okay, I will accept that answer, with the caveat that you are going to check and you will come back to me.

Ms Millar: Absolutely.

Senator WONG: So, you don't think you had visibility before. If you didn't have visibility I suppose you cannot tell me where the idea of calling for one into the origins of the pandemic originated?

Ms Millar: What I can say is that from quite a lot earlier, from March, for example, when the Prime Minister attended the G20 Leaders' Summit, there was discussion at that time in the G20 about looking at gaps in pandemic preparedness and reporting on those. The Secretary-General of the United Nations was also looking into how such a disease emerged. Also, as I mentioned, the EU circulated its zero draft on 14 April.

Senator WONG: Ms Millar, that sounds like a post facto list to try to explain why this was not unusual. Of course there were discussions about pandemic preparedness. Of course the EU proposal was already on the public record. But I'm actually asking about the policy process inside the Australian government. I think your evidence, which you'll check, is that you didn't have visibility of it before it was announced. Do you know who made the decision to make that announcement?

Ms Millar: No, I don't.

Senator WONG: Do you recall providing any advice to the Prime Minister or any other ministers in advance of that decision being announced?

Ms Millar: No.

Senator WONG: Did the department provide any advice to the Prime Minister on the position of like-minded nations in advance of Minister Payne announcing Australia's position on 19 April?

Ms Millar: I'd have to check. As I said: because of all the other activities that were underway, we were aware of international interest in looking at the origins of the pandemic, which was quite consistent with the work that WHO does itself. We were conscious of a lot of activity underway

Senator WONG: But it's a different thing if you announce that you don't—

Ms Millar: Yes, it is. I agree.

Senator WONG: I appreciate that. All I'm asking is whether you were asked beforehand—I think, probably because you didn't have visibility, the answer is obvious—what would be the likely response from ASEAN nations, Japan, China et cetera. The answer would be no.

Ms Millar: I'm not aware we had those discussions at the time.

Senator WONG: At that stage then do I understand as far as you're aware we've not made any representations to other nations about supporting an international inquiry, as was announced by Minister Payne on 19 April?

Ms Millar: We'd need to check with the Department of Foreign Affairs and Trade. As I said, there was a lot of talk, a lot of activity and a lot of work in Geneva underway, but the exact nature of representations that we'd need to—

Senator WONG: But none that you have knowledge of?

Ms Millar: Not that I personally have. My colleagues may but I don't.

Senator WONG: In relation to that, in the week after the announcement, this report was on 22 April, the Prime Minister had a number of calls with foreign counterparts which were advised to the media including Presidents Trump and Macron, Angela Merkel and others. Was PM&C responsible for scheduling these calls?

Ms Millar: Yes, I think we would have been, Senator. We usually cooperate very closely with the Prime Minister's office on the scheduling of such calls.

Senator WONG: When were you asked to schedule these calls? Before or after 19 April?

Ms Millar: I'd need to check.

Senator WONG: Were you asked to schedule them post the announcement or before?

Ms Millar: The Prime Minister has made the most enormous number of calls this year to foreign leaders. Those precise ones I'd need to check. I just don't know.

Senator WONG: To your knowledge—I think this is a reasonable summary of your evidence but I want to give you the opportunity tell me whether I'm wrong—did Australia either secure support or advise any other like-minded nations that we were intending to pursue an inquiry prior to the announcement on 19 April?

Ms Millar: I'm not aware. There may well have been work undertaken by the Department of Foreign Affairs and Trade. As I said, there was a lot of intergovernmental activity and discussion on these issues, so it was not surprising, but I'm not aware of the particulars to which you refer.

Senator WONG: Okay. Was it the government's view at that time that the inquiry should be run independently of the WHO?

Ms Millar: No, I think at that time we were looking at all options. The WHO was obviously the most appropriate place for such an inquiry to start.

Senator WONG: Did you understand why the Foreign Minister said, when she was asked about WHO involvement, 'That strikes me as somewhat poacher and gamekeeper'? She was asked by Mr Speers, 'So it can't be the World Health Organization, in other words, to do this review? Senator Payne said, 'Well, no, as I've said, that strikes me as a bit poacher and gamekeeper.' Was that the government's position on not?

Ms Millar: I can't comment on what the Prime Minister said.

Senator WONG: In the days subsequent to that announcement, media were told that Australia would lead a push for the WHO to be given the same powers as weapons inspectors to forcibly enter a country. Were you aware of this policy position before it was made public?

Ms Millar: I'd need to check.

Senator WONG: Did you have visibility of it before it became public?

Ms Millar: I would need to check my records on that.

Senator WONG: Had you ever heard of weapons inspectors in the context of WHO before this was discussed in the media recently?

Ms Millar: Some of my colleagues in social policy division may be more familiar with this, but as I understand it there have in fact been calls before in the WHO in response to epidemics to look at some kind of compelling powers to allow WHO to go in and examine what's going on. But that really would be a matter for our colleagues working on the health aspects.

Senator WONG: I'm asking you. You're the international dep sec. 'Weapons inspectors' has a particular meaning in the context of international law, which you would be familiar with, and a particular history. Had you ever heard that used in respect of WHO activities prior to that becoming public?

Ms Millar: I hadn't heard the words 'weapons inspectors' being used, no, but I am aware from colleagues who work in the international health area that there has at times been activity in the WHO to look at what kind of fairly intrusive mechanisms might be available to it in the context of very serious health crises.

Senator WONG: What did you understand the relationship between those two announcements to be? We have 'we want to pursue a COVID-19 pandemic inquiry' announced on Sunday 19. We then have the media told that Australia is pushing for weapons inspectors at the WHO. In relation to the former, the minister says it would be better if it's not the WHO, because we don't want them to be poacher and gamekeeper. In relation to this, we want weapons inspectors. Can you tell me as the senior international person in PM&C what you understood to be the government's position at that point?

Ms Millar: I think at that point the government's position was still very much evolving. The government was very keen to see an independent inquiry into the origins of this virus. We were consulting very closely about that, and at that stage we still hadn't reached a final position.

Senator WONG: Still evolving?

Ms Millar: That's correct. As I said earlier, there were a lot of international considerations under way, particularly in Geneva, with the WHO in looking at what options were available. And of course we were very closely involved, as I mentioned, with the negotiations on the draft resolution of the WHA.

Senator WONG: Can you tell me or cast any light on where this notion of WHO weapons inspectors came from within government?

Ms Millar: I don't know.

Senator WONG: The journalist was obviously told it. They're a respected journalist who has written in detail, obviously being provided with this from government, but you have no idea?

Ms Millar: I have no further information.

Senator WONG: Did you ever provide advice on the viability of a weapons inspectors idea?

Ms Millar: No.

Senator WONG: Is it the case in previous occasions where there have been weapons inspectors—Iraq, for example—that their entry into the nation concerned actually required an agreement from the government of that nation?

Ms Millar: That's correct.

Senator WONG: So it's not really compulsory, is it? It has to be negotiated.

Ms Millar: That's correct.

Senator WONG: Did the Prime Minister ever get told that?

Ms Millar: We'd need to check with his office.

Senator WONG: Did you ever provide advice about what 'weapons inspectors' actually meant?

Ms Millar: I do recall talking to his office about that at one point and making the point you just made, but I can't remember exactly when that was. I'd have to check.

Senator WONG: It's a sensible point to make. You felt it was necessary to provide that advice?

Ms Millar: I just recall there were a lot of discussions going on about what options might be available including, as I said, based on deliberations that happened previously in the WHO about more intrusive ability to go and check on the origins of viruses and it was in that context that I provided some advice, but it was just a short informal conversation.

Senator WONG: Just to make sure some of the political staff—some may say the spin doctors—understood when that you float the notions of weapons inspectors, what that has meant in practice in international law is they have gone in with the agreement of the government in question.

Ms Millar: That's correct.

Senator WONG: So when did we drop off the weapons inspectors idea?

Ms Millar: As I said, there were just a number of ideas floating around, mainly based on issues that were being discussed in Geneva. Things just moved on. I think it's probably fair to say that the negotiations on the WHA resolution that the EU led, and we were very actively in support of, really took on the name focus of our activity and international lobbying effort.

Senator WONG: So we dropped off weapons inspectors?

Senator Cormann: You keep repeating that point and you keep making it sound like somehow there was a suggestion of an invasion against a country—

Senator WONG: I think it was more spin. I think you dropped a story to a journo, which you had to drop off because there was no such thing as weapons inspectors.

Senator Cormann: That is your allegation and, even in that context, in the context of weapons inspectors, taking them separate from your line of inquiry, they can only go into a country with the say-so of the host country.

Senator WONG: When were weapons inspectors, as reported in the *Sydney Morning Herald* on the 22nd as being the Australian government's position, no longer be—

Senator Cormann: The *Sydney Morning Herald* is not the public policy journal of the Australian government.

Senator WONG: Perhaps you can explain to the journalist why he shouldn't listen then to what the Prime Minister or his office tells him, because he was obviously told and it was then backed up in a press conference. So can I now ask this question? We have this little foray on

weapons inspectors, still evolving, obviously some discussion for people to actually get some advice about what that means. When did we stop talking about weapons inspectors?

Ms Millar: As I said, there was a number of discussions about how to conduct an independent review and what was available to the international community to look into the origins of the virus. At one point, there were talks about whether there were more intrusive mechanisms that could be used. The discussion went on. As you know, there was the outcome in the WHA of the resolution and since then there has been an independent panel set-up by the director-general of the WHO.

Senator WONG: So did you ever understand the formal position of the Australian government to be pursuing the idea of the WHO having weapons inspector powers?

Ms Millar: No, I'm not aware of that. As I said, colleagues who work on the health aspects are better placed to comment, but my understand was we were looking at what options were available that may have been canvassed before in the context of health crises that could be available to the international community.

Senator WONG: Are you able to perhaps come back to me, or maybe your colleagues in DFAT can just give me this advice so I don't have to wait ages for someone to sign off on a written QON. In addition to the ones reported—so presidents Trump and Macron, and Chancellor Merkel—were there any other foreign counterparts in the week after the announcement where the Prime Minister raised these issues?

Ms Millar: In the week after the announcement?

Senator WONG: Yes.

Ms Millar: I don't have the exact list here; although we can check that for you.

Senator WONG: Thank you.

Ms Millar: As I said earlier, the Prime Minister this year, because of the state of the world, has been in regular contact with international leaders and has raised a very large number of issues with them, including issues like this.

Senator WONG: President Macron is reported as putting this message to the Prime Minister:

... now was not the time for an international investigation into the ... pandemic and that the urgency was to act in unison before looking for who was at fault ...

Ms Millar: I don't have the exact details of the conversation in front of me.

Senator WONG: Did any of them voice support for weapons inspectors?

Ms Millar: I'm not aware of exactly what was raised in some of these conversations that you mention. Obviously, we have to treat the Prime Minister's conversation with international leaders in confidence.

Senator WONG: Sure.

Ms Millar: But we can certainly check the numbers at this time and consult on that.

Senator WONG: Okay. Were there note takers at all of these conversations?

Ms Millar: It depends on the time. As you know, the practice is that, if we can, we provide the note takers. But sometimes, depending on time of day and because of the time

differences internationally, the Prime Minister may be on his own with one of his advisers. It really does vary, but, where we can, we do provide note takers from the department.

Senator WONG: Has the Prime Minister at any point expressed his concern to President Trump about the US decision to cut funding to the WHO in the midst of a global pandemic?

Ms Millar: I'm not aware of what the Prime Minister may have said to President Trump.

Senator WONG: Not just on the 22nd of April but more generally. Has the Prime Minister, who has a friendship with President Trump, ever expressed to him Australia's position, which was concern as to US's decision to cut funding to the WHO?

Ms Millar: What I am aware of is that the Prime Minister has made very clear our own support for the work of the WHO, particularly in this area and in our region.

Senator WONG: That's not what I asked.

Ms Millar: What the Americans decide to do is up to them.

Senator WONG: That's true.

Ms Millar: It's a matter for the American government.

Senator WONG: That is true, but we can also assert our view. Has the Prime Minister ever expressed any concern of Australia's disappointment of the US decision to cut funding?

Ms Millar: I'm not aware. What I am aware of is that the United States remains one of the top contributors to global health, and we continue to work with the United States very closely.

Senator WONG: But you would agree that Australia's position on this differs from that of our ally. We believe that we should continue being a member of—

Ms Millar: We continue to work closely with the United States.

Senator WONG: Please stop reading your brief and just reading out the dot points.

Ms Millar: It's actually not in front of me, but that is the case.

Senator WONG: No, but we have a difference of use, and I think this is bipartisan. Australia does not believe now is the time to walk away from the WHO. Correct?

Senator Cormann: And we've said that.

Senator WONG: You've said that. I'm asking whether the Prime Minister has expressed any concerns to his friend about that fact.

Ms Millar: I'm not aware of what the Prime Minister may or may not have said.

Senator Cormann: We don't want to go into conversations with international leaders, but the position of the government is publicly stated. It's on the record; it's very clear.

Senator WONG: If the case is none, I'll go through this with DFAT. I don't want to read through the final resolution passed at the WHA, the World Health Assembly, on 18 May, supported by 130 countries. I'm sure you've probably got it there. It doesn't refer to weapons inspectors, it doesn't refer to an overhaul of the WHO and it doesn't refer to the establishment of any new world health oversight body—correct?

Ms Millar: I think that's correct. I don't have that exact language in front of me.

Senator WONG: But I think I'm accurate in saying that. Did we pursue those three things? I haven't taken you through all of those, but all those three were things that we'd raised publicly.

Ms Millar: Our concern was to ensure there was an independent review into the origins of the virus. As a result of the resolution that was adopted in the WHA, that is what has happened.

Senator WONG: But essentially the Australian government flagged three issues—weapons inspector powers, overhaul of the WHO or the establishment of a new world health oversight body. None of them are in the resolution, so would it be correct to say that they aren't things we continue to pursue?

Ms Millar: That's probably correct.

Senator WONG: We made a number of announcements—the international enquiry, weapons inspectors, overhaul of the WHO and a new global health oversight body. They obviously came. There was some cost associated with them, as there always is when you're seeking to alter positions, and we ended up basically supporting an EU-led process which was already in frame.

Ms Millar: Senator, I don't think I completely accept the premise of your question. The government was very keen to ensure there was an independent evaluation of the origins of the virus. That is exactly what the WHA resolution did.

Senator WONG: Yes, but I'm making a point. We led on it early, domestically, without locking anybody in and without, apparently, getting advice from departments. We floated an overhaul of both the WHO and weapons inspectors, none of which we continued to carry forward with, because they were essentially given to media here but not proceeded with diplomatically. We ended up with the EU-led resolution after expending significant diplomatic capital prior to that. So I'm just wondering: was there any point to all of that activity other than domestic political positioning?

Senator Cormann: I don't agree with your framing at all. Australia stood up for what I strongly believe was the right position, which was that there should be an independent review into the origins of the coronavirus pandemic.

Senator WONG: Nobody's arguing with that.

Senator Cormann: And we worked with like-minded countries and organisations around the world, like the European Union.

Senator WONG: Mate, if they do this to you when you are at the OECD, you're going to be really annoyed.

Senator Cormann: We've ended up with a resolution that had broad support from all around the world.

Senator WONG: No, it's not even our resolution, Mathias.

Senator Cormann: In Australia, of course, it was floated publicly.

Senator WONG: No, it was an EU resolution which was probably always going to get up. My point is—

Senator Cormann: So you're saying that we should not have expressed a view when asked for our view?

Senator WONG: You know what? We didn't just express a view. We provided a lot of bipartisanship on this. There were announcements made without things being properly

considered. There were discussions, backgrounding of journos and announcements domestically which hadn't actually gone through proper processes. There were discussions about weapons inspectors and overhaul of the WHO.

Senator Cormann: You keep repeating that.

Senator WONG: There was domestic announcement before we locked in any like-mindeds, and we ended up supporting an EU-led resolution. Of course an inquiry was appropriate. I have said that numerous times.

Senator Cormann: And that is the position that we advanced.

Senator WONG: I'm just saying that, as a consequence, it's Jerusalem all over again.

Senator Cormann: I disagree.

Senator WONG: As a consequence of the Prime Minister and his desire to make domestic politics out of these issues, we end up spending diplomatic capital to get basically where we would have got to anyway.

Senator Cormann: That is your commentary. I disagree.

Senator WONG: Yes, okay.

Senator Cormann: Australia stood up for what was the appropriate position and, together with like-minded countries, we advanced that position, and overwhelmingly it's a position that was endorsed at the WHA.

Senator WONG: I move to vaccine promises to the Pacific and South-East Asia. The Prime Minister, on 19 August, made some announcements about the access to the vaccine. I won't go into the fact that we didn't actually have a deal at the time the announcement was made; my colleague Mr Bowen has done that very effectively. But I'm interested in the assertion that was made by the Prime Minister about him being—and I quote from his media release of 19 August:

... committed to ensuring early access to the vaccine for countries in our Pacific family, as well as regional partners in Southeast Asia.

There then was a subsequent announcement of 7 September where the same commitment was made again, in the context of the agreement that we then had entered into with the University of Oxford and AstraZeneca, and again the statement was made:

The Prime Minister also remains committed to ensuring early access to the vaccines for countries in the Pacific as well as regional partners in Southeast Asia.

I am interested in understanding precisely what we have done. What agreements or mechanisms are in place or are being negotiated to ensure early vaccine access for Pacific partners?

Mr Brazier: This comes in several parts. The first contribution that Australia has made that will assist our neighbours is the \$80 million pledged to the Gavi Covax Advance Market Commitment. That is the global facility that, when a vaccine is available, provide vaccines to vulnerable populations in developing countries.

The government has also made available in the 2020-21 budget \$23 million to assist Pacific and South-East Asian neighbours to prepare their health systems for the day when a vaccine becomes available. On the deal with AstraZeneca/University of Oxford, another colleague may speak about that because that is principally related to domestic supply.

Senator WONG: So, one, Gavi?

Mr Brazier: That's right.

Senator WONG: 80 million—two?

Mr Brazier: Two is the \$23 million in the recent budget.

Senator WONG: For?

Mr Brazier: To prepare the health systems of Pacific and South-East Asian neighbours for the eventual rollout of a vaccine.

Senator WONG: And what was the third?

Mr Brazier: The AstraZeneca deal you mentioned. As I understand it, that is principally aimed at securing supply of a successful vaccine from AstraZeneca/University of Oxford for domestic use.

Senator WONG: So, item three is not about the Pacific. It is about Australia. Item three is about domestic supply.

Mr Brazier: Principally about domestic supply.

Senator WONG: Is there anything that relates to the supply to either the Pacific community or to South-East Asian countries?

Mr Brazier: The first two I have just mentioned, the Gavi—

Senator WONG: The COVAX—with the multilateral process. But there is nothing in the agreement of itself that generates this?

Mr Brazier: The agreement with AstraZeneca?

Senator WONG: Yes.

Mr Brazier: That is a pre-purchase agreement, as I understand it.

Senator WONG: Mr Brazier, I don't think it has anything to do with this, but you are the one who put it on the table as one of the three things we are doing that reflect the Prime Minister's commitment. I understood AstraZeneca to be a domestic supply focused agreement. You are the one who raised it as relevant to the Pacific commitment. If you want to take it off the list I am happy for you to do that. But tell me why it should be on it.

Mr Brazier: I think you mentioned AstraZeneca in your question to me and I answered that it was principally a domestic—

Senator WONG: I'm saying that in the context of the announcement, both announcements, the Prime Minister said—and I will read it again as it is the same sentence in both announcements—that he:

... remains committed to ensuring early access to the vaccines for countries in the Pacific as well as regional partners in Southeast Asia.

Unless you are going to tell me otherwise, I don't think there is anything in the AstraZeneca agreement that does that. Is that right?

Mr Brazier: I responded on the AstraZeneca point, because you mentioned it in your first question.

Senator WONG: Can we stop going over who said what. Can you confirm to me that there is nothing in the AstraZeneca agreement that you can put to me that actually goes to providing it to other countries?

Mr Brazier: No.

Senator WONG: Thank you. So, at this stage the two propositions that give life to or execute or deliver on the Prime Minister's commitment that I have read out are the COVAX facility funding, correct?

Mr Brazier: Yes.

Senator WONG: And the \$23 million to prepare Pacific health systems, should a vaccine become available.

Mr Brazier: Pacific and South-East Asian health systems.

Ms Foster: We are just seeking to confirm—as Mr Brazier said, the AstraZeneca issue is being dealt with largely by our domestic policy folks. They believe there might be something there. We are confirming that and will get back to you.

Senator WONG: Sure, just tell me what it is. Has the Prime Minister spoken to Pacific leaders about vaccine access, and if so, when did those calls take place?

Mr Brazier: He's had many conversations with Pacific leaders and it is safe to say that coronavirus recovery and vaccines have been dominant themes of those discussions.

Senator WONG: Has there been any request from Pacific leaders in relation to vaccine access?

Mr Brazier: Requests from Pacific leaders to Australia?

Senator WONG: Yes.

Mr Brazier: I'm not aware of any direct specific requests to Australia for vaccine access. Although, as you well know, it may be understood by countries in the Pacific that with our leadership role and our ongoing development leadership in the Pacific that would be something that would be reasonable to expect.

Senator WONG: Other than the contribution to Gavi, which goes both to the development of and distribution—or is it just development of the vaccine? I haven't got it in front of me.

Mr Brazier: To improve access for Pacific and south-eastern Asian countries to a safe, effective and affordable COVID vaccine when one is found.

Senator WONG: No, that's the \$23 million. I'm talking about the Gavi funding—that was \$80 million. Shall I do it this way: have we actually funded, or do we have any policy propositions to support distribution if, and when, one arises?

Mr Brazier: You could argue that that \$23 million that I mentioned—

Senator WONG: It's not a theoretical argument; it's a real-life question.

Mr Brazier: That \$23 million will be spent on health systems in our region to improve their capacity to distribute a vaccine when it becomes available.

Senator WONG: Is that being delivered bilaterally or multilaterally?

Mr Brazier: I'd have to check that for you.

Senator WONG: Are there any funds allocated to obtaining vaccine supplies for Pacific nations?

Mr Brazier: The Prime Minister has made a commitment to supporting our region's access to vaccines, and I expect that there will be further discussion about that when a vaccine actually becomes available—

Senator Cormann: I can confirm that we are considering what else we can sensibly do and I would expect that there would be some further announcements further down the track.

Ms Foster: Senator, we found additional information on AstraZeneca. In fact, the vaccine agreements will allow us to support Pacific and South-East Asian partners as additional orders can be negotiated and doses can be donated, or onsold with no mark-up, to other countries or international organisations. That was part of the negotiation to allow us to do that.

Senator WONG: Which would either have to be out of the pool that Australia has or we'd have to purchase additional—correct?

Ms Foster: My memory is that our intent was to purchase sufficient to meet Australia's needs and to be able to onsell.

Senator WONG: Sorry?

Ms Foster: My memory is that what we were seeking to set up—

Senator Cormann: There's expected to be a surplus is effectively what Ms Foster is saying. The agreement is on the basis that there will be a surplus which will be available for donation.

Senator WONG: Does the agreement contemplate a number of units or a number of—

Senator Cormann: Some 84 million doses to Australia, which is equivalent to 42 million patients, the majority of which would be manufactured in Australia under contract. And there is expected to be surplus to requirements in Australia which would be available for donation into partner countries, including the Pacific.

Senator WONG: Are there any South-East Asian nations—because both are referenced in the two commitments? I have a set of equivalent questions about South-East Asian nations. What did they ask for? What's been requested? Have we put in place any mechanisms, or what is the contemplation about assistance with distribution, funding, et cetera? What can you tell me about that?

Mr Brazier: The topic has come up in conversations. The big difference, as you would know, Senator, is that the populations we're dealing with are vast in South-East Asia. When you multiply the likely cost of these shots by the population—with Indonesia alone, we're dealing with very large sums of money.

Senator WONG: Is there a proposal or any provision for funding to support any provision in South-East Asia?

Ms Millar: Yes, we have done some work on that. I need to get the exact details for you.

Senator WONG: Sorry?

Ms Millar: We've been looking at how best we can assist countries in South-East Asia. We'll just need to get some further details for you.

Ms Foster: I'm also advised by the health department that—

Senator WONG: Sorry, I'm just trying to understand exactly what Ms Miller is saying she's going to come back to me on.

Ms Millar: Senator, you asked about whether there had been discussions on how we could assist South-East Asia and I said: 'Yes, there have been'. We've been looking at what we can do, bearing in mind the scale and so on in South-East Asia. I don't have the details of that here, but I'll try to—

Senator WONG: No—you haven't got the details of what's proposed or you haven't got details of the process? Or both?

Senator Cormann: We're still considering what might sensibly be answered.

Ms Millar: Exactly what we're going to do.

Senator WONG: Fine, okay. Is that in the same bucket as the indication you gave, Senator Cormann, about—

Senator Cormann: Yes.

Senator WONG: Yes, okay.

Ms Foster: I was just going to add that the Department of Health has just advised me that they talked at the WHO regional meeting today about Covax, and also at the Pacific Health Ministers Meeting.

Senator WONG: On how many occasions has the Prime Minister spoken to President Trump since 22 April?

Mr Brazier: I'm aware of at least two conversations—I'll check.

Senator WONG: Thank you.

Ms Foster: And the WHO regional meeting was actually last week, not today. The health department says they'll be fully briefed to talk with you about it next week.

Senator WONG: I'm not going to go to health. Don't make me go to health—I have enough to do! They can tell foreign and DFAT.

Ms Foster: Sure.

Senator WONG: There you go! Mr Brazier, were there two?

Mr Brazier: Yes, at least.

Senator WONG: Two at least?

Mr Brazier: Two that I'm aware of.

Senator WONG: Do you have the dates of those?

Mr Brazier: I'm sure I can get them to you in a moment.

Senator WONG: Are you waiting for someone to email them to you?

Mr Brazier: Yes, someone will get me the dates.

Senator WONG: We'll all twiddle our thumbs while this person responds! To your knowledge, has the Prime Minister, or any members of the government, raised any concerns with the US about their decision to sanction senior officials of the International Criminal Court, including the chief prosecutor?

Ms Millar: I'm not aware of any.

Senator WONG: How are you going there, Mr Brazier? Is somebody telling you the dates—

Senator Cormann: I have the dates: 2 June and 17 July.

Senator WONG: Thank you. Obviously, we're in a US election year. I'm not going to do a John Howard and talk about the terrorists barracking or not barracking for someone, but I assume, Ms Millar, that your group—this is where I always get this wrong: groups, divisions, branches—is observing some of the commentary?

The President raised at the Republican convention the prospect—he made reference to a rigged election. The comment was made:

The only way they can take this election away from us is if this is a rigged election.

I'm wondering at any point has the department provided any advice to the Prime Minister in relation to discussion in the US, confidence in US electoral processes—some of the things which have been said about the electoral process by those engaged in it. Has any advice dealing with those matters been provided?

Ms Millar: We haven't provided any such advice, no, Senator.

Senator WONG: Given the importance of our shared democratic values, has the Australian government at any level made any representations to the US administration regarding the importance of fair and transparent electoral processes?

Ms Millar: Not to my knowledge, Senator, no.

Ms Foster: We also have an answer to your Daryl Maguire question, Senator.

Senator WONG: You're distracting me. Can I finish this first and then I'll do that? When and how did the department first become aware of the government's intention to draft the foreign relations bill?

Ms Foster: I'll just get the relevant officers up to the table.

Senator WONG: Who would that be?

Ms Foster: Government division; they work with Attorney-General's Department.

Senator WONG: So nothing from Ms Millar?

Ms Foster: No, Senator.

Senator WONG: It deals with foreign policy; that's the whole basis of it.

Ms Foster: I think you'll find that Mr Reid will be able to help you, Senator.

Senator WONG: He may—he's run away!

Ms Foster: It's because you didn't believe in him! Ms Moran is the assistant secretary dealing with this issue, but she didn't hear your question because she was in the other room.

Senator WONG: That's fine. Ms Moran, I asked: when did the department first become aware of the government's intention to draft, or develop, the foreign relations bill?

Ms Moran: The department first became engaged on these issues in May.

Senator WONG: May of this year?

Ms Moran: That's right.

Senator WONG: And what prompted that engagement?

Ms Moran: It was through discussions with the Prime Minister's Office.

Senator WONG: And you were advised, what—that the government intended to do this?

Ms Moran: We were asked to do some preliminary work.

Senator WONG: On?

Ms Moran: I probably can't take it a lot further than that; I'm not trying to be unhelpful.

Senator WONG: Actually, you can't make that claim; he's got to make that claim. I'm trying to ask what did you understand. Who spoke to you from the PMO—you can tell me that?

Ms Moran: A senior adviser.

Senator WONG: Not the cabinet secretary, a senior adviser? A senior adviser international, a senior adviser—what's their area of—

Ms Moran: Legal policy.

Senator WONG: And, as a result of that, did you, as the relevant officer at PM&C, understand to be the objective of the legislation?

Ms Foster: Senator, I think Ms Moran might be concerned that this is going to deliberations of cabinet and that she'll need to seek advice on that and see if the minister would—

Senator Cormann: We might take it on notice.

Senator WONG: You can have a whole argument about the process that just happened then, which isn't how it should be. I'm just trying to understand whether or not what the PMO was seeking was a bill that essentially enabled what we see now, a veto power in the federal government, or was there some other—can you see what I'm saying? I'm trying to understand—

Senator Cormann: You're going really to the content of advice that informs the deliberative process of cabinet.

Senator WONG: No, it's not; it's the content of instructions.

Senator Cormann: That goes to the content of something that is subject to the—

Senator WONG: No. The content of advice is what she then comes back with. I'm asking what she was tasked on.

Senator Cormann: That is also part of the deliberative process.

Senator WONG: Alright, let's do it this way: what did you understand you were being tasked on, Ms Moran?

Senator Cormann: That is also part of the deliberative process of cabinet.

Senator WONG: Partisan?

Senator Cormann: Sorry?

Senator WONG: Oh, part of.

Senator Cormann: The deliberative process.

Senator WONG: No, I'm asking what she was tasked with.

Senator Cormann: As part of an authority to come forward with a proposal into a cabinet process.

Senator WONG: Right; well, no-one said that to me.

Senator Cormann: Well, I'm saying it.

Senator WONG: Okay, you said that just now. Is that what you were tasked with, to contribute to a policy proposal that went to cabinet?

Ms Foster: We knew that the process would involve any draft bill going forward to cabinet.

Senator WONG: And this is in May?

Ms Moran: Correct.

Senator WONG: May 2020?

Ms Moran: I didn't give a date; I just said May.

Senator WONG: No, this year; May 2020.

Ms Moran: Yes.

Senator WONG: By the PMO—is that the first time you became aware of it?

Ms Moran: Yes.

Senator WONG: No discussions with Foreign Affairs or Attorney-General's prior to that?

Ms Moran: Not from us, but I understand we developed this work in close consultation with DFAT and the Attorney-General's Department.

Senator WONG: Yes, but at the time it was raised with you there hadn't been—

Ms Moran: Directly.

Senator WONG: Yes, so there is no official level prior to the political level instruction to develop this policy proposal?

Ms Moran: Correct.

Senator WONG: Which then engendered a cabinet process, which we're not going to talk about at this point because, really, we don't need to. Was there an IDC set-up, or something similar?

Ms Moran: The Attorney-General's Department, I understand, had a band 3 IDC set up.

Senator WONG: Were you involved in that?

Ms Moran: No.

Senator WONG: I'm trying to work out whether you had—who was involved?

Ms Moran: PM&C was.

Senator WONG: Yes, and who was involved from PM&C?

Ms Moran: I think Mr Reid attended that IDC.

Senator WONG: You should have jumped in. You just left her hanging, answering questions.

Mr Reid: I attended the meeting, Senator.

Senator WONG: When did they start?

Mr Reid: They would have commenced around June, I think.

Senator WONG: Okay. Can someone tell me what the policy objective was that you understood you were working on?

Mr Reid: Well, again, the matter by that point was entwined in a cabinet process.

Senator WONG: Everyone should not be so paranoid—

Senator Cormann: I can help here.

Senator WONG: What's the policy objective?

Senator Cormann: I can help you. Don't go to the officials.

Senator WONG: If you're not ashamed of it, tell us what—

Senator Cormann: I can help you.

Senator WONG: Thank you.

Senator Cormann: The policy objective is very clear—that is, foreign policy in Australia is set by the national government. That is the policy objective, to make that absolutely clear.

Senator WONG: And what precipitated this, Senator Cormann?

Senator Cormann: I think that has been a matter of public conversation for some time. There's clearly a concern that Australian foreign policy was being pursued by jurisdictions other than the Commonwealth, and foreign policy is a matter for the Commonwealth.

Senator WONG: Okay, so Attorney-General's bring a band 3 group together. What did you call it? Is that a working group, IDC—just give me the nomenclature you'd like me to use so that we can reference it?

Mr Reid: It was probably called an IDC.

Senator WONG: Okay, so the IDC starts meeting in June. As a consequence of that, the endpoint of this process is the announcement that the Prime Minister and foreign minister make—correct?

Mr Reid: That's right.

Senator WONG: Who is on the IDC?

Mr Reid: It was led by the Attorney-General's Department and had PM&C, the Department of Foreign Affairs and Trade, the department of education, the department of infrastructure. I might have to take on notice other attendees.

Senator WONG: When was it determined that universities should be included in the remit of the legislation?

Mr Reid: I would have to take that on notice.

Senator WONG: Was there any point where they weren't?

Senator Cormann: You're now well and truly going into the weeds of deliberative processes of government.

Senator WONG: Who issued drafting instructions?

Mr Reid: The Attorney-General's Department.

Senator WONG: And they were the lead agency, I think you said. When did you first see a draft bill?

Mr Reid: Ms Moran might have the date to hand. I'm just checking.

Ms Moran: I think it was in early July, but we might have to take it on notice to confirm.

Senator WONG: Okay. Was the definition of 'Australian entities' as state, territory and local governments and Australian public universities amended at all during the drafting process?

Ms Foster: I think that would go to the deliberations of cabinet.

Senator WONG: On how many occasions was this considered by cabinet?

Senator Cormann: I'll take that on notice.

Senator WONG: Was it considered by cabinet prior to the announcement?

Senator Cormann: Of course, but I'll take the date on notice.

Senator WONG: Well, not always 'of course'. You announce all sorts of things, like international inquiries, without cabinet. You announced the changes to the recognition of Jerusalem without a discussion with cabinet.

Senator Cormann: I'll let you make assertions that you—

Senator WONG: But they're all true! Those things I just said are all true; they're not assertions!

Senator Cormann: The appropriate process of government—

Senator WONG: They've been confirmed by evidence! Okay, so you think early July, around then, was the first draft of the bill?

Ms Moran: Senator, I said we'd have to take it on notice to confirm it.

Senator WONG: Yes, with the caveat. I understand that. What consultations took place with third parties prior to the legislation being announced on 27 August?

Ms Moran: The Prime Minister, I understand, said publicly that he had raised it with states and territories that this work was underway. On 26 August he wrote to first ministers and to the Australian Local Government Association to inform them about the legislation prior to the announcement.

Senator WONG: I think it might have been tabled elsewhere, but can I have a copy of those two letters?

Senator Cormann: We'll take those on notice.

Ms Moran: I don't have it, so we'll have to take it on notice.

Senator WONG: Why did he not write to the universities?

Ms Moran: I will have to take that on notice.

Senator WONG: Was it because they weren't in the draft bill at that point?

Senator Cormann: Again, when you're going into—

Senator WONG: I'm asking. Well, you tell me: why is he writing to governments, and to whom was it? First ministers and local government—

Ms Moran: The Australian Local Government Association.

Senator WONG: when a very substantial proportion of agreements that this would likely apply to is the university sector. Why was there no consultation?

Senator Cormann: This is a state government regulated university sector, is that what you're suggesting? A letter going to state governments in relation to state organisations obviously, appropriately, is directed to state governments.

Senator WONG: When was the legislation finalised?

Ms Moran: I understand that DFAT have told the Senate foreign affairs legislation committee, who are looking at the bill, that the bill was settled on 1 September.

Senator WONG: And when did the department see the final legislation?

Ms Moran: I would have to take it on notice.

Senator WONG: After that, or before that?

Ms Moran: We will have seen it around that date.

Senator WONG: Okay. When did the department first become aware that this legislation would be announced by the foreign minister and the Prime Minister on 27 August?

Ms Moran: I'll have to take that on notice.

Senator WONG: Did you know before the announcement?

Ms Moran: Yes.

Senator WONG: You did? Well, that is a change. You don't have to respond to that. How did you become aware?

Ms Moran: I think the department was advised—I'll have to check my recollection—by the Prime Minister's office, or it may have been through DFAT.

Senator WONG: So in terms of consultation prior, you made two assertions, Ms Moran. You said that the Prime Minister had discussed this with first ministers, and then you said, 'He's also written, on 26 August, to first ministers and local government.'

Ms Moran: Correct.

Senator WONG: Are they two separate engagements, or are they one and the same?

Ms Moran: I am suggesting they are two separate engagements.

Senator WONG: What knowledge does the department have of the Prime Minister's engagement with first ministers that is not in the letter?

Ms Moran: I don't have the statement with me, but the Prime Minister has said publicly that he raised the work that was being undertaken with first ministers. I could find the reference to that and provide it to you.

Senator WONG: He wrote to them on the 26th. Did the department draft those letters?

Ms Moran: We did draft a letter, Senator.

Senator WONG: The letters that were signed on the 26th.

Ms Moran: Correct.

Senator WONG: How long between drafting and them going out?

Ms Moran: I'll have to confirm, but my recollection is that we briefed the Prime Minister at the end of July.

Senator WONG: Including with the letters?

Ms Moran: Correct.

Senator WONG: But they didn't go out till the day before the announcement?

Ms Moran: That's right.

Senator WONG: The Prime Minister said he wants the legislation passed by Christmas. Can someone give me an explanation as to why it has to be done before Christmas?

Mr Reid: Senator, I don't think there's any magic to the date. I think the Prime Minister's expressed an intention for it to be passed as quickly as possible.

Senator WONG: This has been traversed, but I understand the bill doesn't provide any definition of foreign policy. Was that intentional? Was there any consideration given to defining it?

Ms Moran: I will have to, again, check this, but I think these issues were addressed by DFAT last week with the legislation committee.

Senator WONG: Yes, but I'm asking you.

Ms Moran: I'm just trying to recall. I think that there was active consideration given to that, and it was a decision taken not to define.

Senator WONG: By whom? By the government?

Ms Moran: Senator, the bill is, obviously, a decision of government.

Senator WONG: Yes. Maybe Ms Millar can come to the table. Can someone define foreign policy? Do we just know it when we see it?

Ms Foster: Senator, I don't think that's a question Ms Moran can answer.

Senator WONG: Who can answer it? The government's made a decision not to include a definition, and so I'm asking the Prime Minister's department: can you please define foreign policy? Or do you just know it when you see it?

Senator Cormann: I think we do know it when we see it: obviously, relations with other countries around the world are foreign affairs that are within the purview of the Australian government, appropriately so.

Senator WONG: But the purview of the legislation goes well beyond that.

Senator Cormann: I'm advised that Australia's foreign policy is defined in section 5, paragraph 2 of the bill.

Senator WONG: Regarding advice as to the constitutionality of the bill, was that sought by you? Or was that a matter that was just considered by AGs?

Ms Moran: Senator, again, I'm confident that DFAT last week advised that the government had sought advice from the Solicitor-General in relation to the development of the bill.

Senator WONG: Yes, that's correct, and I'm asking who sought it. Did you have any involvement in seeking it? Or was that sought by either DFAT or AGs?

Senator Cormann: Senator Wong, I've just got to go back to your question about the definition of foreign policy. Australia's foreign policy, as defined under the legislation:

includes policy that the Minister is satisfied is the Commonwealth's policy on matters that relate to:

- (a) Australia's foreign relations; or
- (b) things outside Australia;

whether or not the policy:

(c) is written or publicly available; or

(d) has been formulated, decided upon, or approved by any particular member or body of the Commonwealth.

Senator WONG: We can have a discussion about the extent to which that's a circular definition. But I want to try and finish in time. Can I move on?

Senator Cormann: Yes, sure.

Senator WONG: Thank you. Now I've forgotten what I asked you, Ms Moran! What did I ask you?

Ms Moran: You were asking about the legal advice.

Senator WONG: Yes. Who sought that? It was commissioned by whom? Who goes to the Solicitor-General and says: 'Can you advise us on constitutionality?' Is that PM&C, Attorney-General's or DFAT? That's all.

Ms Foster: Typically—

Senator WONG: No, not typically: who did on this occasion?

Ms Foster: I'm going to answer you, Senator. That would be Attorney-General's, I think. On this occasion there were two separate pieces of advice, one sought by them and one sought by PM&C.

Senator WONG: You sought one, too. When did you seek it?

Ms Moran: Senator, I think that the Attorney-General has made a PII claim in relation to the legal advice today, which has been shared with the committee.

Senator WONG: You can't make a PII claim; he can. But I actually haven't asked for the advice, or the content of the advice. I just asked when you, PM&C, sought advice.

Ms Moran: The advice that the department sought was in late May.

Senator WONG: Why did PM&C make that decision? As you said, Ms Foster, it's usual that the proponent department would be responsible for this. Why, on this occasion, did PM&C seek advice, too? What precipitated that?

Ms Foster: Ms Moran can add to this, if there's anything more to add, but the department was working very closely with both the Department of Foreign Affairs and Trade and Attorney-General's in the preparation of the bill.

Senator WONG: That's a nonanswer. I'm just wondering why you sought additional advice.

Ms Moran: It was in the early development stages that PM&C sought the advice.

Senator WONG: You wanted to come back on Maguire.

Ms Foster: Simply to tell you that we have checked, and none of the staff in the relevant area are aware of any representations from Mr Maguire to the Prime Minister. We also did a search of our correspondence management system and could not identify any correspondence.

Senator WONG: Is the question in relation to the PMO still on notice?

Senator Cormann: I've had advice that there's no record of any representation to the Prime Minister's office or the Prime Minister.

Senator WONG: Okay.

Senator RICE: I want to go back to the Gaetjens report, made into the sports rorts affair, and in particular go back to the talking points document that we discussed earlier today and its link to the meeting between then Minister McKenzie and the Prime Minister. Ms Foster, you told us earlier that you were told that this talking points document was a working document and had no status or standing, and that's what the government has been telling us.

Ms Foster: Those were not my words.

Senator RICE: However, what I want to know is: were you told that it was prepared in connection to and prior to the meeting between Minister McKenzie and the Prime Minister that occurred on 28 November?

Ms Foster: We were not aware of the meeting. The statement I made around the document was that when we saw the document in the course of Mr Gaetjens's inquiry we questioned its status and the role it had played, and we were assured that it had been prepared for the purposes of 'a potential briefing note for further consideration of the grants program' and that it 'never formed the basis for decisions as part of the program' and 'was never seen by the minister until the excerpt contained in the ANAO report'.

Senator RICE: So you weren't aware of the meeting that then Minister McKenzie had with the Prime Minister?

Ms Foster: That's correct.

Senator RICE: Mr Gaetjens had a number of email exchanges and met with then Minister McKenzie on 29 January. Was this document discussed with her, if not the meeting?

Senator RICE: We certainly asked Minister McKenzie's staff because, apart from the interview that Mr Gaetjens did directly with Minister McKenzie, we were tending to work through her chief of staff, and it was he who provided us with the assurance that it had not formed any part of the decision-making process, speaking on Minister McKenzie's behalf.

Senator RICE: The document wasn't discussed at all with Minister McKenzie, and Minister McKenzie omitted to tell Mr Gaetjens that she had met with the Prime Minister.

Senator Cormann: The thing I would repeat is that the Prime Minister regularly meets with his ministers—

Senator RICE: No, this was a meeting—

Senator Cormann: as you would expect, and—

Senator RICE: I've got limited time, please, Minister. This was a meeting that the minister had with the Prime Minister—

Senator Cormann: the proposition for the projects that arise—

CHAIR: Order, Senator Rice. It really is very difficult to conduct a hearing over video. The minister is entitled to respond.

Senator Cormann: overlooks the fact that the program in question made \$30 million available for community sporting infrastructure projects but received more than 2,050 applications totalling nearly \$400 million worth—

Senator RICE: With respect, Minister, this is totally irrelevant to the question I'm asking.

Senator Cormann: of inquiries. Of course the former minister lobbied for further funds, and these decisions in relation to additional funding for the program were made through the normal deliberative processes of government and were announced accordingly. The link that you are trying to make here between a discussion about overall funding for a program and specific decisions on specific grants is inaccurate. The decisions in relation to specific grant allocations were made by Senator McKenzie on 4 April, approving the third round of the community sports infrastructure grants. Essentially the involvement between the Prime Minister and his minister was, other than in relation to the overall funding allocation, related to announcement logistics. Indeed, of course, as representations are received, representations are passed on. That is entirely appropriate. That is business as usual. I would make the point, again, that as a result of the then Minister for Sport exercising her ministerial discretion—

Senator RICE: Excuse me, Minister, I have limited time.

Senator Cormann: the proportion of funding that went into the—

Senator RICE: You are not responding to the question I have asked.

CHAIR: Order, Senator Rice and Minister! Thanks, Minister. In the interests of Senator Rice's limited time, let's let her move on to subsequent questions.

Senator Cormann: I am not going to let false assertions stand just in the interests of time. If false assertions are made, I will correct them.

CHAIR: Understood. Ms Foster.

Ms Foster: The focus of Mr Gaetjens's inquiries of Senator McKenzie and discussion with her was to seek to understand the detail of what had been put to her and how the decision-making process had worked. Because we had no visibility of a meeting we didn't raise that meeting, and she clearly didn't feel that that was relevant to Mr Gaetjens's questions of her. The four-page document that we saw was simply headed 'Community Sports Infrastructure Grant Program'. It made no reference to it being a meeting brief.

Senator RICE: I want to share with you what we have learnt about that talking-points document. We know from the ANAO's evidence that on 19 November, the day before the meeting with the Prime Minister was scheduled, in the late afternoon Minister McKenzie met with her chief of staff and her senior adviser in preparation for the meeting with the Prime Minister. We know that following that meeting, at 6 pm, the senior adviser prepared what was called 'Talking points for meeting with PM'. It turned into a four-page document which set out what was going to be achieved by increasing the size of the program from \$30 million to \$100 million, and the discussion in the document is all around how the applications in marginal seats can be funded with a \$30 million program—

Senator Cormann: That is not just right.

Senator RICE: May I finish, please. Then we know that the talking-points document was printed out at 11.05 am on 20 November—the day the meeting was scheduled—and that, at 1.49 pm, the senior adviser emailed it to herself with an Excel spreadsheet of what could be successful under a \$100 million program. You had a copy of this talking-points document.

Ms Foster: We had a copy of the document that was headed 'Community Sports Infrastructure Grant Program'. We asked the minister, through her staff, whether or not that had formed part of the decision-making process, and she said, 'No.'

Senator RICE: But you had a copy of that document. Did Secretary Gaetjens raise the existence of this document with the Prime Minister when they met on 31 January?

Ms Foster: No, he did not. As I said, the document that we saw didn't refer in any way to talking points or a meeting with the Prime Minister. It was simply headed 'Community Sports Infrastructure Grant Program'. We had been advised by Senator McKenzie's staff that it had played no role in the decision-making, so there would have been no reason for that to be raised.

Senator Cormann: And you are inappropriately seeking to conflate two separate processes. There is a process around the decision-making, about the total funding envelope, in relation to a program that had more than \$400 million in requests when there was \$30 million available. There is a process through the Expenditure Review Committee, in the appropriate funding envelope for that program. Then there's a separate process in relation to how specific grant applications are determined, and there were recommendations by Sport Australia which were reviewed by the minister, exercising her discretion. As a result of the minister exercising her discretion, far from making political decisions, she actually ensured that there was a fairer distribution of the available funding. In fact, the proportion of funding going into Labor-held seats went up as a result of the exercise of ministerial discretion by Senator McKenzie.

Senator RICE: What we're discussing is that Secretary Gaetjens had a key piece of information—he had this four-page document that, yes, had a new title on it—

Senator Cormann: It doesn't relate to it. It doesn't relate to the same issue.

Senator RICE: that discussed the electoral distribution of grants. On the basis of having been told by an adviser that it wasn't part of a formal decision-making process, Secretary Gaetjens omitted to mention it to the Prime Minister in his meeting with the Prime Minister in discussion about the problems with this absolutely rorted sports program.

Senator Cormann: A very popular and very successful sports grants program. I understand you don't like it—

Senator RICE: But the Prime Minister—

Senator Cormann: I object to your description of it.

Senator RICE: It had a spreadsheet attached to it that divvied up potential grant recipients according to electorates, but it wasn't raised in that meeting with the Prime Minister. That's what you're telling me.

Ms Foster: Senator, if I can say again, we had been advised by the minister—through her staff, but with the minister's authority—that she had not seen the spreadsheet and that it had not formed any part of her decision-making. We understood from her staff, again with her authority, that the document had been prepared to aid a discussion, as Minister Cormann said, about the quantum of funding, not the allocation of the grants of the eventual program. And on that basis—

Senator RICE: And neither the minister's adviser nor the minister thought to tell you that this had been prepared, very coincidentally, on the day before the meeting was scheduled with the Prime Minister?

Ms Foster: Senator, they were very clear that it had been prepared to aid consideration of budget. So I don't see any discrepancy between the evidence I have given you and what I understand to have happened.

Senator RICE: To aid consideration of budget. That's different. You were saying before—

Senator Cormann: These are the two separate things you're seeking to conflate. There is a decision around what the overall funding envelope is, which is separate from the specific allocation of individual grants to individual projects. The allocation of individual grants to individual projects is a matter for the minister, and she has exercised her ministerial discretion in that regard. She was the decision-maker and she made those decisions. In relation to the funding envelope, that was a decision of the government through the ERC process.

CHAIR: Just a time warning, Senator Rice.

Senator RICE: You're saying it's part of the budget process, which basically means your budget process involves the minister having secret ministers' meetings with the Prime Minister and a budget process including spreadsheets—

Senator Cormann: That's a ridiculous characterisation. The Prime Minister meets with all of his ministers. Would you expect that the Prime Minister does not or should not meet with his ministers on a regular basis?

Senator RICE: No, but I would think that when he's being questioned by the secretary about improprieties in the process she may have thought to actually mention the fact that she met with the Prime Minister.

Senator Cormann: There was no questioning of the Prime Minister along the lines that you're suggesting at all. Again you are seeking to conflate two completely distinct processes: the normal, ordinary budget process in the context of the normal deliberative processes of government and, separate to that, the decision-making by an individual minister in relation to the allocation of individual grants to individual projects. These are two very separate processes.

CHAIR: That is time, Senator Rice.

Senator RICE: It has clearly expanded the budget available to this program—

Senator Cormann: Because it was massively oversubscribed because of the significant interest around the country.

CHAIR: I think we have done that one to death. It is time for the dinner break.

Proceedings suspended from 18:29 to 20:00

CHAIR: The committee will now resume its examination of the Department of the Prime Minister and Cabinet.

Senator KITCHING: Could I ask some questions about aged care, Mr Gaetjens and the department's response to the aged-care deaths particularly. The secretary of the Prime Minister's department previously told the Senate that he doesn't have a role in relation to aged care. Is that correct? Is there someone who can comment on that?

Ms Frame: Can you confirm: the question was Mr Gaetjens said he didn't have a role—

Senator KITCHING: At the Senate Select Committee on COVID-19 on 11 August 2020, the chair asked:

So you don't have any interest in what's happening across the Australian Public Service in their response to aged care?

Mr Gaetjens:

My interest is not at issue. I don't have a role.

Does Mr Gaetjens not have a role. Is that correct?

Ms Frame: No statutory role. Obviously the lead in the aged-care response in the Australian government is with the Department of Health. As Mr Gaetjens pointed out, we do have briefs that come through for national cabinet specifically on the aged-care response as well as more regular updates provided to the Prime Minister as well. He has a very active interest in aged care. That is still information that comes from the Department of Health that Prime Minister and cabinet—

Senator KITCHING: So Mr Gaetjens hasn't briefed Mr Morrison on any aged-care issues?

Ms Foster: If I could add a little: I think the context of Mr Gaetjens's response was that the Department of the Prime Minister and Cabinet was not leading on aged-care issues and he was talking about his role in the lead. We'll see if we can find information about whether or not he or the department has provided briefs to the PM.

Ms Frame: Thank you. We certainly have provided regular updates. As I said, there is very regular reporting about aged care, the number of inspections undertaken by the quality commission, what states have been doing and their readiness to stand up an aged-care emergency response centre. There is briefing on those matters provided to the Prime Minister's office. That is information provided to us by the Department of Health but we provide that also to the Prime Minister's office directly.

Senator KITCHING: Even though they're a central agency, all of the information came through from the Department of Health?

Ms Frame: I think that's fair to say, but there is interaction between the Department of the Prime Minister and Cabinet and the Department of Health in that quite frequently, even in the weeks I've been in the job, we would request further information. We might ask for more detail on certain aspects, and that information comes back to us from the Department of Health and then we would provide that information to the Prime Minister's office as part of our briefings.

Senator KITCHING: I'm in Victoria, and obviously with coronavirus there has been a crisis in aged care and aged-care homes here. What I'm wondering is whether the Department of the Prime Minister and Cabinet played any role or an increased role or an expanded role because of that crisis given that aged care is a Commonwealth funded and regulated sector. Did a central agency like PM&C play any expanded role?

Ms Frame: I think the answer to that question would be yes in terms of how much time the team in PM&C that shadow the Department of Health and of those aged-care functions. It would be yes in terms of how much time they would have devoted to the aged-care response and to working very proactively with Health colleagues around what information was being provided and what more we thought was needed. There would have been a constant

interaction around that. I think it is fair to say that, yes, there was an expanded response and effort required from the Department of the Prime Minister and Cabinet and applied to aged care.

Ms Foster: In the early days of the second wave in Victoria there were intensive efforts on the part of Prime Minister and cabinet to ensure that the information that the Prime Minister was seeking and the actions that he wanted taken were actively pursued. So, as Ms Frame said, our Health team in particular were working around the clock with their colleagues in the Department of Health to make sure that everything that needed to happen was happening.

Senator KITCHING: Was anyone seconded over to Health or into the aged-care response team? Did any of that happen? You've said the team within PM&C was shadowing Health, but was there any seconding across either way?

Ms Frame: Not that I'm aware of but I'll have to confirm that. There may have been something prior to my arrival in the department. No, I can confirm that—

Senator KITCHING: Ms Frame, welcome to estimates. I'm sorry it's in your tenure.

Ms Frame: Thank you. I have the first assistant secretary for social policy division behind me here, who has confirmed that there's no seconding. There's been no formal secondment to the Department of Health. With regard to the shadow function you mentioned—that's the term we use, obviously, for departments that we monitor and work with. As I said, it's become a very active role with the aged-care response. That aged-care team in PM&C have been working hand in glove with the Department of Health on a daily basis, with regular updates, information requests and assisting where we can. For example, we've provided some direct assistance in consolidating their data and we have some really great expertise in the Department of the Prime Minister and Cabinet to express that in a really clear, graphic form, in a dashboard that can be readily interpreted and you can see trends. We've provided that assistance from the Department of the Prime Minister and Cabinet but haven't formally seconded a staff member. But we do work really actively and things will come up on a daily basis where we would say we can help with that and we would offer that assistance.

Senator KITCHING: Did you expand that team as circumstances required? I'm thinking, for example, of the aged-care homes in Epping and St Basil's and Bapcare, where there were a large number of deaths in those facilities. Did you expand where circumstances needed that?

Ms Frame: The team in Prime Minister and cabinet would have been well across those issues and would have put more work hours, obviously, into aged care. The direct expansion in Commonwealth support pursuant to those homes that you raised would have been the direct hands-on assistance from the Victorian Aged Care Response Centre, where there were ADF personnel and additional staff from the Commonwealth made available to assist directly in those registered aged-care facilities.

Senator KITCHING: Thank you. Has the Prime Minister ever met or been briefed by Ms Anderson, the head of the Aged Care Quality and Safety Commission? Was a briefing sought by him?

Ms Frame: I don't know. I'll have to take that on notice.

Senator Cormann: Of course, the Prime Minister have been briefed by the Minister for Health and the Minister for Aged Care and Senior Australians at a federal level. I just make the general point that the issues that have arisen in Victoria arose in the context, obviously, of

a significant second wave of COVID infections. Wherever there are high rates of community transmission, sadly, the risk to older people, particularly those in residential aged care, increases, as was demonstrated in Victoria. It's been a very challenging, difficult situation to deal with, and everyone involved is doing the best they can to get on top of it.

Senator KITCHING: Thank you.

Ms Frame: I also want to add to what the minister said. The Prime Minister has specifically requested, and he and his office receive, very regular updates on the number of visits that the commission have conducted. So that information provided by the commission is very regularly updated, and that includes the checks and the scheduled visits and everything they're doing with infection prevention and control. The whole lot is very closely monitored, including by the Prime Minister and his office.

Senator KITCHING: Thank you. I'm happy for you to take this on notice: how many briefings on aged care in relation to coronavirus have been provided to the Prime Minister since the start of this crisis? I'm happy for you to take that on notice.

Senator Cormann: I think that may be best.

Senator KITCHING: I don't expect you to know the exact number. As a breakdown of that, how many of those briefings were instigated by the department and how many of those briefings were instigated by the Prime Minister or his office?

Senator Cormann: We will get back to you on notice.

Senator KITCHING: Thank you.

Ms Frame: Can I clarify: I've been given some additional information with regard to a question you asked earlier. I've been advised that there were some secondees from the Department of the Prime Minister and Cabinet to the National Incident Room in the Department of Health in the early stages of the outbreak. I will get you more detail on the timing, but there were some secondments that I wasn't aware of in the prior months.

Senator KITCHING: That's fine. Thank you. At a previous hearing of the Senate Select Committee on COVID-19, Ms Anton said that departments were providing direct lines of briefing on issues, including on aged care. Is this the usual practice? What oversight does the department have of these briefings? I can read you the quote if you like. Ms Anton said:

... the Social Policy area does maintain, obviously, a shadow function in terms of the work that is done on aged care. In terms of your earlier questions, that means that we maintain regular contact with the department of health and aged care around what they're doing on the question of specific responses to St Basil's. The operational response on that one is with the Department of Health's aged care area, and, as the secretary alluded to, on 24 July 2020, the Australian government and the Victorian government announced the Victorian Aged Care Response Centre in Melbourne. So we do maintain connections with those line agencies to understand what response is happening and, where it's appropriate, provide briefing through to the Prime Minister, but there are also direct lines of briefing to him on many of those operational matters on a daily basis.

So what I'm really asking is: what's the usual practice, and what oversight does the department have of these briefings? Would there be someone from PM&C in each briefing? How does all of that work?

Ms Frame: Just to clarify, Senator, when you say 'direct lines of briefing', do you mean the Department of Health directly briefing the Prime Minister and his office? I'm confused about which department is directly briefing.

Senator KITCHING: What Ms Anton said is:

... where it's appropriate, provide briefing through to the Prime Minister, but there are also direct lines of briefing to him on many of those operational matters on a daily basis.

So I'm assuming that Ms Anton is referring to, for example, the Department of Health, or the aged-care section of the Department of Health, providing briefings through to the Prime Minister, and there are 'direct lines of briefing to him on many of those operational matters'. So what I'd like to know is: do you have oversight of those briefings? If there's a direct briefing going through to the Prime Minister or his office: Is the department aware of those briefings all the time? Is there someone from the Department of the Prime Minister and Cabinet who would come to sit in on these briefings if there's a direct line of briefing from another department?

Ms Frame: I understand now, and I can confirm that the advice Ms Anton provided is correct. There are direct briefings, and, yes, the Department of the Prime Minister and Cabinet is involved and a participant. Those briefings most typically take the form of regular updates. The Prime Minister seeks regular updates on a range of issues that include aged care.

Senator KITCHING: So the Prime Minister requests those briefings?

Ms Frame: Yes, that's correct. Yes, the Prime Minister requests very regular updates on the status of aged care, on case num. So, yes, that's correct.

Senator KITCHING: How is the responsible minister involved in these briefings? Does someone, let's say, in the Department of Health say to Mr Hunt, 'We're doing this briefing with the Prime Minister'? How are they kept in the loop?

Ms Frame: They're also involved. They're also participants.

Senator KITCHING: And their office would come?

Ms Frame: Yes.

Senator KITCHING: And they would have visibility of those briefings?

Ms Frame: Yes. Often it's provided by ministers directly. It could be provided directly by a minister, or it may be that their officials answer as well with more specific information.

Senator KITCHING: In late July, the Prime Minister said that the loss of aged-care workforces at a facility—and what was being discussed at the press conference was St Basil's—was something that had not been anticipated or foreshadowed. There were these earlier examples, at Dorothy Henderson Lodge and Newmarch House, that were in another state. Did that not then feed into a response around the loss of aged-care workforces at aged-care facilities? And then what I'm wondering is: how is it possible to say that had not been anticipated or foreshadowed when, in fact, Dorothy Henderson Lodge and Newmarch House were already existing situations where there had been a loss of an aged-care workforce? And when the outbreak happened in Victoria—another example, and obviously St Basil's was a terrible situation—I'm wondering how it wasn't foreseen that the same thing could happen at St Basil's as has happened at Dorothy Henderson Lodge or at Newmarch House.

Ms Frame: Senator—

Senator KITCHING: So my—sorry, go ahead.

Ms Frame: That's okay. It's harder on video, I apologise.

Senator KITCHING: It is much harder!

Ms Frame: I was just going to say there were inquiries commissioned by the Department of Health into Dorothy Henderson Lodge and the other one in New South Wales—the name has eluded me—Newmarch House. Thank you. And also into St Basil's in Victoria. I can take it on notice and get you more information, but immediately I would posit that one of the bigger differences in Victoria was the scale of the outbreak across a number of registered aged-care facilities, whereas, in New South Wales, as we've just mentioned, there were two facilities affected at different times and there would have been contingent workforces there that were available. That would have been a more difficult factor to achieve in Victoria when there were multiple outbreaks across multiple age-care facilities. But I can certainly take it on notice and get you some more information on that. As I said, there are inquiries that were commissioned by the Department of Health into each of those specific incidents that you've mentioned.

Senator KITCHING: Yes, there were reports. I'm going to assume that the Prime Minister was briefed on the findings of the Dorothy Henderson Lodge report. Was he briefed on the Dorothy Henderson Lodge report?

Ms Frame: I would assume so, but I'll take it on notice. I wasn't in the department. I will confirm with officials the nature of that briefing.

Senator KITCHING: Okay. Also, was he briefed on the Newmarch House report?

Ms Frame: Again, I'll take it on notice to confirm the exact nature of that.

Senator KITCHING: I'm very happy for you to take it on notice. Could I also have the dates of those briefings, if that's possible.

Ms Frame: Certainly. There might be multiple dates there, but I can get you that information.

Senator KITCHING: Yes, I imagine so. I have some questions around the royal commission. Was the department consulted by the Department of Health in relation to the submissions by the Commonwealth in response to counsel assisting submissions in the Sydney hearing No. 2: the response to COVID-19 in aged care?

Ms Frame: I'll have to take that on notice. I have a colleague with me who might be able to answer some of these questions. The first assistant secretary for social policy division is also here. She may have some more detail.

Ms Quilty: I don't have that exact detail but I can take that on notice. I apologise for that.

Senator KITCHING: That would be great if you could. If there was a consultation between the Department of Health and PM&C, how did that consultation occur? Did the department receive a draft copy of the submission before it was finalised? And was there any comment provided on that draft that went into the submission from the Department of Health to the royal commission into aged care?

Ms Foster: We'll take that on notice.

Senator KITCHING: Thanks, Ms Foster. When did the department first become aware that the royal commission would be publishing a special report into the response to COVID-19 in aged care?

Ms Frame: I don't have that information to hand. Ms Quilty?

Senator KITCHING: You might also want to take this on notice: when did the Prime Minister or his office first become aware there was going to be a special report into the response to COVID-19 in aged care? When did the department become aware? When did the Prime Minister or the PMO become aware? I would be happy for you to take those on notice.

Ms Frame: Yes, we can get you that information.

Senator KITCHING: When did the Prime Minister receive a copy of the final report into the response to COVID-19 in aged care? But I'm happy for you to take that on notice as well. In the Senate Select Committee on COVID-19 on 11 August this year, Phil Gaetjens said that the Prime Minister received daily calls on aged-care matters. Ms Frame, you've alluded to that. Are those calls still happening?

Ms Frame: They are still happening. They're not on a daily basis at the moment, but they are still occurring.

Senator KITCHING: Were those calls specifically in relation to aged care or to COVID-19 generally?

Ms Frame: They had specific consideration of aged-care issues.

Senator KITCHING: Did any ministers join those calls?

Ms Frame: Yes.

Senator KITCHING: Were they the ministers—for example, Senator Colbeck?

Ms Frame: Yes.

Senator KITCHING: The ministerial staff?

Ms Frame: Yes, I imagine so. Obviously, on the phone call you only hear who speaks. The Prime Minister led the conversation; he asked questions of ministers and senior officials who are leading aspects of the response.

Senator KITCHING: And the department was also on those calls?

Ms Frame: Yes, PM&C. That's correct.

Senator KITCHING: Are there any agendas for those calls? Are they able to be provided?

Ms Frame: No, there are not. There are just the items that we know the Prime Minister will always ask about. He always wants to begin, as I said, with the report on case numbers, on what's actually happening in jurisdictions. It's not in any set order either, but there is always regard to aged-care issues, economic issues, Australians returning home from overseas—whatever he's wanting to get a very current update on what's happening in an area.

Senator KITCHING: How does the department support the Prime Minister in relation to those phone calls? Does someone from the department take notes in order to ensure that, if there are action items, they're followed through? Are minutes taken? Are there particular briefings that might then flow back through because an issue has been raised?

Ms Frame: There are no minutes taken in the Department of Prime Minister and Cabinet, but we do record actions and ensure that anyone in any department who has been tasked with anything specifically is aware of that, and that it's recorded.

Senator KITCHING: I'll turn now to freedom of information and QONs. I have a number of information requests in. I don't believe there's anything in the Freedom of Information Act that excludes the Prime Minister or his office from having to process FOI requests. I'm going to presume that the Prime Minister and his office are subject to the same statutory time limit of 30 days for notifying an applicant about an FOI decision.

I want to come to two particular FOI requests. I don't know how to do this virtually, through the television screen, but I can provide copies of letters from the authorised decision-maker, Mr John Harris, of the Prime Minister's office to the shadow minister for climate change and energy, dated 13 March 2020, and also a letter from the same authorised decision-maker, Mr John Harris, in the Prime Minister's office to me on 2 October 2020. The FOI request for Mr Butler is for documents—

CHAIR: Senator Kitching, just reflecting on your question—although the horse has now bolted from the gate—I'm not sure it was strictly necessary to name the staff member of the Prime Minister's office in that way. You probably could have just referred to the FOI officer in the Prime Minister's office. Generally the convention is we don't unnecessarily name political staff.

Senator KITCHING: Okay, I'll just say the authorised decision-maker.

CHAIR: Sure.

Senator KITCHING: The reason given for the response to Mr Butler, in relation to documents related to Mr Angus Taylor, is that the Prime Minister is the head of the national government and: 'Your request presents a significant challenge to the day-to-day execution of his duties.' Is that considered a sufficient reason not to respond to an FOI?

Senator Cormann: Let me just say that, of course, the Prime Minister's office is required to act consistent with the requirements under the Freedom of Information Act, and the Prime Minister's office, of course, takes these requirements very seriously. There has been a substantial increase in the number of freedom of information applications to the Prime Minister's office in recent months. These are processed consistent with the requirements under the Freedom of Information Act. If there is a view that that hasn't been the case, there are, of course, review opportunities available through the OAIC, for example.

Senator KITCHING: What I am also interested in is that the minister's authorised decision-maker has sent out notifications of the intention to refuse FOI requests, on almost identical grounds, to many FOI applicants. Is it a coincidence that they are always the same ground.

Senator Cormann: It's very hard for me to make a judgement, because I am not the decision-maker. I have seen neither the application nor the reasons for them. Conceptually, without being aware of the specifics, if there are similar circumstances that present themselves, then the treatment and the response and the assessment and the process that follows will also be similar. But, in the context of any party or any applicant of a freedom of information request who is not satisfied with the way the process has played out, there are review rights available.

Senator KITCHING: In fact, one of these FOI requests is currently being considered by the Office of the Australian Information Commissioner.

Senator Cormann: And that is the appropriate process.

Senator KITCHING: The fact that there are a lot of FOI requests to the Prime Minister, and to his office, that are being refused on the ground that is not anywhere in the Freedom of Information Act. I mean, that is problematic, given that the Prime Minister and his office are subject to the same Freedom of Information Act, just like any other minister and any other office. But it seems the Prime Minister's office—

Senator Cormann: A couple of points: yes, of course the Prime Minister's office is subject to the Freedom of Information Act, subject to the same provisions as any other relevant part of government. The Prime Minister's office takes the obligation to act consistently with the Freedom of Information Act very seriously of course. Where there is a circumstance where an applicant is not satisfied with the outcome of a particular application, there are review rights available, which I understand from what you are saying you have availed yourself of.

Senator KITCHING: On the timelines, the Prime Minister's authorised decision-maker responded to Mr Butler 140 days after receiving his request. In my own case, the authorised decision-maker responded 109 days after receiving my request. I'm happy for this to be taken on notice. Why is the Prime Minister or his office refusing to meet the statutory timeframe of 30 days?

Senator Cormann: I am not an FOI decision-maker myself, but I understand there are provisions in the FOI Act that enable extensions to be sought. Obviously, in the context of a significant increase in the number of FOI requests that are being made to the Prime Minister and his office, clearly there is a resourcing issue that, I understand, has been addressed to the extent that resources have been allocated in the Prime Minister's office in order to support the processing of FOIs in a more efficient manner. There has been very significant material increase and that has led to practical challenges to process all of these applications as swiftly as you might like.

Senator KITCHING: In relation to my FOI, an extension wasn't sought. I am just looking at the act. Section 15(5)(b) states:

(5) On receiving a request, the agency or Minister must:

... ..

(b) as soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request (including a decision under section 21 to defer the provision of access to a document).

Senator Cormann: All reasonable steps.

Senator KITCHING: I read that. But in my case I was not notified. I think 109 days is a long time.

Senator Cormann: I am at a disadvantage because I am not aware of the specifics of your request. I am aware that there has been a significant increase in applications, some of which are very extensive and would create quite a significant diversion of resources, I am advised. But the Prime Minister's office is subject to and complies with the Freedom of Information

Act. But, as you say—all reasonable steps. That depends on the context in any particular circumstance. Any applicant who is not satisfied of the outcomes of the process they are engaged in with the primary decision-maker has review rights in front of the Office of the Australian Information Commissioner.

Senator KITCHING: But at 109 days we are in multiples of the 30-day limit. In relation to Mr Butler's request, that is even longer, at 140 days. Could I ask, on notice, for a breakdown of the FOI requests the Prime Minister has received [inaudible], including the number of requests he has received as Prime Minister, how many were granted in full, how many were granted in part, how many were refused, how many refusals were for practical refusal reasons, and how many requests were responded to outside the statutory timeframes?

Senator Cormann: I will take that on notice.

Senator KITCHING: I'm going to go to questions on notice. Does the department provide all answers to questions on notice to the Prime Minister's office before submitting them?

Ms Foster: Was the question: do we provide all answers to the PMO before submitting?

Senator KITCHING: Yes.

Ms Foster: Yes, we do.

Senator Cormann: That is the usual process and I would put it to you that that was the usual process under your period in government.

Senator KITCHING: How does the department know when it can submit questions on notice that have been provided to the Prime Minister's office? Does it wait a set amount of time before submitting them?

Ms Foster: Typically we wait until we have the questions returned to us from the Prime Minister's office. If we are concerned about the timeframe then we may follow up with them to see if there is anything we can do to assist to facilitate clearance of the answer, and try to ensure that the answers get lodged in that way.

Senator KITCHING: Do you have a regular communication channel where you might be sent a form of a communication from the PMO that makes it clear that the answers can be submitted? Does this go to a particular person or—

Ms Foster: Our Ministerial Support Division coordinates questions on notice on behalf of the department. They are the conduit, if you like. The questions come into them and they field them out to the relevant policy areas or administrative areas in the department. Those answers are prepared, cleared, passed back through our Ministerial Support Division for provision to the PMO and then they come back to that division in PM&C to formally lodge.

Senator KITCHING: Is there a particular person in the PMO—some lucky person—who is dealing with the questions on notice?

Senator Cormann: People compete for that job!

Ms Foster: Senator, I would guess it's a little bit like the process we have in the department whereby there will be a conduit in the PMO; however, I would anticipate that, where the subject matter is relevant to a particular adviser, the advice of that adviser may be sought.

Senator KITCHING: So, with the Select Committee on COVID-19, PM&C is the least responsive of all of the departments in terms of responding to questions on notice in a timely manner. Thinking of departments who have been asked questions on notice, or that they are funnelled to, PM&C has taken the most time to get responses back. Is that because they've been provided by the department to the PMO, and then the PMO does not approve them in a timely way? What's the delay?

Ms Foster: We do attempt to prepare the answers in as timely a fashion as possible and to process them through the various clearance processes as efficiently as we can. You will be conscious, as everyone has been, that we have been under enormous pressure with our workload this year and so, while we absolutely respect our requirement to deal with the questions on notice quickly, we have struggled this year to get them in on time.

Senator KITCHING: So it's just the amount of work; it's not the PMO taking a long time to approve or read through the responses et cetera and then to get them back out? On average, I think PM&C questions on notice are about eight weeks overdue.

Ms Foster: There are pressures at every point of the process is what I would say.

Senator KITCHING: How many answers to questions on notice has the department provided to the Select Committee on COVID-19—I'm happy for you to take this on notice, Ms Foster—and how many of those answers have been overdue?

Ms Foster: I have the facts here for the last estimates. I'm just seeing if I can quickly find the facts relating to the COVID inquiry—I don't think I have them easily at hand, so I will get them to you on notice.

Senator KITCHING: Lovely; thank you. So, you'll take that on notice and also how many of those answers have been overdue?

Ms Foster: Absolutely, Senator.

Senator KITCHING: Thank you, Ms Foster. On 4 June this year the department took on notice from Senator Watt whether there was any contact between the Prime Minister's Office and the department about the appointment of Mr Reid of Resolve Strategic—that was for a half million dollar market research contract. The department responded with a one word answer, which was no. However, it was 78 working days later, so it was about 60 working days overdue. What I'm wondering is—and it was a one-word response—why did it take the department so long to give a one-word answer; and what was the hold-up in providing that? Was that at the Prime Minister's Office end? I'd be happy for you to take that on notice.

Ms Foster: I will take it on notice, because I don't have details of individual questions with me.

Senator KITCHING: I think I can possibly give you the QON number—I think it's QON0079.

Ms Foster: Thank you very much.

Senator KITCHING: I think that's the correct number.

Ms Foster: We can certainly find it; that's not a problem.

Senator KITCHING: Lovely. On 2 March this year, at additional budget estimates, the department also took on notice when it first briefed the Prime Minister on coronavirus. The department provided an answer but it was many months overdue. The answer was: 'The

department has regularly briefed the Prime Minister and his office on issues relating to the novel coronavirus (COVID-19) outbreak in China'. It was a pretty simple question. Why didn't it warrant a simple answer? I am happy for you to take that on notice. But we just asked when the Prime Minister was first briefed. I think that's QON0042.

Ms Foster: Thank you.

Senator KITCHING: If PM&C as a central agency is setting the standard, what do other departments do in relation to answering questions on notice? For example, in relation to sessions on how to answer QONs or how to respond to FOIs, who is the central agency of the Prime Minister in cabinet? If it's providing those briefings out to other departments—and I don't know whether it does or not—what does that say, if there are delays like this?

Ms Foster: Each department clearly manages the provision of answers to QONs and, to my knowledge, PM&C doesn't play any central role in advising other departments. Indeed, apart from questions in forums like estimates, nor would there be visibility across departments of the time frames taken by others to respond. I think the second part of your question was about FOI?

Senator KITCHING: Yes.

Ms Foster: If there were to be any central coordination around FOI, that would come from the Attorney-General's Department.

Senator KITCHING: Right. Not necessarily a central coordination—but, if there's training to people in departments, is that provided by a central—not the actual coordination, just the training.

Ms Foster: Because the policy for FOI sits with the Attorney-General's Department, if there's anything done across the APS, be it training of policy, it would be the Attorney-General's Department.

Senator KITCHING: Lovely, okay. I have just one more question. We discussed the daily calls the Prime Minister was having around aged care. If they have stopped, what date did they stop on? I'm happy for this to be taken on notice.

Ms Foster: Ms Frame's advice was that the calls are continuing. They are not necessarily every day at the moment. The frequency depends on the pace at which the issues are moving, so it ranges between, in some cases, multiple times a day in a peak period, through to a couple, two or three times a week. But they are still very frequent.

Senator KITCHING: Okay. When did they stop being daily? I'm just after a date. If you can take that on notice, that will be fine. Not only is it fine; it will be helpful.

Ms Foster: We will.

CHAIR: Senator McKenzie.

Senator McKENZIE: Thank you. I am back to ask my questions. Do we have the right officials?

Ms Foster: We do, and Ms McGregor will join us and she will start with your first question, which is around whether or not—

Senator McKENZIE: Something that is spruiked as a decision of national cabinet.

Ms Foster: it was a decision of national cabinet—and Ms McGregor is ready to start after getting the name tag. Can you read the question again, please.

Senator McKENZIE: On 31 March, Victoria's police minister, Lisa Neville, announced 'a decision of national cabinet' to put a temporary ban on access to firearms. She did that at a press conference. In mid-April, a staffer in Queensland police minister Mark Ryan's office referred to 'discussions in national cabinet' prompting chief health officers around Australia to implement bans on firearms and ammunition sales. I'm seeking clarification and confirmation of whether the banning of sales of firearms and ammunition taken by some jurisdictions—understanding and appreciating that is a jurisdictional decision—was (a) discussed and (b) a decision of national cabinet as outlined by these two Labor states.

Ms McGregor: I will address the discussion issue first—I won't be able to discuss what is discussed in national cabinet—what we do know is that the Prime Minister has not referenced such a decision in any media statements. That is the usual way that decisions of national cabinet are communicated. The Prime Minister did announce on 30 March that national cabinet had adopted AHPPC advice which was that local circumstances might prompt states and territories to introduce additional social distancing or business restrictions to control community transmission in their jurisdictions. Looking back, it's our understanding that some states and territories—for example, Western Australia on 27 March and Victoria on 31 March—then announced some of these arrangements, most likely as part of their individual responses to the crisis. That makes sense because states have responsibility for regulating firearms under the national firearms agreement.

Senator McKENZIE: So the advice that informed the business restrictions that individual jurisdictions could implement came from the AHPPC?

Ms McGregor: The Prime Minister announced that, yes, on 30 March.

Senator McKENZIE: Yes. He announced that. So did that include advice—what sort of level of advice did that have and who provided that?

Ms McGregor: I would have to take that on notice.

Senator McKENZIE: Where do I go to get the answer to that question?

Ms McGregor: Potentially to the AHPPC.

Ms Foster: Typically, the Chief Medical Officer of the Commonwealth represents the AHPPC at national cabinet.

Senator McKENZIE: I might go there. Yes. Thank you.

Ms Foster: Where the AHPPC advice is provided in response to direct tasking from national cabinet or where it is prepared for consideration by national cabinet, they will be bound by government considerations.

Senator McKENZIE: Of course.

Ms Foster: But with those caveats, that's where you would go.

Senator McKENZIE: I think one of the concerns of law-abiding firearms owners on hearing this from both the Queensland government and the Victorian police minister was other commentary around the link between ammunition sales and firearms sales and increases in domestic violence. I really would like to get to the bottom of who and how that advice came to the national cabinet for it to be quoted by state ministers as some rationale—

Ms Foster: Certainly.

Senator McKENZIE: for business restrictions that they opportunistically took in that moment. Are there any decisions made by national cabinet that haven't been announced by the Prime Minister or communicated in the usual way you outlined?

Ms Foster: It's overwhelmingly the case that the Prime Minister comes out of each national cabinet and lists the decisions.

Senator McKENZIE: It would be very unusual for cabinet to make a decision that wasn't within a communique?

Ms Foster: Yes, because, as you can appreciate, in relation to the decisions of national cabinet, which have been primarily around the COVID response—it has been necessary to communicate those in order for them to be implemented.

Senator McKENZIE: No worries, thank you, I'll follow up with the Chief Medical Officer. It seems that we can't say whether a decision has been made or not by the national cabinet, despite a minister of the Crown saying it was so. An email obtained by *Brisbane Times* from Victoria Police's licensing and regulation branch was written to firearm dealers in that state on 31 March, stating:

Following a decision by National Cabinet, the Licensing and Regulation Division has been advised there will be a suspension of all firearm transactions including the sale, hire and loan of firearms and ammunition for the reasons of Sport or Target Shooting, Clay Target Shooting and Recreational hunting.

This is actually an email that's gone out publicly referencing, again, a decision of national cabinet.

Ms Foster: Sorry, I can only repeat that the PM's announcement from that national cabinet was that national cabinet had adopted AHPPC advice that local circumstances may prompt states and territories to introduce additional social distancing and business restrictions to control community transmission. We understand that some of the states and territories may have announced these arrangements as part of their individual responses to the crisis.

Senator McKENZIE: Are you aware of an increased likelihood of COVID-19 transmission through the use of a firearm, or participating in shooting sports or hunting?

Ms Foster: I'm not, but—

Senator McKENZIE: Neither am I! I might follow that up with the CMO as well. You spoke about local circumstances that may precipitate a particular state putting in restrictions. Ms McGregor, or anyone else who has anything to do with national cabinet: are you aware of any local, unique issues within the Western Australian, Queensland and Victorian jurisdictions that would require them to shut down firearm dealers and deal with law-abiding firearm owners in this manner?

Ms Foster: We wouldn't have access to that level of local information. I think the point the Prime Minister was making, and which has been consistent throughout the national cabinet deliberations, considerations and decisions, is that, naturally, jurisdictions have needed to apply the general principles or approach that national cabinet has agreed to to their local circumstances. I think it's a general point of that nature. How that then applies to a specific issue, such as the sale of ammunition and firearms, only the jurisdiction that has made that ban could really answer that question.

Senator McKENZIE: It does seem quite curious that they're the three Labor states as well. Ms McGregor, you might be able to answer this: given that there are state ministers and divisions out there saying that the closure was an actual decision of national cabinet, has anything been done by the national cabinet secretariat or individual members to have a quiet chat about declaring things that are or aren't a decision of national cabinet?

Ms McGregor: Not to my knowledge, Senator.

Senator McKENZIE: Thank you.

Senator AYRES: I'll just follow on from Senator McKenzie's questions. How many meetings of the national cabinet have there been?

Ms McGregor: A lot!

Senator AYRES: Sorry to go back to all that!

Senator Cormann: I think we were talking about that earlier today.

Ms Foster: The Prime Minister announced on 10 July that national cabinet had met 23 times in the previous four months. Since 10 July he has held five press conferences addressing the outcomes of national cabinet.

Senator AYRES: I can't remember if it was Senator McKenzie who used this expression or if it was you, Ms Foster, in your answer, but one of the two of you said 'communique'. There are no communiqués issued after national cabinet meetings are there? There's typically a press conference, isn't there?

Ms Foster: Typically, there is both a press statement and a press conference.

Senator AYRES: Is there always a press conference?

Ms Foster: Almost always. I can think of one occasion where national cabinet was held quite late in the evening, and there wasn't a press conference after that. But I think that's the exception rather than the rule.

Senator AYRES: Are you able to tell us whether all of the decisions of the national cabinet were announced in the subsequent press conference or press statement for each of these meetings? Without breaching Westminster conventions—we have heard a long discussion about that and some less believable assertions that have been made about how it all works—is it possible to tell us whether all of the decisions of each of the national cabinet meetings have been announced subsequently?

Ms Foster: I couldn't give you 100 per cent—

Senator AYRES: It's a binary proposition—yes or no?

Ms Foster: Overwhelmingly, the decisions that are taken are announced.

Senator AYRES: Would you be able to, on notice, list those meetings and identify yes or no as to whether 100 per cent of the decisions have been announced in the subsequent press conferences?

Ms Foster: I can certainly take on notice to see if I can do that.

Senator AYRES: I have some questions about the budget. Perhaps Mr Duggan should come to the table. He is looking rather sleepy or relaxed back there; I'm not sure which!

Ms Foster: 'Eager' is the word I would use!

Senator AYRES: I'm sure that's right! I can't promise to make it any better. While you're coming to the table, Mr Duggan, PM&C as a central agency has a key role in the budget's development. It works closely with Treasury in developing measures for the budget, doesn't it?

Mr Duggan: It does, yes.

Senator AYRES: Can you confirm that gross and net debt levels have increased every year for the past seven years?

Mr Duggan: I refer you to the budget paper. Budget Paper No. 1, statement 11, has historical data around gross and net debt. If you would go to those tables then it would confirm that, certainly, gross and net debt have increased each year for the last seven years.

Senator AYRES: Every year for the last seven years.

Senator Cormann: Of course, for the first six years—before we were hit by the COVID recession—they increased by less than they would have if we were to have not adjusted policy settings, because we inherited a legislated spending growth and UCB trajectory, which was rapidly deteriorating when we came into government. We were able to turn that situation around as a result of a significant budget repair effort to the point that the budget returned to balance by 2018-19. It was on track to get a surplus in 2019-20, and government net debt was on track to be fully paid off when we released the 2019-20 budget by the end of the decade—at the end of the medium term—but we were hit with the COVID recession. All Australians know why we're in the position we're in. But let me just say that, on an international comparison basis, even now—and even with the significant fiscal support that we had to provide to the economy, to business and to the community—we continue to be in a stronger and better position than most other advanced comparable economies, even before they went into the COVID recession.

Senator AYRES: I know that's the government's spin—

Senator Cormann: That is the fact.

Senator AYRES: but before COVID hit, in January 2020, gross debt was \$568.1 billion and net debt was \$430.2 billion—weren't they?

Senator Cormann: The thing that you don't ever seem to understand is that there's a complaint from the Labor Party. In the first six years—

Senator AYRES: I'm just asking a question. If you want to—

Senator Cormann: You've asked the question, and I'll answer it.

Senator AYRES: editorialise all the way through to 11 o'clock, feel free.

Senator Cormann: I'm answering the question; thank you very much. You make the complaint at the same time as you're saying, 'You're cutting too much, and you're not spending enough,' and, 'By the way, debt is too high.' That doesn't compute. The truth is that we repaired the budget during our first six years in government. We did reduce the spending growth trajectory compared to what we inherited. We did have to work through some pretty unrealistic revenue assumptions that we inherited—a US\$120 a tonne revenue assumption for iron ore, for example, at a time when the iron or price was on the way to US\$45 a tonne. So it is true that it took us two or three years to stabilise. And then, in the 2016-17, 2017-18 and 2018-19 financial years, on each occasion, we materially outperformed our budget forecast

and delivered substantially better final budget outcomes than was anticipated at budget times. Indeed, in the 2019-20 budget we forecast a surplus for that financial year, for each year of the forward estimates and indeed over the medium term.

But we were hit by an unexpected, once-in-100-years global pandemic, and that certainly has had a significant impact in terms of the economic parameters as they apply to the budget and the implications on revenue and on expenditure, and also because of the decisions we had to make in order to provide additional support to our health system, to the economy and to business; to keep Australians connected to their work; and to provide additional support to those Australians who lost their job.

But you can't get away from the fact that we inherited a forward trajectory when we came in. As a result of our decisions, the spending growth trajectory materially reduced. If we had not made those adjustments, government net debt and government gross debt would have been higher than they ended up being, and we would have gone into this crisis in a weaker position. Instead, Australia went into this crisis in a comparatively strong economic and fiscal position as a result of the budget repair work we did during our first six years in government.

Senator AYRES: That is all just words. In this year's budget, though, net debt is forecast to get to just under \$1 trillion in the forward estimates—

Senator Cormann: If I said to you that Monday follows Sunday, you'd probably dispute that, too, because you're just taking a partisan view.

CHAIR: Minister and Senator, we have two days worth of opportunities to pursue these sorts of questions with the Department of Finance. You certainly can ask them here if you choose to, Senator Ayres, but—

Senator AYRES: Well, I'm really directing the questions to Mr Duggan, in relation to what PM&C has done. If Senator Cormann wants to answer—

Senator Cormann: No, you're going into the core business of Finance and Treasury, and I'm the minister at the table. And you're pursuing a political line of questioning, which is not based on accurate facts, and—

Senator AYRES: Well, we are in the parliament, Senator Cormann—

Senator Cormann: I will use my prerogative as the minister at the table to ensure that the appropriate information is provided.

Senator AYRES: Mr Duggan, the Treasurer has confirmed that gross debt will peak at \$1.7 trillion in 2030—

Senator Cormann: I have confirmed, as you know, in Senate question time, in response to a question asked by Senator Gallagher—and this is a matter of public record—that gross debt over the medium term is expected to increase before it stabilises at about 55 per cent as a share of GDP. Indeed, at the end of the medium-term period, that equates to a gross debt of about \$1.7 trillion.

Senator AYRES: Presumably your part of PM&C is doing some work on these questions.

Senator Cormann: The budget is released by the Treasurer and by the finance minister. It is true that the Prime Minister chairs the Expenditure Review Committee. But it's a document that is released under the authority of the Treasurer and the finance minister. These are

questions that are very appropriately dealt with in the Finance and Treasury estimates, which is where they belong.

Senator AYRES: Well, I want to know what the Department of the Prime Minister and Cabinet knows—

Senator Cormann: They know clearly what is published in the budget papers—

Senator AYRES: Well, they know a bit more, because Mr Duggan just said that they assist Treasury and I assume work with your department and others to prepare the budget.

Senator Cormann: And Mr Duggan will not be able to assist you there, because that is in the course of the deliberative processes of cabinet. The Expenditure Review Committee is the subcommittee of the cabinet that makes all the relevant decisions in relation to the budget. I'm happy to answer all your questions. I'm happy to answer them now. I'm happy to answer them tomorrow. I'm happy to answer them next week. But if you're pursuing a political line of questioning, I will answer those questions.

Senator AYRES: Has the department provided any advice to the Prime Minister on when the gross debt will be fully repaid?

Senator Cormann: These projections are of course published in the budget papers, and you would know that the projection is for gross debt to increase over the course of the medium term before it stabilises at about 55 per cent as a share of GDP. Government net debt is expected to peak at just below 44 per cent as a share of GDP by mid-2024 before it starts going down to below 40 per cent at the end of the medium term. But, again, these are matters that are all published in the budget papers. These are actually not matters of advice from PM&C as much. PM&C provides advice in relation to the various measures and decisions that come before the ERC, but, ultimately, the fiscal output, which is the combination of the impact of economic and parameter variations and the fiscal impact of decisions of government, is a body of work that is done by Treasury and Finance, not by the Prime Minister's department.

Senator AYRES: That's not really answering my question, is it?

Senator Cormann: That is directly in answer to your question.

Senator AYRES: In the papers, what year does it say that the record debt will be repaid? It doesn't say that. What advice has the department provided to the Prime Minister on that question?

Senator Cormann: This is not the way the process works. The Prime Minister chairs the Expenditure Review Committee, which makes policy decisions which do mostly have an impact on the underlying cash balance, positive or negative, but, ultimately, the economic and fiscal forecasts and projections are a matter for Treasury and Finance, depending on which part of the budget paper you're looking at.

Senator AYRES: What page of the budget papers tells us what year this \$1.7 trillion—

Senator Cormann: Chair, that is not a matter for these estimates.

Senator AYRES: Does the Prime Minister not know when that debt will be repaid?

Senator Cormann: That is a ridiculous question.

Senator AYRES: The budget papers don't tell him, and you haven't provided advice.

CHAIR: Order! Senators, you are clearly pushing the bounds of this committee. Given that there is a perfectly appropriate place to discuss this tomorrow and onwards, I think those questions are probably better redirected there.

Senator AYRES: Do you continue to provide briefings to the Prime Minister on the economic outlook and circumstances?

Mr Duggan: Yes, we do.

Senator AYRES: What does it consist of?

Mr Duggan: We provide almost a daily flow of information to the Prime Minister on financial market developments, the latest economic data. And then periodically we'll provide the Prime Minister with a briefing on how that relates to the broader economic outlook.

Senator AYRES: Periodically is fortnightly or—

Mr Duggan: Yes, roughly fortnightly. We'll talk about how things are evolving in the economy generally. Then, at the point where the Department of Treasury updates their economic forecast, the Prime Minister will receive advice on what the economic outlook is.

Senator AYRES: Do you or the department have any input into the jobs numbers claimed from the measures in the budget?

Mr Duggan: No. They're estimates that are put together principally by the Treasury department.

Senator AYRES: So the 100,000 jobs from the income tax and business tax measures, on page 4 of the Economic Recovery Plan, were not provided by—

Senator Cormann: You're asking matters that go squarely into the responsibilities of Treasury—fairly and squarely.

CHAIR: That's not only a different day but it's a different committee—and a different week!

Senator AYRES: You do provide advice on measures though.

Senator Cormann: The way this works is that the Prime Minister provides authority to ministers to bring forward proposals. As these proposals come forward and go into the deliberative process of cabinet and, in relation to budget measures, the Expenditure Review Committee, relevant departments provide advice to their ministers as appropriate and the Prime Minister's department provides advice to the Prime Minister to support those ministers, including the Prime Minister, in their responsibilities. The Prime Minister chairs the Expenditure Review Committee meeting, and after discussion within the Expenditure Review Committee decisions are made, but, of course, the Prime Minister's department supports the Prime Minister in the fulfilment of his responsibilities. That is self-evident.

Senator AYRES: My question was on the 100,000 jobs from the income tax and business tax measures. I asked Mr Duggan: did you provide any advice to support that? The answer is no, is it?

Senator Cormann: These sorts of forecasts and projections based on relevant economic and other assumptions are 100 per cent the purview of Treasury. PM&C provides advice to support the Prime Minister in the course of the deliberations of the cabinet or the Expenditure Review Committee, but this sort of modelling of specific tax measures is 100 per cent core

business for Treasury. We can go around and around in circles in the wrong committee asking these questions of officers that are not involved in these sorts of modelling processes or we can ask those questions in the committee where that responsibility actually belongs.

Senator AYRES: So the answer is no.

Senator Cormann: No. The answer is that Treasury is responsible for these sorts of forecasted projections in relation to tax measures.

Senator AYRES: On the JobMaker hiring credit, the government claimed 450,000 jobs. Mr Duggan, did PM&C have any responsibility for developing that number?

Senator Cormann: Again, this is not the job of PM&C. Maybe you think that every agency of government should double up on the job of every other agency of government and that every agency of government does what every other agency does too. That would be a really inefficient use of taxpayer resources, of course. You can insist on asking questions in relation to these matters of the wrong portfolio, or you can ask those questions where they actually belong, which is the Treasury portfolio.

Senator AYRES: I'm looking for a simple yes-or-no proposition. Were these numbers worked up in PM&C?

Senator Cormann: These numbers are worked up—

Senator AYRES: You are saying, if I can take it through all of the word salad: no; they were developed in Treasury.

Senator Cormann: You can be as gratuitously offensive as you want to be. This is done in the usual way, in the appropriate way. Tax measures are appropriately costed and modelled by Treasury. Expenditure measures are costed by the finance department. You will have the opportunity in the appropriate committee to ask both of those agencies relevant questions.

CHAIR: Minister, this is normally the point at which we'd go to a break. I'm sensing the great progress we're making here, as a committee, on these issues. Perhaps we could set that break aside to allow us to finish a bit earlier, with the agreement of the committee.

Senator AYRES: If we finish earlier, that would be a good thing, but we'll see how we go.

Senator Cormann: If we asked the questions in the right committee, that might help.

Senator AYRES: I'm sure if you asked the questions it would go very quickly, Minister! These jobs targets—the 40,000 jobs from the new and accelerated infrastructure projects and the 4,000 jobs attached to a series of infrastructure projects set out here (the Marinus Link, Project EnergyConnect, the VNI West project)—are all developed in Treasury, are they?

Senator Cormann: Forecasting and projections in relation to these sorts of matters are 100 per cent the responsibility of Treasury, which is the responsible agency for these matters in the federal government.

Senator AYRES: No work from you, Mr Duggan?

Mr Duggan: No modelling work on those estimates, no.

Senator AYRES: Has the department provided advice to the Prime Minister on the economic impact of the reduction in the rates of JobKeeper as well as the end of the JobKeeper program in March?

Mr Duggan: No, we haven't provided any economic estimates of the impacts of those changes. Again, any modelling that would have been done in that regard would have been done by the Treasury department.

Senator AYRES: But you haven't been asked to provide advice as part of the briefings that you've provided or in any other format?

Mr Duggan: No.

Senator AYRES: What about advice requested by either the Prime Minister or his office on the number of people and cohorts of people excluded from JobKeeper and the impact on the unemployment rate from excluding those workers?

Mr Duggan: In the course of providing advice to the Prime Minister on the decisions that came before the Expenditure Review Committee, we provided him with all the relevant information that was important to those decisions. That included information on what the Treasury was estimating were the impacts on employment, on the labour market and on different cohorts generally. We passed that information on to the Prime Minister as part of our briefing processes.

Senator AYRES: From what the minister said earlier, that's information that's prepared in Treasury—

Mr Duggan: That's correct.

Senator AYRES: not prepared by you. Is that similar to the issue of wage subsidies being provided to workers prior to JobKeeper being initiated?

Senator Cormann: All of these sorts of forecasts and projections are prepared in Treasury. As I say, expenditure measures are costed by Finance, and economic medium-term projections in the budget papers or, indeed, the impact of revenue measures, modelling of revenue measures and relevant related forecasts and projections are all a matter for Treasury.

Senator AYRES: Have you provided advice about how many businesses on JobKeeper until the end of March will be likely to start employing people with the JobMaker hiring credit?

Senator Cormann: This is also something that is squarely and directly a matter for Treasury.

Senator AYRES: I understand it's a matter for Treasury, but I'm asking Mr Duggan whether he has been asked to provide advice on those questions.

Senator Cormann: I've explained to you the generic process and the way the generic process works, and all of the questions that you're asking now, essentially, are covered by the generic answer. And the generic answer is that for any measure that goes to the Expenditure Review Committee—any measure, which includes the measures that you've just mentioned—the Department of Prime Minister and Cabinet, as the department supporting the Prime Minister, would be providing advice to the Prime Minister to support him in these cabinet deliberations. But that is not ultimately what forms the basis of the budget documentation. The budget documents are documents that are released under the authority of the Treasurer and the Finance Minister, and we are supported by our departments in the context of those being put together.

Senator AYRES: I accept that, but the Department of Prime Minister and Cabinet provide advice to the Prime Minister. Mr Duggan is Deputy Secretary, Economy, Industry and G20 Sherpa—something I'll have to ask you about at some other point in time; I keep hearing it and always wonder what that's all about. But your department has people who do taxation, financial sector and employment, fiscal policy, economic policy—if they're not providing advice to the Prime Minister, what—

Senator Cormann: They are providing advice to the Prime Minister, in the context of deliberative processes of cabinet. The thing is, your line of questioning presupposes that the Department of Prime Minister and Cabinet completely mirror and double up on the work that is done by Treasury—no; the Prime Minister's department provide advice, as appropriate, on issues that come before the ERC, but they don't double up on the work and responsibilities of Treasury or Finance. That would be entirely inefficient. In relation to advice that is provided to support the deliberative process of cabinet, the officer is not able to assist you with any content advice, because it is subject to cabinet confidentiality.

Senator AYRES: I'm not interested in what's cabinet-in-confidence, and I accept that the majority of economic advice that the Prime Minister receives will be from officials and ministers in Treasury and Finance. We've heard that his hand-picked COVID commissioners provided some advice on economic recovery measures. What I want to know is, are Mr Duggan and the department providing him with additional advice? I'll try again: is there advice been provided about how many employees who are on JobKeeper would have to go on JobSeeker before being eligible for the JobMaker hiring credit?

Senator Cormann: These are not matters that are modelled by PM&C. Your question implies that the Department of Prime Minister and Cabinet would double up and replicate and copy and do again the work that is done in other parts of government.

Senator AYRES: There's only one source of advice, then, is that right?

Senator Cormann: No, there's not just one source of advice. But, in terms of what is reflected in the budget papers, in the end, there are the relevant portfolio departments; in relation to JobSeeker, that that would be Social Services. In terms of the expenditure impact or payment impact of any decision, you've got the costings process through Finance. In terms of the broader economic impacts, you've got the work being done through Treasury. And, yes, you're right: relevant parts of the Prime Minister's department provide advice to the Prime Minister to support him in fulfilling his responsibilities. But your line of questioning assumes that the Prime Minister's department does all of the work that is done by other departments again, a second time over, and that's not the way that it works. And it would be entirely non-constructive for us to continue to go around and around in circles on something that is actually not the responsibility for this portfolio.

Senator AYRES: I'm just wondering how we get to a trillion dollars in debt, with \$98 billion in new spending initiatives, and there are still major gaps: a lot of people left behind—

Senator Cormann: You want us to spend more.

Senator AYRES: a lot of money being spent, but major gaps in areas like child care.

CHAIR: Let's have that debate tomorrow or next week.

Senator AYRES: Has the department provided advice to the Prime Minister's office on childcare policies since 7 October?

Senator Cormann: Firstly, there was an opening line of questioning here which was, again, deeply political. You ask how we get to a trillion dollars worth of debt. Let me just provide a bit of historical context. In 2007 when the Rudd Labor government got elected, they inherited a situation of no government net debt, a positive net asset position and, indeed, a strong surplus. Of course, we were not so fortunate when we came into government in 2013. Not only did we inherit a significant deficit and a growing debt position; we inherited a deteriorating budget position, with revenue assumptions that were unrealistic, which meant that we had to downgrade the actual revenue forecasts and projections substantially, including and in particular because of unrealistic assumptions around the price of iron ore. The opening assumption on the price of iron ore was \$120 a tonne. There was a significant and deteriorating deficit, even though we had a completely unrealistic revenue assumption. Then of course we had legislated expenditure growth, not just over the period of the forward estimates but, quite cleverly, locked into years 5 and 6 outside the forward estimates period over the medium term, which was quite challenging to adjust because of what the dynamic in the Senate was at the time. Despite all of these things, we were able to lower the spending growth trajectory quite substantially. Despite all of these things, we were able to repair the budget to the extent that we returned to balance in 2018-19, which is why I argue very strongly that, if we hadn't made all of those decisions, the debt position now would be materially worse. We went into this situation in a stronger position as a result of the work that we've done, and no amount of blustering now about how terrible it is and 'Why are you not spending more money?'—which of course would also lead to a higher debt position—is going to change the fact that the work we did over the first six years in government has put Australia in a stronger economic and fiscal position than we otherwise would have been, including a debt position that is better than it otherwise would have been.

Senator AYRES: Mr Duggan, has the department provided any briefings to the Prime Minister's office on childcare policy since 7 October this year?

Mr Duggan: To my knowledge, no.

Senator AYRES: I might ask Ms Frame, because childcare policy sits within social policy group.

Ms Frame: Your question was since 7 October—is that correct?

Senator AYRES: Yes.

Ms Frame: The answer is no.

Senator AYRES: I have some questions for the department, in the first instance, about the Prime Minister's announced ministerial reshuffle. When was the department first informed that there would be changes to the ministry, Ms Foster?

Ms Foster: I'm not sure I have that detail with me. If any of the officers here have it, then—

Senator Cormann: Which reshuffle are you talking about?

Senator AYRES: The reshuffle that's a consequence of your—

Senator Cormann: That is obviously not something that is in front of us right now, and I don't believe that the department would have been advised of any reshuffle at this point in

time. That will obviously happen at a time of the Prime Minister's choosing, as is appropriate, and, in good time, the Prime Minister will seek advice and support as appropriate.

Ms Foster: To my knowledge, we've not been given any indication of a reshuffle.

Senator AYRES: So you haven't been asked to provide a brief to the Prime Minister on ministerial changes?

Ms Foster: No.

Senator AYRES: Has the department been informed about any other changes to the ministry which haven't been yet announced?

Ms Foster: No.

Senator AYRES: Senator Cormann, *The Australian* newspaper reported that the Prime Minister moved up the ministerial reshuffle because you were 'not particularly helpful with budget 2020'. I find that hard to believe, but is it correct?

Senator Cormann: It's complete bullshit. As I say, don't believe everything you—

Senator AYRES: That was a much better response than all that other stuff from before. It was shorter. It was more direct, maybe a little bit more colourful. So you weren't unhelpful, Senator Cormann?

Senator Cormann: I'll leave it to others who actually know what they're talking about to make these sorts of assessments.

Senator AYRES: It must have been others, though, who said that.

Senator Cormann: No, I don't think so. I think you will find—

Senator AYRES: You think the journalist made it up?

Senator Cormann: I think there was quite a bit of literary licence.

Senator AYRES: So it was bullshit that was made up?

Senator Cormann: Well, I have never seen that particular journalist anywhere near our budget processes, and, let me tell you, this budget process was the hardest and the toughest and the most work-intensive of any of the seven budgets that I've been involved in. We've had substantially more Expenditure Review Committee meetings. We've had substantially more hours and days dealing with the issues that are confronting our nation. Quite frankly, I found that gratuitous little reference quite objectionable.

Senator AYRES: Me asking the question or—

Senator Cormann: No, no. That reference in the article that you were referencing.

Senator AYRES: In *The Australian*.

Senator Cormann: It's quite uninformed.

Senator AYRES: Who did you first talk to in the government about the OECD role?

Senator Cormann: I did not raise that; it was raised with me.

Senator AYRES: By the Prime Minister?

Senator Cormann: Yes.

Senator AYRES: And when was that?

Senator Cormann: I honestly can't remember. It's a little while ago now, I'd have to check my records. I can confirm that at some point after I had indicated to the Prime Minister my desire to manage an orderly transition towards the end of the year, he put the question to me on whether I would be prepared to nominate as the Australian candidate for that position and, after consideration and discussion with my family, I said yes.

Senator AYRES: In the first quarter of this year?

Senator Cormann: No, later. Closer to the middle of the year.

Senator AYRES: Would you be able to tell us on notice?

Senator Cormann: I'm happy to take that on notice.

Senator AYRES: And did the discussion happen in person or on the phone?

Senator Cormann: In person.

Senator AYRES: Where did it take place?

Senator Cormann: In the Prime Minister's office.

Senator AYRES: As part of the reshuffle announced on 8 October, the Prime Minister announced he would appoint Senator Cash as the Deputy Leader of the Government in the Senate. Senator Cash famously misled the Senate at least five times—

Senator Cormann: That is your assertion—

Senator AYRES: and hid behind a whiteboard.

Senator Cormann: That is your false assertion.

Senator AYRES: She failed to provide a witness statement to the Australian Federal Police.

Senator Cormann: You're making a false assertion, Senator.

Senator AYRES: What message do you think that sends about the government's commitment to accountability and transparency?

Senator Cormann: Senator Cash is an outstanding member of the Australian Senate. She is an outstanding minister. She does a great job. I'm very, very pleased to see that she was elevated by the Prime Minister into that position. She will do a great job.

Senator AYRES: Will the minister for aged care be reappointed to the cabinet?

Senator Cormann: That is a matter for the Prime Minister.

Senator AYRES: There have been 680 deaths in aged care. Will he be reappointed?

Senator Cormann: The Prime Minister makes these judgements.

Senator AYRES: The Prime Minister will have to make judgements about the number of women who will be appointing to cabinet, too. Do you expect that to increase?

Senator Cormann: The Prime Minister has significantly boosted the number of women in cabinet. We've got outstanding women in various senior positions across the cabinet.

Senator AYRES: I have a couple of questions about phone calls to foreign leaders. I think there was some speculation about this. It might be an opportunity to quickly resolve these issues. The Prime Minister of New Zealand won a substantial election victory on the weekend. Has the Prime Minister called her to congratulate her? Mr Brazier?

Mr Brazier: My understanding is that the Prime Minister has been in touch with Prime Minister Ardern.

Senator AYRES: Has he called the Chief Minister of the ACT?

Mr Brazier: That's not a matter that falls within my purview.

Senator AYRES: Ms Foster, are you in a position—

Ms Foster: Our department would have no visibility of that issue, Senator.

Senator AYRES: Senator Cormann?

Senator Cormann: I'm not aware.

Senator AYRES: Ms Foster, the average staffing level at PM&C will increase from 867 in 2019-20 to 1,067 in 2020-21. That's right, isn't it?

Ms Foster: That sounds correct, Senator, but I will ask Mr Wood, our CFO, to come to the table.

Senator AYRES: Sorry, I'm moving quickly from one proposition to the next, I know, but I am trying to be efficient.

Mr Wood: We've been waiting eagerly, Senator!

Senator AYRES: All day! The figures I have in front of me are 867 in 2019-20 to 1,067 in 2020-21.

Mr Wood: That is correct. It reflects recent budget measures as well as a forecast increase in some of our staffing levels.

Senator AYRES: That's an increase of 200 staff. Is it a permanent increase to capacity?

Mr Wood: No, I would say it's temporary. We received, in this last budget, additional resourcing of \$39.2 million over the forward estimates, primarily relating to this current financial year. So a lot of it was a one-off for this current financial year.

Senator AYRES: Are you able to set out for us, perhaps on notice, what these new staff will do?

Mr Wood: Certainly, Senator. Some of the increase relates to a forecast increase for the National Bushfire Recovery Agency as well as some of the new measures regarding support for the government's COVID response—there are some additional staffing resources for the COVID commission—as well as some additional support for our task forces.

Ms Foster: By way of context, earlier this year we redirected departmental resources to cover some of the functions, and we were able to do that because we were clearly redirecting all of our resources towards the crisis. As we've returned to a broader set of responsibilities, and we still have the new responsibilities, we have needed additional resourcing to cover that.

Senator AYRES: I sat through the National Bushfire Recovery Agency estimates and the COVID commission this morning. It does not account for 200 staff, does it?

Mr Wood: No, Senator. Of the 200 staff, roughly 41.5 relates to the National Bushfire Recovery Agency and—

Senator AYRES: How many, sorry?

Mr Wood: It's 41.5 ASL in this current financial year, 20-2021; 99.3 ASL that comes from new measures that were announced in this budget; and 59.6 that relates to a forecast

increase in our staffing levels. We were slightly below, as Ms Foster intimated, last financial year; we had a few vacancies. We are forecasting to fill those vacancies this financial year.

Senator AYRES: Thank you for setting that out for me straight away. Will you be in a position, on notice, to set out for us where each of those positions are going to fall?

Mr Wood: Yes. Roughly 99.3 relates to the new measures. There were some additional measures in the budget relating to, as I mentioned, some task forces, the government's deregulation package and the establishment of a critical technology coordination office. We could, on notice, provide you with a bit more of a detailed breakdown.

Senator AYRES: Even then, with your numbers, with 93 per cent, we don't quite get to the full—

Mr Wood: It was 99.3 plus 41.5 plus 59.6.

Senator AYRES: I was trying to do the numbers quickly. Does that also mean that the department will reduce its reliance on temporary staff and consultants in 2020-21?

Mr Wood: That may well be a decision for those relevant areas. As you rightly point out, there is an increase in our Public Service staffing levels. It will be hard to say what the impact will be on our consultants or contract expenditure.

Senator AYRES: But it is not an automatic consequence, Ms Foster, of the decisions?

Ms Foster: In response to each task or each thing that we need to accomplish, we will make an assessment about the most effective way to staff that. Typically, the bulk of our staffing are ASL.

Senator AYRES: Thank you, Mr Wood and Mr Gilmartin. The department has a \$8.2 million contract over three years with Jones Lang LaSalle for property management services. Is anybody in a position to talk to me about that?

Mr Wood: We could probably both have a go.

Senator AYRES: Good. What is that for? What services are provided in the contract?

Mr Wood: Having promised we could have a go, I would suggest it relates to the property management of our accommodation. PM&C is located in three buildings on National Circuit—1 National Circuit, 4 National Circuit and 10 National Circuit. I don't have the specific details of that contract with me. We may need to come back to you with those further details.

Senator AYRES: But it is in relation to those Canberra properties, is it?

Mr Wood: I expect so.

Senator AYRES: Could you provide us with those details on notice?

Mr Wood: Yes.

Senator AYRES: Was the contract notice not published on AusTender until January 2020?

Ms Foster: I think, without the details with him, Mr Wood will have to take that on notice.

Senator AYRES: But it runs from July 2018 to June 2021. I accept, Ms Foster, you will come back to us—

Ms Foster: I'm just conscious that it doesn't appear that Mr Wood has the details right in front of him—

Mr Wood: Yes, I don't have those specific details.

Ms Foster: so we will need to check when it was lodged on AusTender and why.

Senator AYRES: But, if it didn't arrive until January 2020, that is a clear breach of the procurement rules, is it?

Ms Foster: We would need to check the circumstances.

Senator AYRES: I accept that. Are you back with us again tomorrow?

Ms Foster: Happily, no!

Senator AYRES: But you will be able to provide us on notice, maybe over the course of tomorrow, with some of those details?

Ms Foster: We will do our best to find the details for you.

Mr Wood: It's fair to say that we have lodged a few procurements after the 42-day deadline, but we can certainly follow up on that specific one that you have raised.

Senator AYRES: But, if the information that has been provided to me is correct, that is more than overrun—

Ms Foster: It is more than overrun. That's why I want to check the detail, because I'm not conscious that we have a contract of that size lodged that late.

Mr Wood: Often it may well be that if there is a variation to a contract it has gone back to that original contract period. It's a valid question you raise, and, as we said, we will come back.

Senator AYRES: Okay. What work did Boston Consulting Group do for the department? It's a \$1.4 million contract that ran from February to July this year.

Ms Foster: I think that contract was in relation to our APS reform program.

Senator AYRES: What about the \$1.2 million contract with McKinsey? It ran for just four weeks from the beginning of May to the beginning of June.

Ms Foster: Mr Gilmartin is advising me that that relates to our COVID-19 task force. McKinsey did significant work in partnership with us on some of the options for the recovery work.

Senator AYRES: For the advisory commission or—

Ms Foster: No, for the department. At various stages of the crisis we have pulled together different constructs within the organisation to respond to different phases of the crisis. In that phase we were working closely with McKinsey on the recovery plan.

Senator AYRES: What particular policy areas did that go to?

Ms Foster: Mr Duggan was leading that. If you would like more detail, he could come to the table.

Senator AYRES: He's itching to get back here!

Mr Duggan: That was the phase where we were working across government—so PM&C coordinating with the Department of Health, Treasury and other departments—on what was announced following a national cabinet meeting as the three-step plan for easing restrictions

coming out of COVID. McKinsey helped us with some integration work in terms of bringing together the health, economic and social perspectives on that plan. They also helped us by drawing on their international network and what other countries were doing in a similar regard.

Senator AYRES: So that's McKinsey. And the Boston Consulting Group one?

Mr Duggan: That was a different project. I wasn't involved in that one. I think Ms Foster said that may have been related to APS reform, perhaps.

Senator AYRES: Sorry; I thought you were taking me back to the Boston Consulting Group one. It was McKinsey that was—

Ms Foster: That was McKinsey. I'm just looking, Senator, trying to reconcile the figure that you've given me with what I know about the work Boston Consulting did for us.

Senator AYRES: Was it Boston Consulting or McKinsey?

Ms Foster: Boston Consulting. The McKinsey one, we—

Mr Duggan: That's what I've just given evidence on.

Senator AYRES: We've just dealt with that. It doubled in value, from \$528,000 to almost \$1.3—to \$1.254—million three weeks after the contract period ended.

Mr Duggan: That's correct.

Senator AYRES: Who approved that amendment?

Mr Duggan: That was me. The initial sprint piece of work that we did with McKinsey—what we needed to do was to go into greater depth with them, so we extended the contract to take us out to finish that particular piece of work.

Senator AYRES: One more question of detail before I come to a couple of final matters: page 22 of the department's portfolio budget statement shows that payments to Indigenous Business Australia will more than triple between 2019-20 and 2020-21. Can you explain that increase?

Ms Foster: We'll get Mr Wood back to the table.

Mr Wood: Senator, could you repeat the page number, please?

Senator AYRES: Page 22.

Mr Wood: Thank you. Under the appropriation arrangements, payments to what are termed 'corporate Commonwealth entities' are in effect channelled or administered by the portfolio department rather than being paid directly to those entities. They're basically pass-through payments that are administered through the department and provided to those corporate Commonwealth entities. As you point out, on page 22 of the portfolio budget statements, we list several corporate Commonwealth entities—Old Parliament House, the Torres Strait Regional Authority and Indigenous Business Australia are amongst those six entities—and it effectively relates to their annual funding.

Senator AYRES: So it's an increase to their annual funding?

Mr Wood: That is correct. I wouldn't have many more details on the reasons for that; that may well be best put to Indigenous Business Australia.

Senator AYRES: You haven't been advised what that increase is for?

Ms Foster: I haven't, Senator. I'm going to have to—

Mr Wood: No. I probably know that on page 139, which is the section that covers IBA, Indigenous Business Australia, a large proportion of their increase is an equity injection for the 2020-21 financial year, but, no, we wouldn't have any further background on that.

Senator AYRES: Okay, thanks. I'm interested in a contract for Mr Peter Crone. When I asked Mr Colvin about this earlier in the week, he was very quick to say that all these arrangements for Mr Crone were put in place before he arrived and suggested that I should ask you.

Ms Foster: I was watching his evidence, Senator, and what he was indicating was that I had worked to support him in setting up the bushfire agency, particularly in those first few days or couple of weeks. In order to allow Mr Colvin to focus on the content of his job and start worrying about the programs that we were trying to roll out, the department provided a bunch of administrative support. We found for him his two deputies, his military and his APS deputy; someone to head his policy function; and a number of administrative staff. We also wanted to bolster the team with some serious economic analytic capability, so we put Mr Crone on a contract for a period to provide that support to the bushfire agency.

Senator AYRES: The contract is for over \$242,000. He doesn't appear in any of the organisational structure charts that we've seen.

Ms Foster: He finished up with the bushfire agency some months ago.

Senator AYRES: He didn't appear in March when there were questions about the organisation structure.

Ms Foster: Typically the organisational structure would list business units, if I can put it that way. Mr Crone was providing economic support like a consultant or a contractor rather than being part of the standard organisation.

Senator AYRES: How long was he with the National Bushfire Recovery Agency?

Ms Foster: He was initially engaged between 13 January and 4 April 2020. This was extended till 14 June. The contract period could have run over the following 15 months, but in fact he finished his work around midyear, from memory.

Senator AYRES: And \$242,000 is right, is it?

Ms Foster: The total revised figure was \$242,000, but the actual spend under the contract was \$136,000.

Senator AYRES: Because he finished a little bit earlier than was anticipated?

Ms Foster: Yes, because the work was largely completed.

Senator AYRES: Were you familiar with Mr Crone before his appointment?

Ms Foster: I wasn't, though watching the estimates yesterday I relearned that he had been involved with the Commission of Audit. I believe I had some very limited contact with him then, but I had not recalled his role there.

Senator AYRES: So who recommended Mr Crone to the department?

Ms Foster: From my memory it was the Prime Minister's office. We were looking for ways to bolster the capability of the bushfire agency as quickly as we could. Mr Crone has a

very strong reputation for his economic analytic work. He's well known to the economists in the department. He was able to start work for us in a very short time frame.

Senator AYRES: He's certainly very well known in the Prime Minister's office. Were you aware at the time that he was an economic adviser to Premier Kennett, a former senior economic adviser to John Howard and subsequently—

Senator Cormann: Would you like me to table the long list of former Labor advisers who are serving our government in the Public Service now? The implication of your question is that somebody is not able to provide high-quality public service because of a previous role as a staffer in a ministerial office. I have strongly rejected that proposition in the past and I am rejecting it strongly now. There are quite a number of very senior public servants, including secretaries appointed by our government, who have previously worked as political staffers in Labor ministers' offices. That is as it should be. Just because you've provided service in a minister's office in the past should not disqualify you from providing public service, as long as you are appropriately qualified, and I don't think there is any suggestion that Peter Crone is not adequately qualified.

Senator AYRES: He was proposed by the Prime Minister's office. There was no other process?

Ms Foster: It was very much—

Senator AYRES: I appreciate that you wanted to get moving quickly.

Ms Foster: I was going to say that it was very much in the moment. We followed the procurement processes that allow for the exemption to hire people with appropriate qualifications when there is, for example, an urgent requirement. What I was focused on was his capacity to provide the economic support that the bushfire agency needed.

Senator AYRES: The contract was mutually ended between Mr Crone and the agency.

Ms Foster: That's correct.

Senator AYRES: Do we know why?

Ms Foster: As I said, the work was coming to a bit of a natural end, but it was also at the stage at which the COVID crisis and the—if you like, we were starting to move from the health response into the economic recovery, and I think Mr Crone was keen to be able to contribute to that work. He had, essentially, put aside some of his own interests when we called him in January to say, 'Could you please assist us?' but he was keen to be able to contribute to the COVID response at that point.

Senator AYRES: The notice that's required to update the contract value and period—will I be able to find that on AusTender?

Ms Foster: I would hope so, but we'll check that for you.

Senator AYRES: Can you check that for me and tell me when it was published?

Ms Foster: Yes.

Mr Wood: Yes.

Senator AYRES: On another similar appointment, the COVID-19 committee previously discussed a half million dollar contract that the commission entered into with the Crosby

Textor Liberal pollster, Jim Reed. This was to support whole-of-government communications in relation to COVID-19. Can you outline for the committee how Mr Reed was selected?

Ms Foster: Yes. I will ask one of my folks if we have a brief so I make sure I get the details right, because there's a technical element to this. Mr Reed was on the equivalent of a panel. It's called something a little bit different, but he had prequalified on a panel-like arrangement. Therefore, when we go to select people for particular jobs, we can look at those who're on a panel and then assess value for money.

Senator AYRES: That's on Finance's whole-of-government portal, is it?

Ms Foster: It is. I'm just hoping that one of my staff will come to me. The reason I'm so conscious of the answer is that, at the COVID inquiry, I said that he was selected from a panel and there's a slightly different technical word, but the effect is the same. He had been through a process of being assessed by a panel—

Senator AYRES: When that person comes, we can deal with that. So he was on that—let's call it a panel for the moment. Was his name put forward by anyone in the Prime Minister's office? He was on the panel, but where did his name come from?

Ms Foster: Not to my knowledge. It was I who I believe approved that contract, so that came to me as a—

Senator AYRES: I assume there are a number of names on the panel. Who gave you Mr Reed's name?

Ms Foster: I should actually ask—I assume it would be my communications area or the communications area that I was responsible for then, but I will check that answer and get back to you.

Senator AYRES: Do we have someone in a position to tell us?

Ms Foster: Mr Martin is looking for the information for me now.

Senator AYRES: If we can come back to who put Mr Reed's name forward—what was the scope of the research contract? Was it determined by the department or by the Prime Minister's office?

Ms Foster: By the department.

Senator AYRES: And what was the scope?

Ms Foster: In broad terms, Mr Reed was doing research on whole-of-government comms around COVID to ensure that the messages were well targeted, were reaching the appropriate audiences and were having the desired behavioural effects. Obviously, we were doing a lot of communicating around what we wanted the Australian public to do in response to the crisis to minimise the spread.

CHAIR: Senator Ayres, given the time, can I just check how you're going?

Senator AYRES: I reckon I've got, depending on how we move through this, five to 10 minutes.

CHAIR: Okay. I think we've been moving pretty well through it, as per our agreement. We're right on that time.

Senator AYRES: Were any other agencies or consultants invited to tender for that research contract?

Ms Foster: I don't think we went through a tender process; I think we went to a panel and selected from the panel. We selected someone from a panel of people who have been pre-assessed rather than doing a whole new tender process.

Senator AYRES: This is a Department of Finance panel. We're searching for the right word. I understand that.

Ms Foster: Yes.

Mr Martin: The panel in question was the Campaign Advertising Supplier Register, run by Finance. It's effectively a whole-of-government panel to provide communications experts.

Senator AYRES: How many people or organisations are on that panel?

Mr Martin: I don't know the exact number, but there are quite a few different organisations on that panel.

Senator AYRES: How did Mr Reed come to be selected?

Mr Martin: I'm sorry; I'd have to take that on notice. I don't know how he was selected, other than that it was selected off an existing panel.

Senator AYRES: He's a Crosby Textor pollster. It's fair to assume, in the absence of any other information, that somebody's asked you to appoint him.

Mr Martin: I wasn't involved in the appointment process, but I understand he was selected off an existing panel.

Senator AYRES: Yes, I understand that he was selected off a panel, but how did his name come to you?

Ms Foster: We're going to have to take that on notice. I thought Mr Martin might be able to help me, but all I know is that I'm pretty sure that I approved the contract. Apart from that, I have no knowledge of it.

Senator AYRES: The research brief mentions 'the effectiveness and credibility of spokespeople'. What does that mean? What spokespeople does it mean?

Ms Foster: As you know, we had people like chief medical officers out providing information to the public, and we wanted to make sure that they were hitting the mark.

Senator AYRES: Was there anybody else besides the chief medical officers that the research looked at?

Ms Foster: I would need to take that on notice.

Senator AYRES: You can tell us who on notice. Did it go to the health minister's effectiveness and credibility, or to the Prime Minister's?

Ms Foster: We just don't know. I'll have to come back to you on that.

Senator AYRES: You'll provide that on notice for us, will you? Who has received a copy of Mr Reed's research?

Ms Foster: The contract was, as you know, with the department. For a while, that whole-of-government comms effort was managed out of the COVID commission, but it was not a commission function; it was a whole-of-government function. So the research would certainly, I think, have come back to our communications area. I'll just see if Mr Martin has any more detail.

Senator AYRES: Inside the department, yes, but it was provided to the Prime Minister's office?

Mr Martin: I don't believe so, but I'd have to take that on notice.

Senator AYRES: So you can't tell me at this stage whether it's gone to the PMO?

Mr Martin: I don't believe so, but I would have to—

Senator AYRES: Provide that on notice?

Mr Martin: Yes.

Senator AYRES: The COVID-19 committee's requested a copy of the research. That's been refused. I understand that Senator Gallagher requested a copy of the research. That was refused as well. Can the committee be provided with a copy of the research that Mr Reed conducted?

Ms Foster: We'll take that on notice.

Senator AYRES: I have two questions about cybersecurity, and then that's me done. On Friday 19 June, the Prime Minister held a press conference to tell the nation that a sophisticated state based cyber actor was, I think he said, targeting Australian organisations across a range of sectors, including all levels of government, industry, political organisations, education, health, essential service providers and operators of other critical infrastructure. What steps did the department take to enhance the resilience of their networks after the Prime Minister's warning?

Mr Colquhoun: Sorry, was the question about the department's networks?

Senator AYRES: Yes.

Ms Foster: It was indeed. So we will ask Mr Gilmartin to return to the table. We thought it was going to be a whole-of-government question, but it's a departmental one.

Mr Gilmartin: Could I ask you to repeat the question please?

Senator AYRES: The Prime Minister's press conference where he talked about a sophisticated state-based cyber actor targeting Australian organisations: did the department take steps to enhance the resilience of its networks after the Prime Minister's warning?

Mr Gilmartin: Yes. We worked closely with the ACSC, and we've implemented seven of the Essential Eight requirements for hardening our systems. We're were also working on the cyber enhanced—

Senator AYRES: Sorry, I won't ask you to tell me what the eighth was.

Mr Gilmartin: I can, if you like.

Senator AYRES: Can you? Okay.

Mr Gilmartin: It is: application whitelisting, patch application, disabling untrusted macros, application hardening, restricting administration privileges, multifactor authentication and more regular backups.

Senator AYRES: I know what some of those things are. Sorry, I didn't want to get you to take me through the eight. You said you'd implemented seven out of the eight.

Mr Gilmartin: Yes.

Senator AYRES: Was there one that was not implemented for a particular reason?

Mr Gilmartin: There's one that's partially implemented.

Ms Foster: My memory is that that is one where we actually need some technological improvement before we can implement it. So it's not that the department is dragging its heels; we actually are dependent on improvements in technology.

Senator AYRES: Is the department compliant with the ASD's top four mitigations mandated under the Protective Security Policy Framework?

Mr Gilmartin: Are you referring to the Cyber Enhanced Situational Awareness and Response, which are the ID threats?

Senator AYRES: Yes.

Mr Gilmartin: We're working along those lines to be compliant.

Senator AYRES: So you're working towards compliance?

Mr Gilmartin: Yes.

Senator AYRES: You're not compliant yet but working towards it?

Mr Gilmartin: Correct, because it involves improving our response to ID threats, disrupting foreign criminals, building partnerships with industry and protecting more Australians, so it's ongoing for continuous improvement.

Senator AYRES: There are some quite detailed questions here, and with some of them, Ms Foster, I sense that I'm entirely out of my depth, so I will put those on notice. We would like your cooperation to get an early response if we can to some of those questions, if that's possible.

Ms Foster: That will allow us to get our CIO onto it as well.

Senator AYRES: Very good.

Mr Wood: Can I just note, following on from that evidence: in terms of the mandatory top four, we are complying with those.

Senator AYRES: You are complying with those?

Mr Wood: Yes.

Ms Foster: I think Mr Gilmartin was referring to another—

Senator AYRES: There's another series of—

Ms Foster: But the top four, we have been compliant.

Senator AYRES: The Essential Eight. Yes.

Ms Foster: We have been compliant with the top four for some time.

CHAIR: 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. I thank all officers and witnesses, Hansard, broadcasting and the secretariat.

Committee adjourned at 22:08