



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

STANDING COMMITTEE ON FINANCE AND PUBLIC
ADMINISTRATION

ESTIMATES

(Additional Budget Estimates)

MONDAY, 18 FEBRUARY 2008

CANBERRA

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Monday, 21 April 2008

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**SENATE STANDING COMMITTEE ON
FINANCE AND PUBLIC ADMINISTRATION**

Monday, 18 February 2008

Members: Senator Polley (*Chair*), Senator Fifield (*Deputy Chair*), Senators Carol Brown, Fierravanti-Wells, Forshaw, Moore, Murray and Watson.

Senators in attendance: Senators Abetz, Allison, Bob Brown, Carol Brown, Coonan, Fielding, Fierravanti-Wells, Fifield, Forshaw, Johnston, Minchin, Moore, Murray, Parry, Polly, Ray, Ronaldson, Trood, Watson and Webber.

Committee met at 9.01 am

PARLIAMENT PORTFOLIO

In Attendance

Senator Alan Ferguson, President of the Senate

Department of the Senate:

Mr Harry Evans, Clerk of the Senate

Dr Rosemary Laing, Deputy Clerk of the Senate

Mr Cleaver Elliott, Clerk Assistant (Procedure)

Mr Richard Pye, Clerk Assistant (Table Office)

Ms Maureen Weeks, Clerk Assistant (Committees)

Ms Andrea Griffiths, Usher of the Black Rod

Mr Joe d'Angelo, Chief Financial Officer

Department of Parliamentary Services

Portfolio overview and major corporate issues

Mr David Kenny, Acting Secretary

Ms Freda Hanley, Acting Deputy Secretary

Ms Roxanne Missingham, Parliamentary Librarian

Ms Judy Konig, Chief Finance Officer

Ms Liz Bryant, Acting Assistant Secretary, Product and Service Development Branch

Mr Terry Crane, Assistant Secretary, Strategy and Business Services Branch

Ms Heather Chapman, Director, Strategic Policy and Planning, Strategy and Business Services Branch

Output 1: Library services

Ms Nola Adcock, Assistant Secretary, Information Access Branch

Dr Jane Romeyn, Assistant Secretary, Research Branch

Output 2: Building and occupant services

Ms Karen Griffith, Assistant Secretary, Building Services Branch

Output 3: Infrastructure services

Mr John Nakkam, Assistant Secretary, Infrastructure Services Branch

Output 4: Parliamentary records services

Ms Therese Lynch, Assistant Secretary, Content Management Branch

CHAIR (Senator Polley)—Proceedings today will begin with the examination of the parliamentary departments followed by the Prime Minister in Cabinet portfolio, including, for the first time, the Department of Climate Change. Examination of the Finance and Deregulation portfolio and Human Services portfolio will commence tomorrow. On Friday the committee will use the spillover day to examine the Future Fund and any remaining parts of the program. I propose to proceed by opening with a general discussion of the Department of a Senate and then calling on the outcomes and outputs in the order listed in the program.

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 contempt. It is also contempt to give false or misleading evidence to a committee.

The Senate, by resolution in 1999, endorsed the following test for 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 discretion to withhold details or explanations for the parliament or its committee unless the parliament has expressly provided otherwise. The Senate has resolved also that an officer of a department of the Commonwealth or a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked by officers to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. Any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. An officer called to answer a question for the first time should state their full name and the capacity in which they appear, and witnesses should speak clearly into the microphone to assist Hansard to record proceedings. Mobile phones should be turned off.

I welcome the President of the Senate, Senator Ferguson, the Clerk, Mr Evans, and officers of the Department of the Senate. Senator Ferguson, before I ask you to make an opening statement, I would like to place on the record our congratulations to Harry Evans, who celebrated his 20th anniversary yesterday.

Senator FIFIELD—Of marriage?

CHAIR—Of being Clerk of the Senate. Having been here only 2½ years, to survive 20 years, I personally congratulate you. I now call on Senator Ferguson to make an opening statement.

The PRESIDENT—I do not have a specific statement regarding these estimates, but I would also like to draw the committee's attention to the fact that yesterday was the 20th anniversary of the Clerk's appointment. On Wednesday he will be able to celebrate the 39th anniversary as an officer of the Department of the Senate. He commenced in the department on 20 February 1969 as one of the first staff members appointed exclusively to support the work of Senate committees. In his case, it was the Regulations and Ordinances Committee.

He was appointed Clerk on 17 February 1988 on the retirement of Alan Cumming Thom before the parliament moved to this building. The passage of the Parliamentary Service Act in 1999 and its limit on the tenure of future clerks means that Harry's achievements in terms of service as Clerk are unlikely to ever be equalled in the future. So I would also add my congratulations to Harry and I am sure the committee feels that way. I also understand that the Clerk has a statement that he wishes to make before we commence questioning.

Mr Evans—Thank you, Madam Chair, and thank you, Mr President. The Department of the Senate has no additional estimates in the additional appropriation bills and therefore no portfolio additional estimates statement. But there are proposals which have been put before the Appropriations and Staffing Committee for changes in the department's appropriations. Unfortunately, the Appropriations and Staffing Committee has not yet had the opportunity to meet to consider these proposals, so at this stage they are still only proposals which have to be approved by that committee. The government has asked that a two per cent extra efficiency dividend be applied to appropriations and be applied on a pro rata basis to this year's appropriations. That would involve a reduction in this department's appropriations of about \$93,000. I have recommended to the committee that that be agreed to. The government, through the department of finance, has also requested departments to consider other reductions in this year's appropriations. The department will have a fairly healthy surplus on this year's appropriations partly due to it being an election year. It is proposed to, in effect, give back \$400,000 of this year's appropriations to the Treasury.

As the committee would be aware from previous discussions, the department has a fairly healthy overall accumulated surplus—in fact, it is roughly equal to its annual appropriations—which has accumulated over a long period of years. That surplus is partly due to the department being funded for a level of activity which hasn't come about for some years and partly also because of the frugality of the department in the use of its resources. The other proposal that has been put to the Appropriations and Staffing Committee is that about half of that accumulated surplus of \$11.3 million be returned to the Treasury. In the process by which this is done under the legislation, the finance minister has the power to reduce appropriations at the request of the relevant minister. If the Appropriations and Staffing Committee approves, the President will write to the finance minister asking that those changes be made. They are based on a careful calculation of the various figures

involved. I stress again, at this stage they are still proposals which have to be approved by the Appropriations and Staffing Committee.

Senator FIFIELD—You mentioned in relation to the two per cent efficiency dividend that that was an additional efficiency dividend. What was the efficiency dividend which was in place before?

Mr Evans—One per cent, wasn't it? 1.25 per cent was the original one.

Senator FIFIELD—Are you confident that this additional dividend won't affect the capacity of the Department of the Senate to provide the services that it intends to provide?

Mr Evans—No, not at this stage. Of course, it depends on how long it goes on. No, not at this stage. We believe we can meet it for this year and the future years to which it has been applied.

Senator FIFIELD—Has any indication been given as to how far into the future the efficiency dividend would apply?

Mr Evans—No, I believe not. It is always open to government to continue it, of course. Three forward years have been mentioned at this stage.

Senator FIFIELD—And you do not have any concerns for those three forward years?

Mr Evans—No. The department should be able to meet all its commitments and provide the level of service that the Senate should expect from its existing resources.

Senator WATSON—Does this additional two per cent efficiency dividend apply to the House of Representatives and to other departments or is it just the Senate?

Mr Evans—It applies to all Commonwealth agencies, as I understand.

Senator WATSON—And it is going to apply for more than just the one year?

Mr Evans—Yes. As we have just said, at the moment the three future years have been projected.

Senator WATSON—When you made your decision to give \$400,000 back to the government because of the fact that it was an election year and you did not have the full complement of normal expenses, was that decision taken prior to or subsequent to the advice that there would be an additional two per cent efficiency dividend?

Mr Evans—Subsequent to. The finance department put out a circular informing all departments of the two per cent efficiency dividend and also asking that departments consider reducing their appropriations for this year, if they could.

Senator WATSON—So, effectively, the extra efficiency dividend is over and above the \$400,000?

Mr Evans—Yes.

Senator WATSON—How much will that take in total expenditure?

Mr Evans—\$400,000 plus the \$93,000—\$493,000.

Senator WATSON—And that will not affect the discharge of your responsibilities?

Mr Evans—No, we believe not. That figure of \$400,000 is not half of the surplus that we anticipate for this year, so we are still keeping some of the surplus for this year and we are still keeping about half of the accumulated surplus from previous years. I should say that the department had been giving consideration to a return of some of that money well before this latest request from the government came out.

Senator WATSON—How long before?

Mr Evans—A few years, I think I could say.

Senator ROBERT RAY—We have now heard evidence that the Senate can sustain the efficiency dividend but I would be right in saying that in one or two projects across this parliament the Senate has made a disproportionate contribution because of frugal management. Will we be required to use some of that surplus, because the Department of Parliamentary Services and the Department of the House of Representatives cannot make such a contribution? They have to make the efficiency contribution, but will we be required to use some of that surplus for any new policy or otherwise?

Mr Evans—As I informed this committee some time ago, the Department of the Senate proposed to transfer some of its money to projects which are the responsibility of DPS but which support the operations of the two houses and their committees, and two particular projects were mentioned. We believe that we will still be able to make a contribution to those projects and to those kinds of projects in the future. They have not yet

come to the stage where we would be thinking about how much we should be contributing and actually transferring money, but we believe we will still be able to make a contribution to those sorts of projects in the future—again, with the approval of the Appropriations and Staffing Committee.

Senator ROBERT RAY—Do you have an estimate now of the cost of the additional three select committees established last Thursday?

Mr Evans—The cost of a select committee very much depends on how long it runs. The average figure that we work on is \$150,000 to run a short select committee. Select committees that go on for much longer can cost much more, obviously.

Senator ROBERT RAY—How many select committees were established in the Senate after 1 July 2005?

Mr Evans—We had only one operative select committee during that time, and that was the Senate Select Committee on Mental Health.

Senator ROBERT RAY—When was that established? Was it established before 1 July 2005 or after?

Mr Evans—It was on 8 March 2005.

Senator ROBERT RAY—Before?

Mr Evans—Yes.

Senator ROBERT RAY—So subsequent to the then government getting a majority in the Senate no select committees were established.

Mr Evans—That is correct.

Senator ROBERT RAY—Do you know how many were knocked back?

Mr Evans—No. We would have figures for that, but I do not know off-hand.

Senator ROBERT RAY—So we are up for \$450,000 if they run short term?

Mr Evans—Roughly, yes.

Senator ROBERT RAY—I am right in saying, however, that we are funded for up to four.

Mr Evans—That is correct. That was built into the funding base of the department many years ago.

Senator ROBERT RAY—That is because we had nine in 1995, thanks to the then opposition. Isn't that right?

Mr Evans—The maximum that were going at any one time were nine, I believe, prior to 1996.

Senator ROBERT RAY—So we had nine prior to 1996, and after 2005 we had none.

Mr Evans—That is correct.

Senator MURRAY—The financial year period you are using for the \$400,000 return, Mr Evans, would be for this financial year?

Mr Evans—Yes.

Senator MURRAY—And the financial year you are using for the proposed return of half your surplus, if I understood you correctly, is next financial year.

Mr Evans—No, that accumulated surplus is technically appropriated for 2004-05, in legal terms. It is not reflected in any way in next year's appropriation.

Senator MURRAY—But in which financial year would that transaction occur, if it were to occur?

Mr Evans—This financial year. If the appropriations and staffing committee concurs it will occur this financial year. That money is legally appropriated but it is not appropriated against any particular financial year.

Senator MURRAY—Yes, but in accounting terms I assume it would switch from your asset to the government's general asset.

Mr Evans—The effect of it will be to reduce the total amount of money which is legally appropriated by the Commonwealth.

Senator MURRAY—To the Senate?

Mr Evans—Well, anywhere. Leaving aside what other changes the Commonwealth might make to its appropriations, it will reduce the total appropriation of the Commonwealth by that amount.

Senator MURRAY—The effect of that will be to give you a leaner balance sheet, surely?

Mr Evans—For the Commonwealth, yes.

Senator MURRAY—Or for the Senate?

Mr Evans—For the Senate department too, yes.

Senator MURRAY—Is there a limit to the number of select committees the Senate might carry under present budgetary considerations? You said there was a standard budgetary appropriation of four. If it were to exceed four would that put the Senate into any financial difficulties?

Mr Evans—No, an extra one would not, but I would not like to set a number where we would start to tell senators that they were putting a strain on the finances. We believe that we can deal with any reasonable level of select committee activity.

Senator MURRAY—Can you briefly outline what constitutes the \$150,000? I assume staffing is taken from existing staff in establishment so there would not be staffing costs. What are the round costs?

Mr Evans—It is basically the administrative costs of the department. That includes additional staff if they are hired for the purposes of that select committee. It includes staff, travel, overtime, advertising and any consultants that are appointed. I hesitate to mention that item, but any select committees may appoint consultants. The senators' costs, of course, are met by special appropriations.

Senator MURRAY—Is the \$150,000 a generous estimate or is it based on historical figures? Is it likely to be exceeded or is it likely to be less, based on history?

Mr Evans—As I said, it depends on the length of time the committee operates. Basically it is based on historical experience of committees in the past, but they vary very greatly.

Senator MURRAY—Is it your conclusion that the consequence of those three committees is that they are likely to total \$450,000?

Mr Evans—They all have relatively short reporting dates—in April, I think. That is a reasonable, rough figure, given that sort of time span.

Senator FIERRAVANTI-WELLS—Do I understand that for annual leave you budget \$150,000 for Senate select committees?

Mr Evans—No, that figure of \$150,000, which I would not make too much of, is a sort of very, very rough figure for what a select committee might cost if it goes the normal to shortish time.

Senator FIERRAVANTI-WELLS—Can you tell me how much is annually budgeted for select committees?

Mr Evans—We do not budget in that sense. As I said, the Senate's original budget base, which now goes back many years, included all the standing committees, and then, by an agreement between the Senate Standing Committee on Appropriations and Staffing and the minister, we were funded for four select committees to operate all the time. I cannot remember what figure that was based on, but it was based on that sort of rough figure. So we budgeted for four select committees to be operating all the time throughout a year, and it was agreed that any additional ones would be met out of the existing budget.

Senator FIERRAVANTI-WELLS—So, for the years that there were no select committees, obviously that funding was used for other purposes.

Mr Evans—No, it was not used for other purposes. It contributed to the accumulated surplus that we have been talking about.

Senator ROBERT RAY—The deal you did with Finance in 1996 was the result of having nine committees. It was pressure from them, because they had to fund them individually. That was when the figure of four came out, and then for the next 10 years you averaged two select committees.

Mr Evans—That is correct. There were discussions between the Appropriations and Staffing Committee and the then finance ministers over a number of years about the difficulty of finding funds for additional select committees. Eventually the agreement was struck that we would be funded for four continuously through a year and no more.

Senator ROBERT RAY—In relation to the average two from 1996 to 2005, would it be possible for you to tell me how many were chaired by government senators and how many were chaired by opposition senators?

We know that the Senate Select Committee on Superannuation was chaired by a distinguished senator here for many, many years, as a government member. Do we have those figures?

Mr Evans—We can get them for you.

Senator ROBERT RAY—I notice that the current three select committees are all chaired by opposition senators—that is right, isn't it?

Mr Evans—That is what the resolutions provide.

Senator ROBERT RAY—President, are you going to carefully supervise the appointment of consultants? Each of these select committees had the same terms of appointment and the same conditions, and there has been some concern expressed on the government side of the possibility but not the certainty of them being used to supplement opposition staffing numbers. Are you going to take a pretty rigorous view of who can be employed in these positions and what purpose they have?

The PRESIDENT—In the committees I have been involved in previously where we have had to engage consultants we have always had to go to the President to get approval to engage those consultants. I will continue in the same vein as previous Presidents, who are pretty hard to convince on some occasions that the expense of the consultants was worth while when we had some expertise within the department that could provide a lot of the information that was required. However, there were some occasions—the inquiry into the GST was probably a prime example—where consultants were engaged to provide outcomes, to help the committee to decide what they would put in their final report. I can give you an undertaking that I will supervise the request for consultants very closely.

Senator ROBERT RAY—Thank you.

Mr Evans—If I can add in response to what Senator Ray said, the department will make very sure that we only pay consultants for the work they have for committees, not for anybody else.

Senator FIFIELD—Mr Evans, you would be aware that the government has scheduled sittings for the House of Representatives on Fridays, with amendments to standing orders that do not provide for question time or matters of public importance and that provide for the suspension of quorum requirements. There has been quite a bit of discussion in the House and in the press about section 39 of the Constitution, which states:

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

I am interested in your thoughts as to the meaning in section 39 of 'Until the Parliament otherwise provides ...' Does that refer to a chamber, just one house, or does the term 'the Parliament' mean both houses having passed something to that effect?

Mr Evans—'Until the Parliament otherwise provides' means by statute. It has to be a statute passed by both houses and signed by the Governor-General. Both houses have initiated changes to their quorums since 1901, and they have been done by statute. This is a question that has been discussed over many, many years. What we have always said is that it is not constitutional for the Senate to take away the right of any senator to draw attention to the lack of a quorum because the Constitution requires the quorum to be at least available. It may not be a justiciable question, but it is one of those provisions in the Constitution that the Senate has to have regard to and comply with itself. Needless to say, many people over many years have said, 'Can't we do away with quorum calls?' and that has always been the response.

Senator FIFIELD—Certainly. So any attempt to dispense with the requirement for a quorum without legislation would be contrary to the Constitution?

Mr Evans—The senator says 'dispense with a quorum'. I think the statute would have to set some kind of quorum. Possibly it could set a quorum of one, but that might be a bit dubious too. It might become justiciable if that happened. But the quorum can certainly only be changed by statute.

Senator FIFIELD—So, in your view, the nature of the quorum is not something that can simply be changed by a change to standing orders?

Mr Evans—It can. If a house passes an order to abolish quorum calls, it is within its power to do so. But what my predecessors have always said over many, many years is that it is not constitutional to do so.

Senator FIFIELD—Is there a similar constitutional provision for the Senate?

Mr Evans—Yes, it applies to both houses.

Senator ROBERT RAY—You will find that the quorum rules were changed when we were previously in government. Every one of your backbenchers voted against it but every one of your frontbenchers voted for it—hence the reasonable quorum rules you currently have.

Senator FIFIELD—Thank you, Senator Ray.

Senator MURRAY—I think I will put on the record an aside I made to Senator Moore: we will miss Senator Ray's corporate memory.

Senator FIFIELD—I am sure he will still volunteer it from time to time—in a different capacity.

Senator FIERRAVANTI-WELLS—It is his favourite pastime.

Senator FIFIELD—Mr Evans, do you think the changes that have been made in the House of Representatives in relation to quorums are contrary to the Constitution?

Mr Evans—I do not want to comment on what goes on in the House of Representatives, but I have mentioned the advice that has been given here over many, many years.

Senator FIFIELD—You would not recommend a similar approach being taken in the Senate?

Mr Evans—Well, as I have said whenever that has been suggested in the past, that is the advice that we have given.

Senator FIFIELD—Has the Department of the Senate ever sought its own legal advice? I noted that Mr Albanese sought the Australian Government Solicitor's advice in relation to the changes in the House.

Mr Evans—I do not believe so—certainly not in my recollection. There may have been some advice sought a long time in the past, but I do not believe so.

Senator FIFIELD—Your advice was not sought formally or informally by anyone on the House side on this issue?

Mr Evans—No.

Senator ROBERT RAY—You can, of course, dispense with the calling of quorums by agreement, like we do in the Senate, can't you?

Mr Evans—Yes. We have always said that the Senate adheres to the Constitution by preserving the right of any senator to call attention to the lack of a quorum at any time. If senators choose not to exercise that right, by agreement, that is a different matter.

Senator MURRAY—Is it necessary, do you think, if this might be a future threat to the Senate—if I can put it that way—for the Senate to consider measures to protect the current situation? I would have thought not, but I would like your response.

Mr Evans—I do not believe so. There is nothing that the Senate could entrench, of its own action, that could not be changed by subsequent Senates.

Senator MURRAY—That would be my expectation.

Senator ROBERT RAY—Have you looked at the question that Senator Fifield has raised in relation to the legality of the quorate situation as opposed to parliamentary privilege covering statements? Could you expose yourself to a position, if you did not legally rule off the quorum position properly, to removing the protection of privilege?

Mr Evans—That is an old question, and nobody knows the answer to it because it has never come anywhere near to being justiciable. The feeling is that the courts would not strip away the protection of parliamentary privilege because the quorum provision had not been observed. But, as we always say to senators—and as we have said to senators over many years—do not take any chances.

Senator ROBERT RAY—The question has come up again of new money going into the annual appropriation bills. I know that this is going to come up in the area of staffing and appropriation. I would like to ask the Clerk whether he would like to outline the problem as it has been and what he sees as a possible solution to it.

Mr Evans—I am not sure what Senator Ray is referring to.

Senator ROBERT RAY—I think we are returning to the position where there will be no new policies included in appropriations for the ordinary annual services, with the objective test for new policies, and whether they have been there previously. There was a slightly new interpretation in 1999. There has never

been, I think, full agreement between the Department of the Senate and the department of finance on these matters. Is it coming to some sort of conclusion?

Mr Evans—That is before the Senate Appropriations and Staffing Committee. The suggestion will be that the Senate Appropriations and Staffing Committee take that up for the first time with the new Minister for Finance and Deregulation. There are also recommendations of the Senate Standing Committee on Finance and Public Administration on the transparency of the appropriations which are relevant to that question. Basically, at the moment the department of finance is sticking to the interpretation that anything that can be put under an existing outcome is an ordinary annual service of the government and can be charged to the ordinary annual services appropriations. That means that new projects and new policies can be charged to those appropriations, which is contrary to what the Senate has always determined. So that has to be resolved. I hope the Senate Appropriations and Staffing Committee will take it up.

Senator ROBERT RAY—When did the Senate Appropriations and Staffing Committee last meet?

Mr Evans—When did it last meet?

The PRESIDENT—It has not met since I have been President.

Senator ROBERT RAY—The question now, Mr President, is when will it meet?

The PRESIDENT—It has only just been formed so we will meet as soon as possible.

Mr Evans—We will endeavour to get in a meeting in the next two sitting weeks. It met in the first half of last year, before the change of President.

Senator ROBERT RAY—Thank you.

Senator MURRAY—My question is to the President. Mr President, as you are aware, the head of DPS has departed. Can you outline for us what your role is in her replacement? How far along the road have we got with respect to that?

The PRESIDENT—I am happy to do that now. I know that DPS is next on the agenda. Can I say that we were notified of Ms Penfold's impending departure early in January, I think. She subsequently resigned from 13 January. On 21 January, if my memory serves me right, an advertisement was placed and there were a number of applicants for the position. There was a review panel set up. It was made up of the Public Service Commissioner, Lynelle Briggs; Robert Cornall, from the Attorney-General's Department; and Helen Williams, I think, was the other one. They have interviewed the applicants and will provide a short list to us very soon. I do not know the time frame—

Senator MURRAY—'Us' being the Presiding Officers?

The PRESIDENT—Yes, the Presiding Officers. Once we get that short list with its recommendations, the new Speaker and I will proceed to choose the replacement for Ms Penfold. That is roughly the time frame.

Senator MURRAY—I am raising this now rather than under the DPS header because I think the President of the Senate has a particular role to play. Is it your intention to consult outside of your counterpart in the House with senior members—perhaps with officers of the Senate—concerning any applicant? Or will it be an entirely closed process?

The PRESIDENT—I will look at what happened with the previous appointment because I am not quite sure whether or not they consulted with others at the time. But there were a considerable number of applicants, I can say that. We will be presented with a short list of probably three, I think. I understand that is the normal procedure. I will stand corrected by others if it is not. But I do not know whether it is purely a job for the Speaker and the President to choose. I think it was on the previous occasion when Hilary Penfold was appointed, but I guess there is nothing to stop us if we wanted to consult with others.

Senator MURRAY—Mr President, you would sense my prejudice and you would know my prejudice that such a person would be very much parliament and Senate minded than executive minded. I have raised it deliberately in these forums with a hope that you will carry forward that sort of view on these matters.

The PRESIDENT—Can I say, Senator Murray, that I was rung by the Public Service Commissioner before they interviewed the prospective applicants to see whether or not there were any particular qualities that I thought were appropriate to the position. I know she also rang the new Speaker, although he had not been elected at that time. The sentiments you express are very similar to the ones that I expressed to the Public Service Commissioner.

Senator MURRAY—Thank you, Sir. Thank you, Chair.

Senator MOORE—I have a general question about the women's wall. I know that was discussed at a previous Senate estimates hearing. I have just been getting advice as to the appropriate place to ask that question.

The PRESIDENT—The women's wall?

Senator MOORE—Yes, the women's photographic display in the general area. I have been seeking advice as to where to ask that question and we have a consensus that it is now. Is that accurate?

Mr Evans—Yes.

Senator MOORE—We received a letter after Christmas saying that there were hopes to have that re-established in March this year. I would like to know where that is at and whether that deadline will be met.

The PRESIDENT—I had a meeting with the previous Speaker and we discussed this. Of course you would remember that there was an original request from Senator Crossin some time ago.

Senator MOORE—I do remember that.

The PRESIDENT—That was about making sure that it was not to be destroyed or put aside.

Senator MOORE—At your peril, I think, Mr President.

The PRESIDENT—Yes, I understand. We have had a meeting and there are proposals in place for the whole area. The first part of that area that is being done, as I understand it, is the section which displays female members of parliament and senators. I am unaware of the actual process of how they are doing it, but I know that that is the first section that is being undertaken. As you are aware, all the previous photographs were taken down. I think there was going to be an attempt to try to harmonise the type of photograph and the size of photograph. I am told that it should be known within the next fortnight.

Senator ROBERT RAY—I would like to go to the opening of parliament. I want to make it clear that I do not have any personal grievance here. When you come to the opening of parliament, new members of parliament, especially in the House of Representatives, all besiege us wanting tickets to the opening of parliament in the Senate. We have to say no and explain that you only get one ticket each and all the rest of it. But I noticed that there were more than 50 vacant seats in the north and south galleries and I would like an explanation as to why. Were they people who accepted and who simply did not turn up? Because it would have been nice to make available to new parliamentarians those extra 50 seats—not the older parliamentarians like those of us represented here.

The PRESIDENT—I will pass that question over to the Black Rod. Can I say that I also counted 50, so your figure is accurate.

Senator ROBERT RAY—It must have been a boring speech.

The PRESIDENT—I noticed the empty seats, having been told earlier myself that tickets were like diamonds and you could not get them. I will hand over to Andrea to see if there is any explanation.

Ms Griffiths—All tickets were allocated, so it is a case of people not turning up. It does put us in a bad light, because I know we had people on waiting lists. I noted that it was mainly in the areas allocated to members of the House of Representatives.

Senator ROBERT RAY—Well, next time they come and whinge we have the answer.

Ms Griffiths—There were some people who tried to get in but we thought that it was not courteous while the Governor-General was speaking to allow members into the chambers. Maybe that is something we could look at: discreetly allowing anyone who would like to come in to take a seat.

Senator FIERRAVANTI-WELLS—Could we have perhaps some sort of consideration of a cut-off point—in other words, 10 o'clock or 10.15 in the morning—when, if those seats were not filled, it might be an appropriate time to consider filling them as some sort alternative arrangement.

Senator MURRAY—Surely the answer is just to overbook. Isn't it quite standard in these sorts of things to overbook?

The PRESIDENT—You mean to run it like an airline, Senator Murray?

Senator MURRAY—Yes, to overbook by 10 or 15 or whatever you think would be prudent.

Ms Griffiths—We were actually overbooked more than that and I started to get slightly worried. That is why I asked the President if the senators elect and their partners could actually sit in the advisers gallery at the eastern end of the chamber.

The PRESIDENT—I would like to correct the answer I gave to Senator Murray regarding the appointment. Ms Penfold notified us of her intention to resign in October. The position was actually advertised in December, not in January. The applications closed on 21 January; they did not open then. I would like to correct the record as far as that is concerned.

CHAIR—Thank you, Mr President. We move now on to outcomes.

Senator ROBERT RAY—Am I right, Mr President, in saying that at the first question time you presided over last week, on Wednesday, there were six opposition questions and three government questions?

The PRESIDENT—I cannot remember. That may have been the case but I honestly cannot remember. I do not know whether I have with me the allocation of questions.

Senator ROBERT RAY—I have it with me.

The PRESIDENT—I honestly cannot remember whether there were only three government questions. You say that there were three government questions?

Senator ROBERT RAY—Yes. On Thursday there were six opposition questions and three government questions. Again, you cannot remember that, I suppose?

The PRESIDENT—I have not actually counted them each day. I just have an order that I follow. As soon as Senator Evans gets up and says that is the conclusion, that is when I stop.

Senator ROBERT RAY—I am coming to that order. The order you are following is the one I instituted in 1994, isn't it—that the opposition get the first and every alternate question?

The PRESIDENT—I am not sure that that was the reason it was put that way, but we loosely based it on the number of members.

Senator ROBERT RAY—You cannot have done that. You cannot have the minor parties getting two questions and the government three, so let us throw the proportionality out. By the way, I say for the record here and now: I agree with the allocation, because question time is about scrutiny; it is about giving the opposition rights. In my view it should be in the standing orders. You should get the first and every alternate question. The fact that we were treated discourteously in 2005 onwards, because Liberal senators were too gutless to face questions, is another matter. I think what you have done is right, but I am just trying to seek the reason why it was done and why it was reversed from what applied in the previous parliament.

The PRESIDENT—We determined the proposed order of questions in my office, basically on the number of opposition senators, the number of government senators and the current number of minor party senators, knowing that after 1 July that will change because the number of minor parties will be fewer. I circulated the proposed order of questions to each of the parties, including the minor parties—I circulated it to everybody. Senator Evans's office—I think with Senator Ludwig—agreed, or certainly did not disagree. I never heard one disagreement as to the order of questions and the way they should be called, so I naturally took it that all parties concerned were happy with the order of questions. On the two days you spoke about, if I remember rightly, the government was due to have the next question when question time stopped. That would have been six and four.

Senator ROBERT RAY—It would have been, but I have acknowledged that I support the allocation and I know about the correspondence sent to him. The matter of proportionality was not canvassed highly in that letter, though, was it?

The PRESIDENT—No, I think—

Senator ROBERT RAY—It was not.

The PRESIDENT—It was flagged in the letter, I understand. I do not have the letter with me but we can get it. It was calculated on the on the basis of proportionality—on the number of the senators in each party in the Senate. That is the way we did it.

Senator ROBERT RAY—Even if it was proportionality, with all due respect to the minor party people in the Senate, they have nine and we have 28. So, even if we got a fourth one, that is not proportional. Every time I hear 'proportionality' I reach for my gun. It is just a subterfuge. Why don't we refer this to the Senate Standing Committee on Procedure for a look at the way questions are allocated? Your actual regime is right, but don't do it for the wrong reasons—that is my point. Don't do it out of some sense of proportionality; otherwise come 1 July you are going to have to change it again. Yet this suits the needs of the Senate and the rights of an opposition and their rights to scrutinise perfectly; that is what question time is about. So

proportionality should be eliminated from the thinking and you should think about the rights of oppositions and the purpose of question time, all of which is scrutiny.

The PRESIDENT—I am quite happy for it to go the Procedure Committee for discussion. If somebody wants to put in place a procedure as to the way the order of question time should proceed from now and into the future, I am very happy for the Procedure Committee to look at it.

Senator ROBERT RAY—If you lay out these principles into the future it does not matter who is in government and who is in opposition. When the numbers change, just flip-flop a bit and it takes all the manipulation out of it. It just seems to me to be a sensible process.

The PRESIDENT—It is fair to say that the one area where there has been agreement in the past is that Senator Fielding has been getting one question a week, when in fact he is probably not quite entitled to one question a week. We know that. The manner in which the minor parties get it will change after 1 July, and I imagine that there will be fewer questions from minor parties. That will be up to the new President to decide anyway, in the long run.

Senator ROBERT RAY—My point is that it is better to decide these things well in advance and to establish rights, if you like, rather than proportionality as the key determinant. Then you do not have to worry about manipulation after 1 July or 1 July three years after that.

The PRESIDENT—I suggest that it should be raised with the Procedure Committee. We will see if we can put something in place.

Senator ROBERT RAY—Thank you, President. That is good. I want to ask about the third volume of the *Biographical Dictionary* but I can never track down when to ask about it in the program. I always ask about the progress of that, so I am asking now.

The PRESIDENT—I think I will handball that question over to the Clerk.

Mr Evans—Volume 3 will be with the printer later this year. It has taken a bit longer than we thought it would; it has been more difficult than we thought. That is the rough—

Senator ROBERT RAY—How is volume 1 for the House of Representatives going?

Mr Evans—I do not know.

Senator ROBERT RAY—Fair enough.

The PRESIDENT—Volume 3 goes to 1984?

Mr Evans—To 1983.

Senator ROBERT RAY—Thank you. That is all I have for general questions.

CHAIR—We will move on to the outcomes.

Senator FIFIELD—I have questions for the Department of Parliamentary Services. I have nothing further for the Department of the Senate.

[9.50 am]

Department of Parliamentary Services

Senator FIFIELD—I have some questions in relation to the parliamentary email network, in terms of recovery of emails. When I go through my emails, I tend to not permanently delete anything because sometimes it is useful to go back and check your records of what you have sent and who you have sent it to. On occasion I have permanently deleted something from my delete box. In that circumstance, is it possible to recover, as a member or senator, something which you have actually deleted from your delete box?

Mr Kenny—The answer is: very possibly. We take archives of the email folders, which we retain for a period of several months in most cases. If we are asked to make a restore whilst those archives are still valid—that is, they have not been overwritten—and if the way in which the email had been stored was such that it was still there when the archive was taken that night, then we would be able to restore it. If, for example, the email had been sent and then deleted from the places it was sent to and stored in before the evening backups were taken, then we would probably not be able to restore it.

If, for example, the email had been sent and then deleted from the places it was sent to and stored in—before the evening backups were taken—then we would probably not be able to restore it.

Senator FIFIELD—So, if you had hit ‘delete’ and an email had gone to your delete box and you had then deleted it from there, would the overnight archiving process get that email?

Mr Kenny—I do not believe so. We do quite regularly restore emails for members and senators, for the very reasons that you are talking about—where it has been inadvertently deleted.

Senator FIFIELD—But it is not a foolproof system; it does not get 100 per cent of all emails which you have deleted and then deleted from your delete box?

Mr Kenny—No, it does not.

Senator FIFIELD—You might be lucky, but it does not get everything.

Mr Kenny—I think it is also fair to say that, in most cases, people are able to have their emails restored if they ask us in time.

Senator FIFIELD—In time?

Mr Kenny—It is an archive process. We do the archive for disaster recovery purposes, so that if we lost an email system we could restore it. It is not intended as a personal archive repository.

Senator FIFIELD—How long are the archives kept if something does get into the archive system?

Mr Kenny—I think it is three months but I will just get—

Senator FIFIELD—Three months, okay. So if I said to the Department of Parliamentary Services that I would like all the emails that I had sent or received going back a year or two, and the Department of Parliamentary Services gave me what they had, it would be highly unlikely that that would be a complete record of all emails that I had sent or received.

Mr Kenny—Highly unlikely.

Senator FIFIELD—Unless I had kept them in my delete box, and not deleted them from there?

Mr Kenny—Or moved them into—

Senator FIFIELD—Or moved them into another folder.

Mr Kenny—an archive repository. I think it is a PST type of file. If I can put in a brief advertisement, we would encourage all people to do that with their emails—to look after them.

Senator FIFIELD—Do emails—perhaps I should have asked this of the Clerk—attract privilege of any sort for a member of parliament.

Mr Kenny—I would say that you would have to ask Mr Evans but my sense, as an amateur, would probably be that they do not.

Senator ROBERT RAY—Do not give an amateur opinion. The privileges committee have looked at this on a number of occasions. It depends upon the purpose for which they are to be sent and the purpose for which they are to be used—so in some cases yes and in some cases no.

Senator FIFIELD—That would make sense. Mr Kenny, can emails of a member of parliament or a senator be FOied?

Mr Kenny—I believe so, for organisations that are subject to the FOI Act.

Senator FIFIELD—So, while the Department of Parliamentary Services might be subject to the FOI Act, members and senators would not be considered as constituent parts of the Department of Parliamentary Services. So would the emails of a member or senator be?

Mr Kenny—I do not think I can answer that.

Senator ROBERT RAY—If the Clerk were here he would tell you that FOI does not apply to either—

Mr Kenny—It does not apply to DPS.

Senator ROBERT RAY—but that they comply with the FOI Act out of principle.

Mr Kenny—That is correct, but that is with our records. The question you are asking is not to do with what I would say were DPS records.

Mr Evans—In relation to emails, as a senator I could give someone access to my emails if I gave them my password, but is there a capacity for a member or senator to give access to their emails to a staff member in some other way—other than, ‘Here’s my password, you can log on for me and have a look’?

Mr Kenny—Yes, I believe there is. It is a standard function within the Outlook program.

Senator FIFIELD—So you can just nominate for someone else to access it?

Mr Kenny—There are a range of permissions or delegations that are available, and giving someone on the same network access to your in box is possible.

Senator FIFIELD—And someone who might have access in those circumstances could send and delete emails from your account as well?

Mr Kenny—Yes, but I am not sure exactly how far they can go. We can get that information for you; it is just a straight technical question. I do know there are a range of levels ranging from none through to words like ‘review’ or ‘editor’, and I would expect that the highest levels would enable you to send and delete.

Senator FIFIELD—But there would be some sort of electronic record as to whether it was the person themselves who had logged on or whether it was someone who was accessing it via this other route?

Mr Kenny—I do not know exactly what the nature of such a record would be.

Senator FIFIELD—Would you take that on notice?

Mr Kenny—Yes, we can give you that.

Senator RONALDSON—Thank you very much, Madam Chair, and congratulations on your appointment. I have a list of some 77 people who, via the Prime Minister, appear to have access to the Parliament House email system, including advisers, volunteers, media advisers and others. Have you conducted an audit of the email addresses since the election to see who is and who is not entitled to access the system?

Mr Kenny—I do not know off the top of my head exactly what we have done. I can find out for you and answer in a few minutes.

Senator RONALDSON—So you do not know whether there are ever any audits conducted in relation to access to the Parliament House system?

Mr Kenny—We do do audits from time to time on the users who are active. When people leave the job that has enabled them to have access then we have a standard procedure to shut down their access and to archive their files and old emails, I think for a period of three months.

Senator RONALDSON—When was the last audit?

Mr Kenny—As I said, I do not know what we have done off the top of my head but I will get that answer for you.

Senator RONALDSON—How is an audit normally conducted? Do you contact members and senators? What is the process?

Mr Kenny—I will get the technical advice for you.

Senator RONALDSON—I am bit surprised you do not know when the last audit was, given the sensitivity of the security that might surround this. Would you acknowledge that if there is not a regular audit of those who have access to the system there might be security issues involved? There may well be examples where people who should not be accessing the system get immediate access that could be used for commercial and other reasons. It is not a trick question.

Mr Kenny—No, I am just thinking it through. The people who have access to the PCN have an entitlement to do so, and as soon as we are made aware that they have lost that entitlement—because they are no longer employed, for example, by a senator or a member—then we would seek to disable that access. As you would be aware, the reality is that there is quite a lot of movement into and out of employment under the MOP(S) Act, and we do not always know immediately when someone is employed and when someone leaves that employment.

Senator RONALDSON—What are the rules in relation to people having access? There are 28 volunteers listed as having access to the Prime Minister’s various accounts. Is it usual for volunteers to be in such a position? Are there any rules associated with who does or does not, or should or should not, have access?

Mr Kenny—The rules are that if an authorising officer requests access—for example, in our department, if I said that someone in the department could have access—then the person for whom the access is requested will have it. The authorising officers are different, as you would expect, for the different categories of people that work in this place and have access to the parliamentary computing network. If a senator signed the piece

of paper that says, 'Give this person access to the PCN; they're working for me,' then we would do that. The authority would be the senator's signature, and we would accept that, obviously.

Senator RONALDSON—So are there any rules in relation to whether volunteers can be given access, or is it normally only the staff of members and senators?

Mr Kenny—I do not believe there is a rule that says a volunteer may not have access, whereas a staffer would.

Senator RONALDSON—If there is no rule, would you be concerned about potential breaches of security if you have a mass of volunteers who may be able to access the system?

Mr Kenny—I would accept that, statistically, the more people who have access, the greater the likelihood that there is going to be misuse, just because there is a larger field of potential users. I do not know that I would accept that a person who is employed on a voluntary basis, rather than under the MOP(S) Act, is necessarily a greater risk than the people who are employed under the MOP(S) Act.

Senator RONALDSON—Potentially they would be if they were no longer a volunteer, wouldn't they?

Mr Kenny—Again, we would—apart from the audits that we might undertake from time to time—be reliant on the officer who appointed that person or approved their access to tell us when they should no longer have access.

Senator RONALDSON—Would you accept that people would be very surprised that there are, as I said before, 77 people who have access to the Parliament House email system for the Prime Minister, of whom nearly 30 are volunteers? Can you accept that there would, not unreasonably, be a level of concern about the security attaching to such widespread availability?

Mr Kenny—No, I do not think I do accept that. I do accept that, as I said a minute ago, the more people—

Senator RONALDSON—You said to me before the greater the numbers the greater the risk; therefore, presumably—

Mr Kenny—The greater the statistical risk.

Senator RONALDSON—The greater the statistical risk?

Mr Kenny—Yes. The more people that are in a field, the larger the chance of abuse—that is statistical. I have not seen anywhere any analysis that says that our network is at greater risk of abuse because there is a category of people on it who are volunteers rather than employed under the MOP(S) Act.

Senator RONALDSON—Can I just go back to the audit process itself. Do you contact members and senators as part of that audit process to ascertain whether people legitimately have access to the system?

Mr Kenny—As I said, I am getting some advice on the way in which we do audits, what the audit process is, and then I will be able to answer that question.

Senator RONALDSON—Would it be your intention to review the processes, having had it drawn to your attention that some 30-odd volunteers associated with the Prime Minister have got unfettered access to his system?

Mr Kenny—It certainly would be my intention to review it if I considered that the audit processes that we currently have in place could be more rigorous. Certainly, if we had users who had access to the network long after they had ceased employment here then I would say that we needed to tighten up our audit processes.

Senator RONALDSON—Why would they be any different to volunteers on that basis? What is the difference between a former staff member who is no longer employed and a volunteer? Surely the degree of separation is the same.

Mr Kenny—That is right. There is no difference. So if someone were given an account because they were an employee or because they were a voluntary employee, and that person ceased to be working in the office, then we should have the same process to remove their access and the same process to audit whether there are people who have left and have not yet been removed.

Senator RONALDSON—With the benefit of some reflection this morning, what is your view in relation to the position of volunteers? If you have a staff member with access, that is very clearly identified, is it not? Either someone is employed or they are not employed.

Mr Kenny—Yes, but they are not employed by us.

Senator RONALDSON—I appreciate that.

Mr Kenny—And we do not know very much about them, other than that a request signed by an authorised officer has said, ‘Give this person access.’

Senator RONALDSON—If you are concerned about former staff members of senators and members having access then surely you must be equally concerned about volunteers having such access—because the degree of separation from employment is the same, isn’t it?

Mr Kenny—Sorry, Senator. Is your point—

Senator RONALDSON—You said that you would have some concerns if there were former staff members who still had ongoing access. You said that.

Mr Kenny—That is correct.

Senator RONALDSON—What is the difference between a volunteer and a former staff member? The degree of separation from employment and active involvement in the process is the same, isn’t it?

Senator MURRAY—Just for clarification, Senator Ronaldson, are you saying that because neither is under the MOP(S) ACT?

Senator RONALDSON—Neither is under the MOP(S) Act and, indeed, neither is clearly identified as either working or not working. That is the issue.

Mr Kenny—The relationship in terms of volunteers is not something that I am particularly well placed to comment on, because this department supports, but does not have any greater role in terms of, the way that members’ and senators’ offices are staffed and resourced and the way that people are employed there. Our position is that if an authorised officer says, ‘Give this person access,’ then either we would—and I do not know of any case where we have not—or, if we felt disinclined to, we would refer the matter to the relevant chamber department for their advice. But normally we would provide the access because it has been requested. If, for example, we received what we considered an unusually high number of requests for a particular office then we might wonder what was going on there, but we would refer that to a chamber department.

Senator RONALDSON—With the greatest respect, that is like Senator Ray’s comment about the cricket team. It is easy to get on; what I am concerned about is getting off. Mind you, if the batting does not improve pretty soon there may well be some changes, Senator Ray.

Mr Kenny—I have a couple of points. In reference to Senator Fifield’s point, emails are archived for three months, so after three months the tape will be overwritten. I am still awaiting confirmation of when the last audit was done. In terms of changes to accounts, staff of the Department of the Senate and of the Department of the House of Representatives advise us of changes, and we make the changes to the access.

Senator RONALDSON—Sorry, who advises you?

Mr Kenny—The Senate and House of Representatives departments advise us of changes to access requirements.

Senator RONALDSON—Is there someone here from either of those departments who can start fielding some questions in relation to audits or other rules that might be appropriate?

Mr Kenny—No, there is not.

Senator ROBERT RAY—How would the departments know to advise you of people’s status? DOFA would, but how would the other departments know to advise you of people’s status? Could you explain that to us.

Senator RONALDSON—I think this is the very issue, Senator Ray. There just appears to me to be nothing to protect the integrity of the system—everyone is on, but no-one is taking responsibility for getting people off. I think my colleagues would be horrified to hear what is not happening. Anyway, Mr Kenny, I appreciate that you do not know, but can you take some advice on that urgently and report back to this committee please?

Mr Kenny—Yes.

Senator MURRAY—On the same question, could you undertake, on notice, to give us an aggregate figure of the number of additional people listed under the Senate and House of Representatives. I am not talking about departmental staff; I am talking about people who have been signed on by the offices of senators and members. To put it briefly into context: 76 senators with four staff in theory makes over 300 people. You have got to add the volunteers, part-timers, advisers et cetera, so it will escalate quite a lot, but I would like to just get a general sense of how many are on the system from senators and from members—just an aggregate.

Mr Kenny—We can get that, but possibly not today.

Senator MURRAY—There is no rush at all.

The PRESIDENT—I would like to table a letter that I wrote in response to Senator Ray's question relating to the order of the call at question time. If I could just elaborate by saying that we calculated it taking in mind the maximum number of questions that have been asked in the past to cover all eventualities. That is where maybe the number of questions are not quite the way they ought to be, because we calculated total possible questions in a week at 14 a day when in fact we are only getting 11.

Senator ROBERT RAY—That is because you are getting points of order from the opposition.

The PRESIDENT—I understand that, but I am saying that is why. I would like to table this letter so that everybody, and particularly Senator Ray, can see the letter that was sent to all of the parties.

Senator RONALDSON—It was widely reported that the Prime Minister changed the furniture over again when he came in. What was the cost associated with that removal and retrieval?

Mr Kenny—I am inclined to say there was no cost, although there would have been a small cost associated with the time of our staff that did the carrying in and carrying out.

Senator RONALDSON—Do you want to take it on notice?

Senator FIERRAVANTI-WELLS—The furniture was somewhere else.

Mr Kenny—There was no new furniture bought.

Senator RONALDSON—Are you saying it would be the removalist costs which would be the only cost?

Mr Kenny—Yes, the cost of our staff. There was furniture in the basement that I believe was just taken into the Prime Minister's office. Furniture that was previously in the office was taken out and is now stored in the basement. Our staff did that work.

Senator RONALDSON—Was it just a straight transfer or was there any other furniture purchased for the Prime Minister's suite?

Mr Kenny—I do not believe that there was any. I will confirm that there was nothing further purchased; I do not believe there was.

Senator RONALDSON—I would be grateful if you did not second-guess. I would rather you took it on notice, quite frankly.

Mr Kenny—I am thinking of the main items. I am just double-checking that there was not anything. That is what I will confirm for you.

Senator RONALDSON—It could be a variety of things, couldn't it? Mirrors and many other things. What work has been undertaken to alter suites or ministerial offices in the ministerial wing since the election?

Mr Kenny—I do not believe we have done anything. Again, I am hesitating because much of the work that might be done in those places would be done by the Department of Finance and Deregulation.

Senator RONALDSON—You would know though, wouldn't you?

Mr Kenny—I would know what we have done?

Senator RONALDSON—Yes.

Mr Kenny—I will get advice on that as well

Senator RONALDSON—Or was done.

Mr Kenny—We would have done some cleaning and we would have replaced, for example, the signs on the walls indicating the residents of the suites.

Senator RONALDSON—Furniture?

Mr Kenny—I do not believe there was anything, but I will get that confirmed.

Senator RONALDSON—Internal alterations?

Mr Kenny—I do not believe there was anything.

Senator RONALDSON—Would you take that on notice?

Mr Kenny—Yes.

Senator ROBERT RAY—Let me draw your attention to one of the suites, MG3 downstairs, occupied by the GMS. Is it true it took the cleaners four days to clean up that pigsty of leftover stale food and muck? It was left in an absolutely disgraceful state, wasn't it?

Mr Kenny—We do not know. We will check with the cleaners.

Senator ROBERT RAY—I want to know what the repair bill was for that set of suites from the playing of indoor cricket. I have 55 photos of the damage that was done. I want to know what the repair bill was for that particular suite—repairs to the walls and everything else.

Mr Kenny—We do not have any record of repairs to that suite.

Senator ROBERT RAY—The repairs have been done. Do you want the photos? Repairs were done right across that suite because of the damage done by playing indoor cricket. If you want to have a look, Chair, I have the bat in my office, I have the ball in my office and, what is more, I have the stumps—which happen to be a Mark Vaile poster—in my office. So much for coalition solidarity!

Senator FIERRAVANTI-WELLS—And I suppose the photos show the very same bat, ball and stumps. Is that what you are telling us?

Senator ROBERT RAY—No, not the stumps. I never got a photo of the stumps, but I might take one today. This place was left like a pigsty and, really—

Senator FIERRAVANTI-WELLS—That is your assertion, Senator Ray. You have just been told that there were no repairs.

Senator ROBERT RAY—Therefore I am challenging the veracity of the witness, Senator. They should know better.

Senator FIFIELD—I have questions.

Senator ROBERT RAY—I am still waiting on an answer to mine.

Senator FIERRAVANTI-WELLS—You have just been told that there were no repairs.

Senator ROBERT RAY—No, he does not think there were any repairs. I do not know how the place suddenly materialised.

Mr Kenny—We do not have any record of our people having done any repairs—

Senator ROBERT RAY—I see.

Mr Kenny—which indicates to me that—

Senator ROBERT RAY—It could be a department.

Mr Kenny—There was no work request logged which we have tracked through our—

Senator ROBERT RAY—I will follow it up in DOFA. Maybe they repaired it.

Senator FIFIELD—Mr Kenny, you would have some sort of record of repairs, even if they were done by the department of finance?

Mr Kenny—I do not believe so.

Senator FIFIELD—So that is not part of the building, the physical maintenance, for which the Department of Parliamentary Services has responsibility?

Mr Kenny—The boundaries of responsibility within this building are many and not always absolutely clear.

Senator FIFIELD—I appreciate that.

Mr Kenny—For example, we do not have responsibility for much of the work that is done within the ministerial wing. That is done by the Department of Finance and Deregulation and, in some cases, also by the portfolio departments of the relevant minister.

Senator FIFIELD—But you would know the uses to which particular parts of the building are put, even though you might not be responsible for the maintenance?

Mr Kenny—In general terms, yes.

Senator FIFIELD—Do you know what that suite, formerly known as the Government Members Secretariat, is being used for now?

Mr Kenny—I will ask Mr Nakkan to provide more background.

Mr Nakkan—The Department of Parliamentary Services is responsible for all the general building fabric and facility maintenance of the entire building. Where occupant agencies or tenants have control of a space, they may do their own minor internal fit-out. In the context of the ministerial wing, there is generally no minor fit-out to be done. All the walls are original construction walls. So, if there was a change—for example, to put in a door or fill in a door—that would be our responsibility.

Senator FIFIELD—But general maintenance of the suites?

Mr Nakkan—Cleaning is our responsibility. General painting, carpet—all ours.

Senator FIFIELD—If a suite had been used for Twenty20 cricket, as seems to be alleged, you would be aware if there was damage there?

Mr Nakkan—Historically, that would be directly brought to my attention if there was significant damage of a wilful nature, can I say? The advice I gave Mr Kenny on no remedial works is correct, but we do routine maintenance in all those spaces and there may have been a routine painting or recarpeting in that space. There was certainly nothing out of the ordinary when I was preparing my notes for this committee, but I will go back and check with the people who did the work as to whether they found any additional damage beyond what there would be in a normal suite.

Senator ROBERT RAY—While you are checking that, could you check with the cleaners whether they raised objections to the damage that was being done?

Mr Nakkan—Yes.

Senator ROBERT RAY—Could you also raise with them the fact that they were told to ‘p- off’ and mind their own business. You might check that while you are checking.

Senator FIFIELD—Do you know what that suite is currently being used for or who it is being used by?

Mr Nakkan—It is being used by the government. I cannot remember the title of the use—

Senator ABETZ—aNiMaLS?

Senator ROBERT RAY—No, CCSTU.

Mr Nakkan—and I do not know the explanation of that acronym.

Senator FIERRAVANTI-WELLS—He is going to take it on advice, Senator Abetz. It will probably be the 2008 version.

ACTING CHAIR (Senator Fifield)—Would you be able to check what the name is? Thank you.

Senator ROBERT RAY—They are accountable to estimates at least. That is more than you ever did

ACTING CHAIR—Could you check what the purpose is, who is using it and what the title is?

Mr Nakkan—We probably will not know what the purpose is. We may know who the occupants are in the title. My understanding of that space is that there are some PCs in there. That is about all we know about the space.

Senator ROBERT RAY—It will come up under finance because that is where it is responsible—unlike you, who hid it.

ACTING CHAIR—Thank you, Senator Ray.

Senator ROBERT RAY—I just thought I would help.

Senator MURRAY—You are the acting chair. You can call him to order, if you wish.

ACTING CHAIR—Nothing else on that particular suite?

Senator MURRAY—I have some general questions.

ACTING CHAIR—In the absence of Senator Faulkner, I really feel we need to maintain a committee tradition and ask about the bollards. It would be sad if that it did not happen. Mr Kenny, I would like to ask the usual question. Have there been any fresh or exciting bollard failures over the last six months? There have been some exciting ones. There have been carts which were upended as the bollards rose.

Mr Kenny—Bollard reliability has been greatly improved in 2007 compared to 2006. In 2006 think we had 11 incidents when there was an impact with a bollard. In 2007 we had none. In 2008, as of this morning, we have also had none. In terms of the number of malfunctions, in 2007 we had 39 malfunctions out of 86,000

accesses; in 2006 we had 123 malfunctions out of 113,000 accesses. Obviously, we had fewer accesses last year because of the break for the election. I think it is absolutely accurate to say that the reliability is substantially improved.

ACTING CHAIR—There was a circular on 25 January which stated that there would be additional stop and go lights installed.

Mr Kenny—Yes.

ACTING CHAIR—Have they been installed?

Mr Kenny—Yes.

ACTING CHAIR—What was the purpose of those? Just to limit—

Mr Kenny—Since the bollards have been installed, there has been considerable discussion in a number of places, including in the joint house committee, about how effective they were, how easy they were to use and the problems associated with using them. One of the points that was raised some time ago was that the stop and go lights were not well aligned in terms of someone sitting in a right-hand-drive car and looking straight ahead, so we put in additional lights so that the person driving could actually see when the light goes red and green. I think the original placement reflected the fact that, when the bollards were first designed, Parliament Drive was a two-way road.

ACTING CHAIR—Mr Kenny, what are the hours of operation of the bollards?

Mr Kenny—We will get that answer for you.

ACTING CHAIR—I am pleased that the operation of the bollards is not as readily apparent—

Senator ROBERT RAY—We need someone who can answer questions. You have been doing this consistently now for half an hour. Let us get some people from behind who can answer questions.

Mr Kenny—I have just asked for someone.

Senator ROBERT RAY—Get them here when it starts, not when you cannot answer one, which is consistently.

Mr Kenny—We do not have the hours of operation in the pack. We will get—

ACTING CHAIR—Mr Kenny, I guess that makes the point for me—that they are not entirely straightforward. The fact that you cannot readily bring to mind when they operate is the same problem that a lot of members and senators and Comcar drivers have. There seem to be more exceptions to the rules of when the bollards actually operate than there are hours of operation—when you have a system of bollards and when you have swipe access. I have never quite understood why security is enhanced by the bollards only operating on Sunday afternoons before a sitting week and after 4.30 but not on any other day of the week. It is something that has eluded me. If you could provide any advice in relation to the hours of operation and the rationale for that, I am sure that would be helpful.

Mr Kenny—We can go back to the original security threat assessment advice and see what that says.

ACTING CHAIR—That would be helpful.

Senator FIERRAVANTI-WELLS—While we are talking on general issues about Parliament House and maintenance, I would like to ask about the report about the need to change locks that was reported in the *Australian Financial Review* on 16 January. I understood that all keys were logged. I am responsible for the keys that have been issued for my office, so one would assume that those from offices that are vacated would in turn have to hand in their keys, for which they have been allocated a certain number. Is that not the situation?

Mr Kenny—I believe it is. I believe that the keys to offices in senators' and members' suites are issued by the chamber departments.

Senator FIERRAVANTI-WELLS—The report that I am reading talks about an explanation being given by the Department of Parliamentary Services, which has called for a tender. Locks have past their use-by date. When were the locks fitted? What is the background? It is imputing some sort of need to now expend \$1.2 million. I ask: why is that coming about? Surely, with what this government is terming 'efficiency dividends', how does that fit in? I understood that there was a policy, or at least a procedure, in place where keys issued in relation to various premises are to be handed in on vacation of those premises.

Mr Kenny—With respect to the tender, the locking system that we have is now out of patent and therefore it is no longer endorsed by ASIO, which I understand is the authority that provides that endorsement. We first went to tender—this is a longstanding effort—some years ago. I think this is our fourth attempt. Previous attempts were cancelled for a number of reasons relating to making sure the process was conducted correctly and that all probity measures were satisfied. We are now out to tender and I think tenders have closed. Certainly the tenders went out before Christmas.

Senator FIERRAVANTI-WELLS—So this was on the order of the new regime, if I can put it that way? Was it immediately when the government came in that they—

Mr Kenny—Quite the opposite. It was a tender which we first issued several years ago for which we were not able to get a successful and satisfactory outcome. The re-issue is just doing something that was first started a couple of years ago and it relates to the fact that the locking system is out of patent.

Senator FIERRAVANTI-WELLS—Is it anticipated that all the locks in Parliament House will be changed? Is that the situation?

Mr Kenny—The answer is: yes, except that ‘all the locks’ in a building this big is a rather comprehensive statement. This one is looking at the internal locks, not the locks that lock the doors that go out to external places.

Senator ABETZ—How many would there be?

Senator FIERRAVANTI-WELLS—This report says 6,000. This report tells us that the new Prime Minister has been accused of excessive caution. Perhaps he is taking things a little bit too far with changing the locks on 6,000 doors, which is what alerted me immediately to this question.

Mr Kenny—There are 5,451 doors, 641 cabinets and 1,647 windows that are keyed to the locking system that is the subject of this tender.

ACTING CHAIR—That is a Department of Parliamentary Services tender?

Mr Kenny—Yes, but in consultation with the chamber departments.

Senator FIERRAVANTI-WELLS—I have questions on other things which we will come to.

Senator FIELDING—My questions go to the Australian Parliament House computer systems. Some questions were asked before about this. In May last year, I raised the issue about internet filters and blocking pornography on the computers of senators and members and their staff—not ministerial staff. What is being done in that regard?

Mr Kenny—In terms of blocking?

Senator FIELDING—Yes—this is about the computer systems of senators and members and their staff. I understand that the computers of ministerial staff are mandatorily filtered. In May last year I raised the issue about senators and members and their staff having internet pornography blocked on their computers.

Mr Kenny—Senator, in two parts: the ministerial access is done through the department of the relevant minister—

Senator FIELDING—Yes, and it is filtered; we have worked that out.

Mr Kenny—You would have to ask each department what they do. We do not have a comprehensive filter. We do two things: we filter sites that have been identified to us by the filtering company as malicious or hostile and we monitor access so that we can keep track of what internet sites have been accessed by individuals or by individual computers. But we do not have a filter that tries to look at what is coming in and make a decision on whether or not to block it. We do block some sites but not comprehensively. We have a tender out at the moment to look at our whole website security and access monitoring.

Senator FIELDING—So the Australian parliament at the moment, unlike many other workplaces, does not have internet pornography filtered on the computers of senators and members and their staff but we do have it filtered on the computers of ministerial staff? I do not understand why, when as a nation we are saying that we want to set an example of constraint with things like pay and internet pornography, all of a sudden it seems that when it comes to senators and members and their computers there is no filtering in our workplace with regard to internet pornography.

Mr Kenny—There is not filtering in the way you describe. We do monitor access, and where we become aware of people accessing pornography or other inappropriate information, such as information which is

offensive—containing racial vilification and that sort of thing—we, depending on the individual, take a form of action. If it is an individual who is a staffer of a member of senator, we refer it to the member or senator. We do get several instances a year—or over the years I can recall several instances—and my understanding is that the situation is taken seriously. We have had people within the building as well.

Senator FIELDING—In May last year, I wrote to both the Prime Minister of the day and the Leader of the Opposition of the day on this issue. The current Prime Minister said back then, ‘I agree with you that filtering of inappropriate internet content to the offices of senators and members as otherwise applies for public servants should be implemented and urge the Presiding Officers of the parliament to do so.’ I wonder if the Presiding Officer has any recollection of that urging to address this issue. I think the public would expect that senators and members and their staff would have their workplace PCs being filtered for internet pornography.

The PRESIDENT—I do not have any recollection of that, Senator Fielding, if the letter was written in May last year. There may be a copy of that letter in the office left by the previous President. But certainly it has not been drawn to my attention since August. I, like you, would be very keen to make sure that pornographic material was not coming through on members and senators computers. It is something I will have to check back at the office, because it has not been brought to my attention.

Senator FIELDING—As a point of note, at the meeting on Monday, 18 June 2007 the joint house committee strongly supported filtering. It just seems odd to me, with all the public discussion about mandatory filters, that here we are not setting the example and leading by example in the Australian parliament and that the computers of senators and members and their staff are exposed to internet pornography. It just seems at odds. Can anyone explain to me why in 2008 we are still in a situation of not leading by example?

The PRESIDENT—I cannot answer that question, Senator Fielding, because as I said it has not been raised with me. It may have been raised at the joint house committee, which to the best of my knowledge has not met since I became President. Three weeks after I became President we had a few other things on our minds, in the way of an election. Parliament is really just gathering pace now, and the people who would meet on those committees are only just starting to meet. The committees are only just being formed. I would suggest that I can take that issue up the first time the joint house committee meets, but at this stage I have not got any further information that I can add, because it simply is not something that has been brought to my attention in my position.

Senator FIELDING—Is there anything that would stop this from happening? Is it just a request to go in? Common sense should say that it should happen. If you have it on the computers of ministers and their staff, I am trying to work out what would then be the next steps to see this happen with the computers of federal members of parliament and their staff. What has to happen for this to happen? Is it a request from somewhere? I thought common sense would prevail here.

The PRESIDENT—I cannot answer that question. I will just say that I will take some advice, and I will get back to you and see what we can possibly do.

Senator FIELDING—Has there been any request from people not wanting it?

The PRESIDENT—As I said, to the best of my knowledge no contact whatsoever has been made with my office in relation to the issue that you have raised. It is not one that I have pursued; it is not one I have sought advice on. I will, but I cannot promise you anything because I do not know what the procedures might be. At this stage, it is certainly not an issue that has been brought to my attention before today.

Senator FIELDING—I am trying to work this out, being a member of parliament myself. Where does the request go, then? This was raised last May, in 2007, and it just seems odd to me that we are now in 2008 and we are still in the same situation we were in nearly a year ago. Other than raising it in Senate estimates, what else has to be done?

The PRESIDENT—That is something I do not know, Senator Fielding. As I said, I will take some advice and see what the next step for you might be. I understand your frustrations, but this morning is the first time it has been brought to my attention.

Senator ROBERT RAY—I suggest you list it for the next meeting of the Senate Appropriations and Staffing Committee and that you invite Senator Fielding to that one as a guest.

The PRESIDENT—Yes, we can certainly do that.

Senator MURRAY—Just to add to that request, can it be outlined exactly what the problem is, because I am not exposed to any of this stuff?

The PRESIDENT—I can scarcely use mine, Senator Murray, so that is not a problem for me!

Senator MURRAY—I get spam, and you just look at the headline and you delete it. You do not have to open the damn thing. I would like to hear exactly—sorry, I would not like to hear, but I believe the committee should. The committee needs to know what the problem is.

The PRESIDENT—I will take up Senator Ray's suggestion about the next Appropriations and Staffing Committee meeting and invite Senator Fielding to state his case at that meeting, outlining exactly what he would like to see done, and we will find out whether or not it can be done. But I do not think we can make any further progress on it this morning. That is my position.

Proceedings suspended from 10.48 am to 11.02 am

Senator WEBBER—I want to divert our attention and ask a couple of brief questions about the library. I have recently moved office so I get access to things in a different way. I have noticed a lot of traffic going down to the basement. Does the library have any staff down there? I thought that was all maintenance staff.

Ms Missingham—In the basement we have a wonderful collection of library materials. Probably the biggest part of the collection is old newspaper clippings going back to the seventies. So if you wanted to know what discussion there had been on a topic, we would have the newspaper clippings. We go and retrieve from them regularly.

Senator WEBBER—So we maintain that collection in addition to the National Library maintaining that?

Ms Missingham—In the National Library's collection, the newspaper articles are not indexed. So, for example, if you wanted to know who had written articles on hospital issues in 1971 and what hospitals had been discussed in the press, you would have to go through every page of every newspaper in the National Library. Albeit on microfilm, it is still—

Senator WEBBER—I was going to say, surely we can use new technology these days. So all of the staff are in—

Ms Missingham—All of the staff are in the second-floor library. We retrieve from the ground floor library.

Senator WEBBER—So all staff are there and they all have access to natural light. They are all well accommodated?

Ms Missingham—And we do rosters on the ground floor library.

Senator WEBBER—You do rosters down there?

Ms Missingham—People do shifts there, but we do not have people in the basement.

Senator WEBBER—You do not have people in the basement?

Ms Missingham—There are other DPS staff in the basement in other areas.

Senator WEBBER—Sorry?

Ms Missingham—There are some DPS staff in the basement—

Senator WEBBER—Okay.

Ms Missingham—but not library staff.

Senator WEBBER—Who is down there in the basement, apart from maintenance staff?

Mr Kenny—We have some of our IT Projects people and some of our IT support people.

Senator WEBBER—It is a bit cruel to leave them down there without access to any natural light, isn't it? I would have thought we could find them some accommodation where they have got—

Mr Kenny—It is not ideal, but there are accommodation issues for the department.

Senator WEBBER—Right. And is there a plan to address that?

Mr Kenny—There was an accommodation review, jointly commissioned by us and the two chamber departments, which was quite a long-term, wide-ranging one and which is with the House of Reps, I think.

Senator WEBBER—Okay.

Mr Kenny—But it was not looking at how we would move a few people into or out of the basement; it was looking more at the longer term.

Senator WEBBER—What is the status of that? Has it come up with some recommendations, are we implementing them? Are we—

Mr Kenny—It made some recommendations, but I—

Senator WEBBER—not accepting them?

Mr Kenny—I do not believe they have been accepted or not accepted yet. I believe that the change of government, with all the moves and the consequential impact on the building accommodation, took precedence. People have been preoccupied with that rather than considering the report.

Senator WEBBER—So there is no long-term plan to move people out of the basement? Because they do not seem like ideal working conditions for human beings, if you ask me, in a great big building like this.

Mr Kenny—Senator, I have said that it is not ideal—

Senator WEBBER—Yes; I am asking if you have a plan to address it.

Mr Kenny—As for the more direct question, do I have a solution in terms of office space that will become vacant aboveground, no, we do not have an answer to that yet.

Senator ROBERT RAY—When did you last do a survey of Parliament House to establish where new offices could be created or whether people could vacate the building and be located externally because it is not essential they are in the building? When did you last do that?

Mr Kenny—I do not know that we have—not to my knowledge. I know that there have been a number of accommodation reviews—I believe, quite a substantial number—since the building was built. I do not know whether those reviews included surveys.

Senator ROBERT RAY—I had some dim memory that, when this building was designed and opened, some of the open space was always reserved as a possibility for future offices. Was that the case? I thought it was.

Mr Kenny—I am sorry, Senator; I do not know. We could go back through our records to see whether there was any of that. When I saw this review that I just referred to, when I saw that draft report, I do not recall any reference to that, although there were some observations by the consultants who did the review that the space in the building could be used differently.

Senator WEBBER—How can you review accommodation needs in the building if you do not actually do an audit of who is using what now? Logically, to my mind, those two things have to go together. So that was not part of the review process that you just talked about?

Mr Kenny—I believe so, yes. The reviewers would have looked at all of the—

Senator WEBBER—So they would have done the kind of audit that Senator Ray is talking about?

Mr Kenny—I do not think they actually asked senators and members, for example, ‘Have you got enough space; could you use the space in your suite differently?’

Senator ROBERT RAY—My question was more devoted to space that is currently just open space that could be enclosed as offices. That is what I thought the intention of the original design of the building was. You walk down some of those corridors and you will see the windows and the open spaces there. Sometimes there is machinery there, like photocopiers and other stuff. I thought those were the spaces they designed for future use.

Senator WEBBER—Yes.

Mr Kenny—I do not know. But I would agree with you that, if you just have a walk around, there appear to be places, which could be occupied by people, but which are currently not set out to do so.

Senator WEBBER—And that could well be a solution to my issue—rather than having people working in the basement.

Mr Kenny—Yes.

Senator WEBBER—Thank you.

Senator MURRAY—I want to return to emails briefly—firstly, with a compliment. The quarantine system for spam is generally working exceptionally well. I want to continue to thank you for that, because all the offers from Nigeria, to buy dodgy watches and all those sorts of things, disappear.

Senator ABETZ—And that’s not all!

Senator MURRAY—Yes. Apropos the discussion before the tea break, you are not exposed to any of those unless you are stupid enough to open them. I would delete 100 to 150 a day, so that quarantine box is wonderful. Thank you very much. My question on emails regards the following. There is quite a swag of senators leaving at the end of June—14 or 16; a large number—and many senators and, I presume, staff would keep personal material or material which will be of interest to them in the future on the computers. An easy example would be your contacts list, but there are many others. You take with you the physical records—reports and files that you want to keep. Are you considering any way in which you can advise senators and their staff as to how they capture and transfer onto disks material which is on their Senate computers at present? Somebody like me uses a computer very easily, but I would not be described as technical. Frankly, I would not know how to take my contacts list, for instance, and put it onto a disk. It is just a request that perhaps you could think about how those who are departing could deal with their electronic records. They deal with their physical records themselves.

Mr Kenny—That is something that we do as a matter of course. We provide people who wish us to with a copy of their electronic records from their PC. I do not know whether that service standardly provides the contact list in a way that can be easily exported, but we should look at doing that.

Senator MURRAY—There are many things. As the chair previously outlined, people store historical information on their computers and they want to take that with them when they leave. Perhaps you could consider giving general advice to all leaving senators and staff. That would be helpful.

Mr Kenny—We will do that.

Senator MURRAY—I want to ask the President about the integrity of the building's design. In my time on this committee there has been intense discussion over maintaining the internal integrity of furnishings, fittings and the design of the place to keep it in line with the original design concepts of the building, but the exterior has been drastically altered over the years since the security scare and the water problem. I think the water feature in the area at the front of the building is far distant from the original concept that was established for the building. I am given to understand that the water situation in Canberra has improved considerably. Have there been any discussions or is there any intention to return the exterior, particularly the entrance to the building, to something more approaching the original concept than the way it looks now? Frankly, it looks like part of a building site, with the temporary ropes and all that sort of thing, and no water.

Senator Ferguson—You are not the first senator who has raised this with me. Indeed, the leader of your party came and saw me the other day particularly in relation to the water display at the front of the building but also some of the others as well. I gave her an undertaking that at the next meeting of the Presiding Officers I would discuss the matter with the Speaker. Of course, there are still water restrictions in Canberra anyway. One of the problems as I understand it is that there is a tremendous amount of evaporation from the various water features that are around the building. But she nominated a couple of those water features which she thought were more important than the others—perhaps 'important' is not quite the right word; perhaps we should say more prominent. I can give you an undertaking that we will discuss it with the Speaker at our next meeting but it will depend on the overall water restrictions that are in place in Canberra still. There have been a number of solutions that have been proposed, one using recycled water or—

Senator MURRAY—Grey water.

The PRESIDENT—Yes, grey water, but we will have to look at all of those proposals. It is something that has concerned number of senators and, as I said, we are going to discuss it at our next meeting.

Senator MURRAY—Mr President, what would be your method of reporting back? Would it be to this committee, to the Senate as a whole or would you send out an advice? How would you report back?

The PRESIDENT—I think it is something that probably should be reported to the Senate as a whole because there are members out of this committee who are interested in what might or might not be determined. I can notify senators, and the Speaker can notify people in the House of Representatives who have the same concern. I think it would be better to make a direct pronouncement to the Senate and to the House of Representatives.

Senator MURRAY—Thank you, Sir. Mr Acting Chair, I have other questions to move on to. Mr Kenny, can you bring us up-to-date on where we are with water and energy savings and the programs underway with respect to that?

Mr Kenny—Senator, last year DPS developed a water strategic plan and an energy strategic plan which identified actions that will be taken in the coming three years to address both of those issues. In terms of water,

there are probably two big activities that we currently have happening. We have done a review of the landscape. The landscape is clearly a large consumer of our water—I think about two-thirds, historically. We have commissioned a review of the landscape to give us advice on how we can cut water use.

Senator MURRAY—When did you commission that review?

Mr Kenny—It was in the second-half of last year.

Senator MURRAY—When will it report?

Mr Kenny—I have a draft report already which I have not yet had a chance to look at.

Senator MURRAY—What is the procedure? Do you then pass it to the Presiding Officers?

Mr Kenny—We would obviously go back to the consultants to do whatever we believe is necessary to turn it into a final report and then we would provide advice to the Presiding Officers.

Senator MURRAY—When do you expect to report to the Senate on your findings?

Mr Kenny—Assuming the report is fairly close to final, then we could finalise it and report to the Presiding Officers probably within two months.

Senator MURRAY—Within two months of today's date?

Mr Kenny—Yes.

Senator MURRAY—So you are saying April, which means we could revisit this matter in the May estimates?

Mr Kenny—Yes.

Senator MURRAY—All right. It would be useful, if you have not reported back to the Senate, for you to provide a brief to the committee prior to estimates so that we can follow up on that.

The PRESIDENT—Mr Acting Chair, can I just add to my earlier answer to Senator Murray because there are a couple of statistics that I think might help us in our consideration. The ACT is currently on stage three water restrictions, as you know. The aim has been to reduce water use in this building and areas by 35 per cent from the equivalent seasons in 2005-2006. That is the target that has been set. The Parliament House water consumption as at the end of January 2008 is running at a 40 per cent reduction on the equivalent period in 2005-06 which is five per cent better than the target that was set. There are a whole range of things that are also being tested to use less water, such as the drought tolerant landscape. We have trials of turf being used on both sides of the entrance to the building—

Senator MURRAY—Using couch grass.

The PRESIDENT—We are using couch grass and also drought-tolerant buffalo grass. We would plan, if they are successful, to replace the existing, less drought tolerant, grasses around the building. Watering is not done between 10 am and six pm any more here, at all. There are no summer floral displays, and there will be no winter ones. DPS will not do any new or replacement planting. Those are the measures that have currently been put into place. As well as that, you are probably aware that air-conditioning target temperatures have been increased in many parts of the building to save water used by the cooling tower. The installation of AAA-rated shower heads was completed in January last year, so that all shower heads in the building are AAA rated. As I understand it—I am not sure where I have seen those figures—I think there has been a reduction of almost one-third in the water cooling system used by the air-conditioning.

Senator MURRAY—In water or in energy?

The PRESIDENT—I think it is the amount of water used in the cooling towers that has been reduced by one-third. It is something like that.

Mr Kenny—Our numbers for the cooling tower water consumption were at 150-plus kilolitres. Obviously it varies depending on how hot the day is and what the humidity is, but last summer we were using, typically, 150-plus on a hot day. With the changes in the air-conditioning that we trialled last year, it came down by about 50 kilolitres.

Senator MURRAY—That is very impressive.

Mr Kenny—However, a caveat on that is that we cannot claim that all of that saving was attributable to that change. But certainly it was a significant drop.

Senator MURRAY—Yes, the overall drop is very impressive. We are not using grey water at all as yet, though, are we?

Mr Kenny—No.

Senator MURRAY—So that is the obvious area. Moving on to energy, what does the energy picture look like?

Mr Kenny—We have a request for tender finalised to call consultants to do an energy audit for us, and we expect that to take place between now and the end of June. That will tell us where our energy consumption is going.

Senator MURRAY—Will that come with any recommendations, or is it just a survey of what is happening?

Mr Kenny—From memory, the terms of reference do include a requirement to make recommendations about how we can improve it.

Senator MURRAY—Again, what is the process for reporting to the Senate?

Mr Kenny—Once we have got the recommendations, depending on their nature, what I would expect to do is to provide advice to the Presiding Officers once we have got something from the consultants.

Senator MURRAY—When will the Senate hear the outcome?

Mr Kenny—As I said, I expect this to take place before the end of June.

Senator MURRAY—No, what you said was that the review will be completed by the end of June and that you will then have to consult the Presiding Officers. My question is: once all that process has been completed and you are satisfied as to the review and the Presiding Officers' views, when will the Senate be advised?

The PRESIDENT—I do not see any reason why we should not be notified straightaway as soon as that review is complete.

Senator MURRAY—Once again, from the perspective of this committee, we—or they—would want to examine it at the estimates in the second half of the year. My follow-up question is: will you then provide a brief to the committee so that they are able to assess that?

Mr Kenny—Of course.

Senator RONALDSON—Just to follow up on the grey water question, will this consultant's report—I arrived at the tail end of this—be looking at the grey water use as well?

Mr Kenny—The consultant's report we have just been talking about is an energy audit.

Senator RONALDSON—Okay, so it is unrelated to this. Just to take up Senator Murray's point, has there been any investigation of splitting off the sewerage and the general water use in offices and other public areas to try and take the grey water away?

Mr Kenny—Not a detailed investigation. I mentioned earlier that we have a water strategic plan, which has a number of activities that we will undertake in the next three years, and one of them is looking at using recycled water or—I think it has a phrase like 'innovative use of recycled water'.

Senator RONALDSON—Because, Mr Kenny, a lot of us living in country Australia have been doing this for some time now. My home town of Ballarat is on stage 4 water restrictions, where we actually run laundry and other water into a large bin and run it out from there.

I do not mind getting hot in here, but I am not too pleased about it getting oppressively hot, which I think it is on occasions, and I think there is a discomfort level which I think is probably inappropriate. I appreciate that we have saved a lot of water et cetera, and sitting here in 24 or 25 degree heat on occasion is, I think, sustainable in the short term, but we should be looking at recycling grey water. I think it is outrageous that in a place this size we are not looking now at how we can split these systems off. There is a lot of new technology which would allow that. You could probably dig a big hole in the side of this place, put in a very, very large tank, fill it over again and you would not notice any difference except you would have a very large supply of recyclable water. With the greatest respect, we can plan and plan and plan, but I cannot understand why splitting off the recycled water from the sewerage has not been looked at. If it cannot be done, okay. But it is a very simple way to address a significant problem, isn't it?

Mr Kenny—Yes, we will look at it. The priority for us was to look at the landscape, and as I have said we have commissioned a review which we will have the results of very shortly. Two-thirds of our water

historically has gone onto the gardens and, therefore, if we can save a substantial amount of that then it is important that we get on and do that before we go to what I might call the second tier, which is seeking to achieve savings in other areas, but they are areas which will save us a total amount that is much smaller than what we can get from the garden.

Senator RONALDSON—With the greatest respect, what you are doing is putting in a plan that is not going to accommodate the various options. Why wouldn't you look at the recycling options first and then work out what your landscape plan is capable of delivering? If it cannot be done, it cannot be done, but I have got to say I am utterly amazed that that splitting-off of the recycled water has not even been looked at. The plumbing might not accommodate it, but enormous amounts of water could be saved through this place and put on there with appropriate—I will give you an example. My next-door neighbour has just put a 20,000 litre recycled-water tank in his backyard. A lot of water goes through this place, and I think Senator Murray is quite right: we should be looking at how we are going to do some of this recycling. Before you do a plan about the landscape, why don't you work out what you can pull out of this place first and then put the landscape plan around that?

Mr Kenny—Fair enough, but our focus has been on the landscape and on other initiatives which are intended to use less water initially. We have talked about the AAA water heads and we have done other work on how we could need less water in the toilet systems and the landscape. And, as I said, the recycling issue is on our list. It is in our water strategic plan.

Senator FIERRAVANTI-WELLS—Do we have water tanks?

Mr Kenny—Do we have water tanks?

Senator FIERRAVANTI-WELLS—Yes.

Mr Kenny—No.

Senator FIERRAVANTI-WELLS—No. What about run-off water—is anything being looked at to possibly harvest that water?

Mr Kenny—We have done some very preliminary looking at the possibility of water tanks. Quite frankly, the sheer volume of water that we use—versus how big the tanks would have to be—was discouraging.

Senator RONALDSON—But, Mr Kenny, you just bypass these systems. You do not get stuck with a big tank that means you have got to stand out there with buckets during winter, getting it away from where it is coming out. These are all bypass systems. You can bypass all these things. You can bypass these underground tanks; you can bypass the tanks.

Senator FIERRAVANTI-WELLS—Before, you were talking about keys to windows. Is there any option for opening at least some of those windows—I appreciate there may be security issues—even a little bit?

Senator Abetz interjecting—

Senator FIERRAVANTI-WELLS—Senator Abetz tells me this issue has been raised. I am just raising it again.

Senator ABETZ—Last time we were here I asked whether that could be allowed to occur and I was given all sorts of reasons as to why it could not be done.

Senator FIERRAVANTI-WELLS—It cannot?

Senator FIFIELD—You never take no for an answer, Senator Abetz.

Senator FIERRAVANTI-WELLS—If you are just telling me that it is partly because of the 6,000 keys that we are about to change—I thought I heard you say that was including windows—what is the point of having keys to windows when you don't ever open them?

Mr Kenny—I am happy to look at the issue of windows. My initial reaction is that there will be an impact on the air conditioning system. I would have to get advice on what that impact might be. In the time I have been in this building my window has always been locked and it has never had a key that will open it.

Senator FIERRAVANTI-WELLS—I know that, but in my little area, if I could open my windows then surely that would affect the usage that I make of energy in my suite. And if that were replicated around this building then surely that could be an option that we could include in looking at the various things to add to the list that Senator Ronaldson and Senator Murray are suggesting. Surely all options should be on the table.

Mr Kenny—I agree with that.

Senator FIERRAVANTI-WELLS—I will ask the question about the keys next time, as well.

ACTING CHAIR—On the subject of air conditioning, the cooling point in some parts of the building is set at 24 degrees, and in other parts it is set at 22 degrees. In the Senate wing it is 24 degrees. In the House wing it is 22 degrees. I am sure that we would all agree here that there is a lot more hot air in the House than in the Senate side. Is there a rationale as to why we were hotter in the Senate than in the House?

Senator RONALDSON—Well, look at us!

Mr Kenny—The only thing I am aware of, from memory, was the issue of the parts of the building that the sun shines on. Obviously we offered to all members and senators the option to ask us to set it back at the old number. We would have done that.

Senator RONALDSON—For individual offices?

ACTING CHAIR—The memo from DPS of 7 May says that the Senate wing is set at 24 degrees, as opposed to 22 degrees in the House. My fear is that some senators may embrace the concept of the Roman senate and start to don togas if it gets much hotter.

The PRESIDENT—You do have the ability to request, in your own offices, that it be altered. It is not stuck at 24 degrees.

Senator ABETZ—The dials in our offices do not work.

Senator RONALDSON—They work within a limited range.

Senator ABETZ—Within a limit?

Mr Kenny—They will adjust, I think, one degree either way, and you can request a different setting.

Senator ABETZ—No wonder I thought that they did not work. One degree would hardly be noticeable.

Senator FIERRAVANTI-WELLS—Wouldn't it be easier if the dials had the degrees on them. That would probably make it easier.

The PRESIDENT—It might be more expensive than keys.

Senator FIERRAVANTI-WELLS—I would have thought, from what Mr Kenny is saying, that these are long-term issues, and perhaps if we are going to look at them we should look at all of them.

Senator MURRAY—Any human being that finds 24 degrees or 25 degrees too high, I suggest should visit their doctor.

Senator ABETZ—I'll make an appointment, Senator Murray.

Senator MURRAY—A temperature of 24 or 25 degrees it not high.

Senator ABETZ—It is when you come from Tasmania.

Senator MURRAY—With relation to the Library, Ms Missingham, can you let me know whether the level of staff turnover, particularly of senior staff, has over the last year been higher than in previous years?

Ms Missingham—I would have to come back to you on that because I do not have comparisons with the previous year. For your information about the age of the library staff I can tell you that we have had people who have served for a very long time and, when we did a workforce study last year, over 70 per cent of the staff had an age of 45 or older, which is significantly older than the rest of the department, the chamber departments and other public service agencies. We are experiencing a number of people retiring, because we have more senior staff, but I will get back to you with the comparison with previous years.

Senator MURRAY—If you do come back with information, and there is a noticeable difference, could you outline the reasons for it in your answers to questions?

Ms Missingham—Yes.

Senator MURRAY—With respect to your budget, have any budget changes from the past, or the recent two per cent efficiency dividend, put any stress or strain on your ability to service parliamentarians with their needs? Have there been any services cut back on in terms of the provision of advice, the production of reports or digests, or any of the other work you do?

Ms Missingham—We in the library have continued to look at ways of being more efficient to make savings so that we are able to deal with the efficiency dividend. We have done that through a number of contracts that we have issued through tender processes. We have not worked through in detail the impact of the two per cent on us for the next financial year.

Senator MURRAY—Over and above the two per cent though, in relation to the budget changes made previously, have there been complaints to the library of slower service, or that certain forms of advice or material are not as readily available as before?

Ms Missingham—We have not seen an increase in complaints of that nature. We have been looking very carefully at the services that we deliver to make sure that we are able to continue to provide members and senators with quality services. In the last 12 months we have actually introduced timeliness indicators for the research branch to make sure that we are dealing with requests for information in a timely way, and also that we are monitoring the times that we are unable to meet them, so that we have information to make that sort of assessment in the future, because we have not had a timeliness indicator in the past.

Senator MURRAY—So there is no customer satisfaction benchmark, if you like, that you can relate to with respect to the library services?

Ms Missingham—We did a customer satisfaction survey last year and focus groups. There were a number of questions in that which were very similar to surveys that are done of university libraries. What we found from the results of that survey is that we achieved a generally higher ranking in the individual requests that the research branch answer, but that we were ranked as not as satisfactory as university libraries for collection issues. So we have been looking at those issues of the collection that we need to change.

Senator MURRAY—As you would realise from your time here, the Parliamentary Library is a very different beast to any university library—and I have used both—because of the nature of the advice you have to provide. It is in that area that I am more interested than in comparisons with libraries per se. The Parliamentary Library always enjoyed an extremely high reputation. I want to know if there is any sign or report back of stress, dissatisfaction with timeliness, or the depth or the professionalism of any of those things. Speaking personally, it has not happened in my case, but I do want to know generally.

Ms Missingham—We found an increased satisfaction level in the survey that we ran in the 41st Parliament compared with the survey results that we had from the work that we did in the 40th Parliament. So that is probably a good sign that we have had an increase in user satisfaction—people who believe that we are providing a quality service. We are certainly talking to parliamentary libraries around the world to try to do some benchmarking, and one of the European parliamentary libraries is going to be using a new tool that could provide us with an ability to do some benchmarking. But they are planning to do that later this calendar year.

Senator MURRAY—As the head of the library, have you felt that the independence of the library has been maintained at the standard it has always enjoyed?

Ms Missingham—I have. It is an area where we have considerable discussion with all staff—through staff meetings, branch meetings and section meetings—to make sure that we are able to continue to have both the ability to deliver high-quality services and the independence that you talk about. I actually went around to meetings of every single section in the library in the last couple of months last year so that we could discuss both the results of the survey and any changing needs that we have for resources or any changing pressures on services. There was nothing identified through that process that gave me great concern.

ACTING CHAIR—Ms Missingham, I am not sure if this is correct but it has been put to me that in the various divisions of the Parliamentary Library—the economics, foreign affairs, trade and defence divisions—the balance between staff with postgraduate qualifications and staff with undergraduate qualifications is changing. One of the great things about the library is that we have seriously smart people who are experts in their fields, with terrific postgraduate qualifications, there to provide advice and assistance to us. I was just wondering if it is true that that balance is changing with the number of people with PhDs and masters degrees that you have as opposed to graduates.

Ms Missingham—I will invite the head of the research service to answer that question.

Dr Romeyn—We are actually undertaking an audit at the moment, through our sections, of the qualifications that people had in the branch prior to our continuous improvement review and restructure, so we will be able to give you more accurate information in relation to that question subsequently, but we have not gathered it all yet. But certainly recent exercises involving recruitment have found that we have had very competitive fields and high-quality applicants applying. We have been very happy with the people whom we have been able to recruit. For example, the new research assistance staff we have recruited had very good grades in their university courses and a number of them have honours degrees from university. So even at the lower end of our structure we have very qualified people coming in, and it is certainly our aim to look for people with very good research qualifications.

ACTING CHAIR—Have the hiring practices of the library changed at all in terms of the entry qualifications required for the research areas over time? Was there a base level of qualification—that you had to have a masters degree or a PhD—and if you lost someone did you recruit someone with the same sort of academic background?

Dr Romeyn—I do not think there has ever been a qualification in relation to particular types of degrees. We have always had competitive selection processes, and we will take the best possible person whom we can find at the time given the situation in the labour market.

ACTING CHAIR—Are you able to say what proportion of staff, when they are recruited, are postgraduates as opposed to graduates?

Dr Romeyn—I will be able to give a clearer—or more accurate—response to that question once we have gathered the information from the current audit.

ACTING CHAIR—You say that you always take the best graduates, the best people on offer, which I am sure is correct, regardless of where they are in Australia. If you have someone in Perth who is fantastic, you would say, ‘Yes, we want you; we will pay your relocation expenses.’

Dr Romeyn—We would take the best person available on the merit selection process. We would not always pay relocation expenses, but that is something for negotiation with the recruit.

ACTING CHAIR—But it is fairly common that you would pay the relocation expenses?

Dr Romeyn—No, I do not believe that it is common that we would pay the relocation expenses. We have had people come to the Library in recent times from other states who have not asked for relocation expenses. It has not been a significant issue.

ACTING CHAIR—How frequently has the discretion to pay relocation expenses been exercised, say, over the last 12 months?

Ms Missingham—It might be useful if we came back to you also to tell you how many people have come from interstate, because I can only recall two that have come from interstate, so we are not talking about a very large group. Perhaps we can come back with that.

Senator ABETZ—Is that because you do not pay relocation expenses? Have you ever missed out on the best recruit because in the negotiations you have said, ‘We’re not going to pay relocation costs’?

Dr Romeyn—No, I am not aware of anybody who has not come or who has requested relocation costs and not come.

ACTING CHAIR—I am not suggesting that there is any diminution in the level of service of the Library. I am just trying to get a handle on whether there is a change in the profile of the staff of the Library. So, thank you for that.

Mr President, I have a question for you, if I may. You may have noticed in the *Canberra Times*, as I did, some remarks by the former Secretary of the Department of Parliamentary Services in relation to the ministerial wing artwork, where she was quoted as saying:

We do make sure we take out all our artworks, all the Parliament House’s art collection that are in people’s offices, before too much disappears.

She was talking about the changeover in the ministerial wing between the outgoing government and the incoming government. Would you have any idea what Ms Penfold was referring to when she said ‘before too much disappears’? It sounds like the *Thomas Crown Affair* taking place in the ministerial wing.

The PRESIDENT—I was made aware of those statements—I do not know whether it was in the *Canberra Times* or where it was—so at a Presiding Officers meeting before Christmas I raised with Ms Penfold the comments she made, which I thought were a reflection on senators and members. She said that she would go back and look at the transcripts, because she did not feel that her comments should be taken in that context. She wrote back to me on 4 December and said that she believes that, taken in context, her reference ‘before too much disappears’ was a reference to the contents of the Parliament House offices as a whole rather than the artworks as such.

Having said that, she also said that there is no doubt that she could have chosen her words more carefully. That is supported by the fact that the AAP used her answer without question in a story that was then further developed by other media outlets into stories implying that Parliament House artworks were at risk of being stolen by outgoing members. She said that she feels she was misrepresented. However, she said that her

feeling that she had been misrepresented is ‘no consolation to any of your colleagues who feel they may have been unfairly portrayed in the media’ as a result of her comments. Accordingly, she said, ‘I apologise unreservedly for not choosing my words more carefully and for any distress caused to any of your colleagues’.

That was by way of a response in a letter to me and the Speaker. She said there that she would be grateful if I could pass a copy of this letter to anyone who has been concerned by media reporting of the matter. So it was a matter that was dealt with at a Presiding Officers meeting in, I think, the first week in December. She responded immediately, having gone back and looked at the transcript. I think that is about as fully as I can explain it to you.

Senator ABETZ—I think Senator Ray and I are both concerned by the statement, because it is a reflection on parliamentarians that they would actually want to steal some of the artworks; I do not think they are necessarily worthy.

Senator ROBERT RAY—If they do, they might end up before an ACT judge with expertise in that area!

The PRESIDENT—Yes, that is right—a newly appointed ACT judge! But I do not think I can explain it any more fully than that. I raised the issue. She went back and had a look, and she has apologised for not choosing her words more carefully. I do not think is any point in taking it any further.

Senator FIFIELD—Thank you, Mr President. I am sure that we are all reassured that the DPS does not have a view that members and senators in this place are light fingered!

Senator BOB BROWN—Have any artworks disappeared?

The PRESIDENT—Not to my knowledge. Certainly, none has been reported missing. No artworks have disappeared, to the best of your knowledge?

Mr Kenny—No.

Senator BOB BROWN—I think that is the best answer to the whole business, isn't it?

The PRESIDENT—Yes. Apparently none has disappeared.

Senator FIERRAVANTI-WELLS—The artworks are actually catalogued and logged so that at any given time the appropriate officers should know where pieces of art are and who is responsible for them. For example, in relation to the artwork in my office, they know that it is in my office and that technically I have responsibility for it. So, given that situation—and I understand that has been the case for a long, long time—I am doubly concerned about Ms Penfold's comments, because they are against the background of the well-known fact that all the artworks are catalogued and they know at any given time where the artworks are. One would assume that, if something did inadvertently go missing, they could look for it rather than pushing the point and having made that comment. That was my concern about the comments.

The PRESIDENT—Ms Penfold has apologised for not choosing her words more carefully. I do not think we need to take the matter any further, quite frankly. She is no longer the secretary. Having raised the issue with her, she has responded and she has apologised. I do not think there is anything else we can do, quite frankly.

Senator BOB BROWN—On the matter of the energy audits, are senators and staff going to be asked about that audit or are they going to take part? I certainly have some ideas that I would like to put to the auditors. For example, the very fact that it takes many minutes for hot water to appear in some senatorial suites after the tap is turned on is obviously a waste of both water and energy. So I just ask whether members and staff are going to be asked for ideas about that audit.

Mr Kenny—Yes, we will ask them.

Senator BOB BROWN—Good idea. Thank you. Flat screens replaced the old style televisions quite recently. Who made that decision and upon what was it based?

Mr Kenny—A tender process was conducted by DPS in consultation with the chamber departments. The decision as to which senators got a new TV or which TVs were replaced that were the responsibility of the Department of the Senate was their decision, but we did jointly run the process that selected the new product.

Senator BOB BROWN—It was the decision of the senators themselves?

Mr Kenny—No, the Senate department. I cannot comment on either how they made decisions or what consultations took place.

Senator BOB BROWN—But I am asking about the decision to, in the first place, replace the television sets, which were functioning, with flat-screen TVs. Who made that decision?

Mr Kenny—The Department of the Senate made that decision for the TVs that were, I suppose, on their side of the house, without knowing exactly who owns precisely which TVs all over the building.

Senator BOB BROWN—That was ultimately your responsibility?

The PRESIDENT—No, it was the Department of the Senate, not the Department of Parliamentary Services.

Senator BOB BROWN—Do you know what the cost of that replacement process was?

Mr Kenny—No, but we can take that on notice.

Senator BOB BROWN—Would you, please?

Mr Kenny—Yes, although the Department of the Senate will have some of those costs.

Senator BOB BROWN—Thank you.

The PRESIDENT—I can give you some of that information, Senator Brown. Televisions replaced in October 2007 were almost 20 years old and failure rates were increasing. The total cost of 220 replacement televisions was \$179,908. The televisions procured are Energy Star compliant and all packaging material was removed for recycling by the supplier. Power-saving features have been turned on for all the televisions rolled out, and the staff are encouraged to leave those features on. Total energy consumption by the new TVs is expected to be at least 27 per cent less than that of the old TVs. The new televisions are too large to fit in the cocktail cabinets where the majority of senators' old televisions were located in the senators' suites. A smaller model that would fit into the cabinets would not have provided a comparable picture size. The positioning of the new TVs on the adjacent bookcase or on top of the cocktail cabinet was chosen to avoid the expensive relocations of HMS and power outlets. That gives you the cost and some of the energy savings that are taking place because of those replacements.

Senator BOB BROWN—And some brackets were—

The PRESIDENT—Yes. The televisions in staff offices and other areas are mounted on the existing shelves, where suitable utility existed, as this was the most cost-effective option. High mounted shelves in staff offices had a tilting platform added to improve the viewing angle at a cost of \$3.80 per shelf plus approximately 30 minutes work by DPS building fabric services.

Senator BOB BROWN—Thank you. That problem arose after the televisions were brought in—that people underneath them could not see them. That was a very innovative way of meeting that problem. Following on from that, I want to talk about the closing of the access to the front of Parliament House last Tuesday. There was an Aboriginal convergence on the lawns in front of Parliament House and then the band arrived as a presage to the firing of the 21-gun salute. I was certainly amongst MPs who were prevented from gaining access to the front door of Parliament House. Who authorised that closure of access to Parliament House?

Mr Kenny—Could we take that on notice? We are not aware of any closure of the front entrance.

Senator Fierravanti-Wells interjecting—

Senator BOB BROWN—The Aboriginal people were not demonstrating; they were there to express their particular joy with the breakthrough. If I looked like that, I was very pleased to, Senator. The eventuality was that the police had been given instructions. I encountered a policeman who was particularly anxious that he carry out his instructions, and so I used another access—that through the car park underneath. It is just one of those simple things. I think parliamentarians should never be prevented from using the access doors of this place, and there is always an easy way to ensure that that does not happen. The bells could ring or something like that could happen. It might be a more fraught situation than, in fact, it was the other day.

The PRESIDENT—I understand—and I will have to check this, so I may stand corrected—that the front doors were closed on the advice of security for crowd control measures. That is what I understand. I will have to check on that. But certainly, prior to the opening, security in this place had received various pieces of advice as to the size of the crowd that might be outside and I think that was done as a precautionary measure. But I will need to check and make sure that answer is correct.

Senator BOB BROWN—I hope you will, because amongst all that it is very important that parliamentarians not be denied direct access to this parliament under any but the most extreme circumstances.

The PRESIDENT—I understand that. I will check, but I do not want to give you an answer that I am not completely sure about.

Senator BOB BROWN—I want to refer to the footpath access to Parliament House. The other thing that was notable the other day yet again was the great difficulty pedestrians, particularly those coming from Civic to Parliament House, had of finding their way to Parliament House without being on roadways and ramps. It is dangerous. There is no signage and it is very difficult to understand, if you are a visitor to this city, how you can actually walk up to your Parliament House. I wonder, Mr President, if you would be good enough to look at that, with a view to bringing into play a pedestrian access plan for Parliament House so that people can do it comfortably and there is good signage and they can do it without risk of having to go onto the ramps or being lost. It is quite difficult to find your way to Parliament House on foot, I can assure you.

The PRESIDENT—I can give an understanding that I will raise that with the Speaker when we have a Presiding Officers meeting.

Senator BOB BROWN—If you could get back to me, that would be good. Thank you very much. I wonder about the option of the native bushland that was the original proposal for the green areas around Parliament House. The woodlands on top of Capital Hill were removed to build this great building and the seed bank was kept. The intention was to put them back into what are now the grassed areas. But in the end, if I am not wrong, in 1988 it was decided that, after spending \$1 billion, the extra \$1 million that would cost was too much and the then government decided not to proceed with that. I wonder—because we are moving into not a period of drought but prolonged new weather due to climate change, which is drier—whether that option might not be looked at again amongst the couch grass and other options that are being investigated to see whether native grassland and bushland is not an option for all those green areas we see around Parliament House, as was originally intended.

The PRESIDENT—I have no idea what the original intention was. I guess that we can find out whether what you are proposing to us was indeed the case and, again, it can be an item for discussion between me and the Speaker.

Senator BOB BROWN—Just a final minor but historic matter: some senators and some members of parliament are called ‘honourable’ and others are not. Do you know what the dividing line there is?

The PRESIDENT—No, I do not. My recollection is that people who have served in the ministry are entitled to—

Senator RONALDSON—Sworn as a member of the executive.

The PRESIDENT—Sworn as a member of the Executive Council, I should say, are entitled to keep the honorific. The same does not apply to Presidents.

Senator ROBERT RAY—And you can give it up—

The PRESIDENT—And you can give it up, if you want to.

Senator FIFIELD—And then you are entitled to a state funeral, I understand.

Senator ROBERT RAY—That is the big one.

The PRESIDENT—That is the biggie.

Senator FIERRAVANTI-WELLS—I am sure they will have—

The PRESIDENT—I think as a general rule the honorific is available to all members who have previously been sworn in as members of Executive Council.

Senator BOB BROWN—Do you not think it is time that we got rid of a such an antiquated—

The PRESIDENT—You are asking me for an opinion. Everybody is entitled to an opinion.

Senator BOB BROWN—Do you not think that action should be taken to get rid of such an archaic and absurd honorific in a day when we can talk on a first name basis with others?.

The PRESIDENT—That is a personal opinion and there might be others who disagree with you. I do not know that it is a matter for the Senate to decide. I think it would be a matter for others to decide.

Senator BOB BROWN—Who would decide that?

The PRESIDENT—I do not know, unless it would be the government of the day. I do not know. I think it would be the government of the day.

Senator FIFIELD—Mr President, my understanding is that, once you are sworn in as an Executive Council, you remain a member of the Executive Council for life and that you could theoretically be under summons again—if you are an opposition member of the Executive Council, for instance, who subsequently became a member of a future government.

The PRESIDENT—That gives you some idea, Senator Brown. Senator Fifield is far better informed about it than I am.

Senator BOB BROWN—One other matter we saw in the exercise—and it is a precedent coming down from the House of Lords and the days of the republic in England—is the business of the Prime Minister's speech being read by the Governor-General. Do you know of any moves by the government or by anybody else to sensibly have the Prime Minister read his or her own speech to the people of Australia at the opening of parliament?

The PRESIDENT—No, I do not. Can I say that in every country in the Commonwealth, to the best of my knowledge, the speech is always read by whoever is either the Governor-General or the head of state.

Senator BOB BROWN—Yes, but this is an anachronistic hand-me-down.

Senator FIERRAVANTI-WELLS—That is your opinion.

The PRESIDENT—Again it is a personal opinion and it would be a matter for the government. These changes have been made. I do not think it is a matter for Senate estimates; I think it is a matter of putting your request to the government.

Senator BOB BROWN—I might write to the Prime Minister about it.

The PRESIDENT—Certainly.

Senator FIERRAVANTI-WELLS—And you will get a prompt reply.

Senator FIFIELD—Mr Kenny, the Parliament House has in its collection, as you would know, a copy of the Magna Carta. As I understand it, an identical copy in New York recently was auctioned for \$24 million or \$25 million. I am not sure if that is Australian or American dollars.

Mr Kenny—\$24.8 million.

Senator FIFIELD—DPS, in light of that, were going to have a re-evaluation of our copy of the Magna Carta. Has that happened yet?

Mr Kenny—I believe that it will happen as part of our annual financial statement preparation, but I will ask Judy.

Ms Konig—We are required to report all our assets at fair value, and there is a requirement in the Australian Accounting Standards that, if you revalue one asset in a class, you revalue all the assets in the class. So, as David said, as part of the financial preparation for the end of the financial year, we will put a paper to the executive to have acceptance of a valuation based on the figure that the Magna Carta was sold for and also increasing the value of our other artworks in line with industry average.

Senator FIFIELD—When will that happen?

Ms Konig—It will happen by 30 June. We put all our valuations up as at 30 June each year.

Senator ABETZ—What is the current valuation?

Ms Konig—It is sitting on the books at the moment at \$15 million.

Senator ABETZ—Given that increase, is it worthwhile increasing security around it or pertaining to it?

The PRESIDENT—Perhaps I could just add that security and preservation arrangements for the Magna Carta are reviewed regularly. Both the DPS and the Senate are currently working to develop a new display incorporating the latest security and conservation technology and enhancing public access.

Senator ABETZ—So now is the time to nick it.

The PRESIDENT—Part of that is because, as you know, it is very difficult to read or to look at because it is actually inside a canopy. There is a special name for it; I forget what it is. It is something that the Presiding Officers discussed either early this year or at the end of last year and it is under review.

Senator ABETZ—You are telling us that it is well in hand.

The PRESIDENT—Yes.

Senator RONALDSON—I just asked Senator Coonan then whether we are self-insured and she said yes. Are there any items where we do have specific insurance?

Ms Konig—All our assets are covered under Comcare insurance. That was introduced by the government a number of years ago—Comcover, not Comcare. So we actually have all those artworks listed and they are insured.

Senator FIERRAVANTI-WELLS—I take you back, if I can, to Friday sittings of the House. Has there been an estimate done of the cost of supplying staff or additional staff resources that will be required in relation to those Friday sittings?

Mr Kenny—We have done some estimating—and it is only that—of the costs. The staff affected are largely in the Library, the security areas, Hansard, broadcasting and visitor guides. Of those, assuming that the sitting does not go into the evening, we do not expect there to be any extra cost within the Library. We expect the cost, assuming the sitting goes until 2 pm, of between \$3,000 and a little over \$6,000 in the parliamentary security service. With Hansard, depending on how deadlines might shift, we would require extra staff with the cost estimated at \$1,300. With broadcasting we think we would require two extra casuals, otherwise there would be no cost. For the guides we believe there will be no cost because, even though the guides work an extra day, they take that off as leave during the non-sitting day, so the net extra cost would be zero. In addition, we believe that the cost of electricity and water, which obviously both are higher on days when the parliament is sitting, would be around \$1,200.

Senator FIERRAVANTI-WELLS—Per day?

Mr Kenny—Per Friday, yes.

Senator FIERRAVANTI-WELLS—At the last estimates we asked questions about the phones, the reception of our new phones in Parliament House and basically connectivity. Has any work been done in relation to that and where are we at with that?

Mr Kenny—Which phones are you asking about?

Senator FIERRAVANTI-WELLS—The PDAs, I think.

Mr Kenny—Whilst this department has been heavily involved in supporting the acquisition and the rollout of the phones, they are actually a department of finance item—finance and deregulation.

Senator FIERRAVANTI-WELLS—So, as far as you are concerned, it is now an issue from their perspective?

Mr Kenny—Yes.

Senator ROBERT RAY—Is it not a question of reception in this building and not supply of the phone?

Senator FIERRAVANTI-WELLS—Yes.

Senator ROBERT RAY—That is why I cannot answer that answer.

Senator FIERRAVANTI-WELLS—Yes, that is right. I can sit in my office and sometimes have to make three or four phone calls on this phone because it cuts out. I appreciate the difficulty. If I walked outside, there would not be a problem, so I think it is actually parts of this building. This was the gist of the questioning that happened on the last occasion by myself and other senators, so it is a connectivity issue.

Mr Kenny—On that one, we—

Senator FIERRAVANTI-WELLS—I thought you were going to put in more receptors.

Mr Kenny—I am about to give you some more information.

Senator FIERRAVANTI-WELLS—Thank you.

Mr Kenny—We did a survey of building occupants to get advice on where they considered there to be mobile phone reception bad areas or black spots. We have since had discussions with Telstra, who—and I think I have this right—run the network within Parliament House on behalf of all the mobile phone providers. Therefore, it is their responsibility to upgrade it, if upgrading is necessary. As a result of that audit and some technical testing that Telstra did, we have identified a number of spots that are not adequate and Telstra are now going to fix those.

Senator ROBERT RAY—Do you have a timetable on that?

Senator FIERRAVANTI-WELLS—Yes, that is right.

Mr Kenny—I am just checking—commence remediation work by the end of—sorry, Senator, that is some old detail. I will have to take the time frame on notice.

Senator FIERRAVANTI-WELLS—Can I just say that this has been raised at least in the last two estimates: the issue of problems in Parliament House with reception. We have asked DOFA. We have asked your department. It really needs to be fixed. You cannot have in some places in this building—

Senator ABETZ—Hasn't Senator Conroy fixed it yet?

Senator FIERRAVANTI-WELLS—Senator Conroy, yes, we will ask him. But it really does need to be fixed.

Senator ROBERT RAY—Or the previous minister at the table?

Senator FIERRAVANTI-WELLS—Yes, that is right.

Senator ABETZ—Senator Conroy was going to fix everything like that, you see; so I am surprised.

Senator FIERRAVANTI-WELLS—We need some definitive answer on this and not to come back to the next estimates and still have the same problems that we have had and have been questioning on. I was part of the first pilot project and I have been part of every pilot project that has been going on and I can tell you that reception in this place is not very good at all.

Mr Kenny—That is what our research showed, and Telstra are going to fix it. I will get back to the committee with the time frame. I just do not have it in front of me.

Senator FORSHAW—Can I just clarify? Are we actually here just talking about these PDAs or whatever other name they have? I do not have one of those. I have a mobile phone.

Senator ABETZ—So we notice.

Senator FORSHAW—Yes, that is right. The reception on my mobile phone in this building is excellent. I have not found any black spots yet. I just want to get it clear. All of the comments that I hear are that the new PDAs have trouble with the reception but not just in this building—

Senator FIERRAVANTI-WELLS—Yes, that is true.

Senator FORSHAW—So I do not know what the answer is, but I logically conclude from that that it is actually the particular technology.

Senator FIERRAVANTI-WELLS—No, it is a combination of factors.

Senator FORSHAW—I know somebody who had one overseas and it worked perfectly all the time.

Mr Kenny—We have, working with Telstra, identified spots in this building that are inadequate and that is being fixed as part of this work that I have just referred to.

Senator FORSHAW—But why does that only happen with PDAs and not mobile phones if it is a bad reception area?

Mr Kenny—I believe it happens with mobile phones as well. The technical registration of signal strength has also, I believe, indicated areas where it is inadequate.

Senator FORSHAW—I have heard that the complaint has arisen since the PDAs were introduced. People basically tell me that they are great for emails but they are not so good for mobile phones. That is one reason why I keep a mobile phone. That seems to work pretty well around here and elsewhere—as you would have heard earlier, even when it is on silent.

Senator ABETZ—I understand that we are dealing with all issues generally. I have been patiently waiting in relation to some building matters. In relation to the cleaning of offices, if there is a particular problem in a particular office that requires a bit of extra cleaning, is that reported in any way to the powers that be or do the cleaners just go about their job and do it?

Mr Kenny—I am aware of occasions where cleaners have brought to our attention particular issues in terms of mess or something that needed a bit of extra work. In terms of our contract, whether there is a requirement for them to report it—

Ms Griffith—There was a process in place where, if additional cleaning was required, there was a number to ring that went directly to the cleaners. In that system from time to time we were not made aware of when extra cleaning was required. We have now put in place another process where it comes through the facilities staff so that we can monitor where extra cleaning is required.

Senator ABETZ—Was any extra cleaning required in the Deputy Leader of the Opposition's office in the Senate prior, I hasten to add, to my moving into that office?

Ms Griffith—Is this the same office we were talking about before?

Ms Missingham—No, it is a different one.

Ms Griffith—I am not aware of any, but I can check for you.

Senator ABETZ—If you could take that on notice, thanks.

Ms Griffith—I shall do, yes.

Senator ABETZ—When people move offices, is it normal to have a refurb of the office? Let us say if somebody moves out of—

Senator ROBERT RAY—Mr Rudd's office, for instance. It was refurbished for Dr Nelson.

Senator ABETZ—Yes, it was. I understand, for example, that Dr Nelson has had a bit of a paint job done in his office, which I think Bernie Ripoll went to have a look at the other day.

Mr Nakkan—Logistically we could not get into every member and senator's office following an election, so we monitor the condition of each office on an ongoing basis throughout the year. In a normal year, we then apply for access during a recess period to those whose condition is lowest on the scale; we will go in there and maintain them. When a large break like an election comes along and when it is known that people are vacating suites, we try to schedule those in. They may not always be at the lowest part of the list, but access opportunities present themselves so we will go in there and do a refurbishment. That could include painting, carpet replacement and checking the condition of the furniture.

Senator ABETZ—And the Leader of the Opposition's office was part of that process this time of having a refurbishment undertaken?

Mr Nakkan—I am not aware exactly, but I assume it would be because of the difficulties in normal access.

Senator ABETZ—Having the unfortunate experience of having to walk in there shortly after the election, the smell of fresh paint was apparent so I assume that occurred. What if there are little marks on the wall?

Mr Nakkan—They are wiped off.

Senator ABETZ—What if there is a substantial dent in a particular wall? Would that be reported prior to it being fixed?

Mr Nakkan—I suppose the issue is the definition of what is a substantial dent. We would expect—

Senator ABETZ—Like one that might have been caused by a lamp having been thrown at the wall.

Senator ROBERT RAY—Or a cricket ball.

Mr Nakkan—Yes, certainly if there is a significant puncture—and that kind of description I would regard as significant damage—that would be generally reported to the director of maintenance services and probably to me as well.

Senator ABETZ—But not necessarily?

Mr Nakkan—No, there is no procedure for reporting that. But it is a fairly unusual occurrence and so generally they do get reported.

Senator ABETZ—So, if maintenance staff want to, in cruising around the various offices, they can report a hole in the wall in one particular office but not in another office. There is no actual reporting mechanism to ensure that all holes in walls are reported. Is that what you are telling us?

Mr Nakkan—There is no procedure for individually reporting damage to walls.

Senator ABETZ—So for want of a better term the person who is responsible for repairing holes in the walls, he or she or they have the discretion or capacity to report those that they might want to report and not report those that they might not want to report.

Mr Nakkan—If you can indulge me, it is a little more complex than that. An individual does an inspection, rates the condition and will note any significant maintenance work that needs to be done. If there was a hole in a wall, that would require a different person to do that work as opposed to our, for example, contract painters. So on the package of work that is required to be done for that area—you might have five hours worth of painting, six hours worth of carpet replacement—there will be a specific job in the system to say 'repair

damage to wall'. So that will be identified through our maintenance management system because a separate trade area needs to perform that task.

Senator ABETZ—But if it is a substantial dent as opposed to a hole, that would not necessarily—

Mr Nakkan—If it requires the person who repairs damage to walls, it will be its own line item on a job.

Senator ABETZ—So going back I thought beforehand you said it would not necessarily show up. Now you are telling me that they are all separate line items.

Mr Nakkan—I think the question was would it be reported. My answer was based on that being seen as an exceptional event and being reported to management. In terms of processing the work, you need to identify of the tasks that we undertake.

Senator ABETZ—So there is a report of—

Mr Nakkan—I would not call it a report. I would say it is a task on a job, on a list of jobs to do.

Senator ABETZ—Somebody goes around and notes the damage that needs to be repaired. Where does that notation go?

Mr Nakkan—It goes to the work area responsible. In that case, it would be the building fabrics area.

Senator ABETZ—And we do not call that a report?

Mr Nakkan—You can call it a report, but it is not an exceptional event. It is part of the routine performing of their work.

Senator ABETZ—If a carpet needs a huge scrub as opposed to just a normal vacuum and shampoo to get rid of copious quantities of red wine stain, for example—would that show up anywhere?

Mr Nakkan—Not on the maintenance system but potentially on the cleaning—I am not aware of the cleaning.

Senator ABETZ—Is anybody able to assist with that? If not, let us take it on notice. It is not a burning issue.

Mr Kenny—Karen Griffith said earlier that we historically have not had a process for cleaners to report—let us call it—'abnormal cleaning efforts'; she said that we have put it in place. She has since asked me to advise the committee that in fact we are implementing it at the moment; it is not yet in place. So, do we require or have a process that makes sure that such a hypothetical carpet stain was reported? The answer is: not necessarily. It would not necessarily be reported.

Senator ABETZ—Thank you.

Senator ROBERT RAY—Just to follow up Senator Abetz's question, if there is damage done to a particular suite of rooms, it is not necessarily reported but it is recorded. We had an earlier discussion and I just took it from that that there would be no written paperwork whatsoever, but there is a difference, in your view, between reporting things and recording things.

Mr Kenny—Yes.

Senator ROBERT RAY—Therefore, I might seek some documents at another time.

Senator CAROL BROWN—Perhaps, Mr Kenny, you could give the committee an update on how the provision of childcare in Parliament House is proceeding.

Mr Kenny—The selection process or tender process has been completed and we have a preferred provider and are now working or negotiating with that provider on contract and implementation details.

Senator CAROL BROWN—Are you able to give me a time line of when we hope that children will be able to be catered for?

Mr Kenny—I would like to take that on notice simply because I would really prefer to have some advice from the provider as to when they think they can start. As I think I said to you last time, we will do it as soon as we are able. It is simply a question now of getting the contract settled and getting the refurbishment work done.

Senator CAROL BROWN—Are you able to tell me who the provider is?

The PRESIDENT—The provider is Anglicare.

Mr Kenny—Anglicare, I think Goulburn-Canberra or Canberra-Goulburn.

Senator CAROL BROWN—Will the centre be at the staff bar? Is that still the location you are looking at?

Mr Kenny—Yes.

Senator ABETZ—Do you have handy, by any chance, the commencement date of parliament each year from, let us say, the year 2000? Does anybody have that handy?

Ms Missingham—It should be in the *Parliamentary Handbook*. I can get it for you.

Senator ABETZ—I just want to know whether the commencement in 2008 was in fact the latest commencement since the year 2000—that is, in the calendar year?

The PRESIDENT—Senator Brown, you were asking about a time line for the childcare centre. I have a note that says that, assuming successful completion of the negotiations with the successful tenderer—and the tender evaluation report was finalised on 11 January—the next step is the creation of a statement of requirement for the necessary modifications to the old staff bar. So it will still be some time before the childcare centre is operational. I do not know how long, but there are steps that have to be taken.

Senator ABETZ—If it is any comfort, some of us have been arguing for this for, what, 14 years now and the kids have grown up. Hopefully you can benefit, Senator Brown.

Senator CAROL BROWN—No, it will not benefit me. The statement of requirements—how long will that process take, do you think?

The PRESIDENT—We do not know yet. I wonder whether Mr Kenny can give you an indication. There are modifications that have to take place in that old staff bar. Negotiations have to take place with the successful tenderer so that we know exactly what is required in there.

Mr Kenny—And that is the key point. We do not want to build something that they would have preferred had been done differently.

Senator CAROL BROWN—I understand that. But, as Senator Abetz has said, we have been going through these questions for a number of years—decades—and the announcement was in June 2006, I believe, that we were looking for expressions of interest—

The PRESIDENT—Before my time, anyway.

Senator CAROL BROWN—and concluded in December last year. If you could provide any information at all as to some time line, I would appreciate it.

Mr Kenny—Yes, I am quite happy to do that. Once we have established it with Anglicare, we can make that available. I think we would all like it to be sooner.

Senator CAROL BROWN—Is it still to accommodate 22 children, or is that not yet settled?

Mr Kenny—About 22. The initial requirement is for 22. Madam Chair, before we finish, I have a couple of clarifications to make on answers given to earlier questions this morning, if I could. First, I have a correction to make. I said that we had run a process to select the TV sets. In fact, that was run by the Senate department. This department had a role in providing technical advice.

The second point is that, with respect to the window locks, we are not replacing the keys for the window locks. I am advised that the whole air conditioning system is designed to run in a closed building and the consequences of having windows open, without having some detailed statistics, would probably have quite serious implications for our energy use, possibly our water use and probably the effectiveness of the system. I just wanted to clarify that point.

The third one was the issue of audits of the parliamentary computing network accounts. The last audit was done in October last year. Our process is that we send a list of accounts that have not been used for six months or longer to the Senate and reps IT coordinators and they advise on whether they are still required or not. With account deletions, advice comes from the IT coordinator, who is also a person in each of those departments, about when they are ready for it to be deleted and initially we disable it.

On the subject of cleaning or otherwise of MG3, we do not have any record. As John was saying—he would know a bit more about the nature of those records—we do not have any record of there being abnormal work done. No new furniture has been purchased for the Prime Minister's suite. I think we were asked to explain what CCSTU stands for—it is the caucus committee support training unit.

Senator ROBERT RAY—I chair the advisory panel.

Mr Kenny—Finally, I made a brief mention of the changeover of furniture coming out of the Prime Minister's suite. Our records report a total of 32 hours of labour, much of which was associated with packing the furniture into storage that was coming out.

Senator ROBERT RAY—So all that furniture taken out is in storage though; it has not been relocated somewhere else.

Mr Kenny—I believe one item has been relocated into the office of Mr Andrews.

Senator ROBERT RAY—What is that?

Senator ABETZ—We know that. It is the Chesterfield lounges; is that right?

Senator ROBERT RAY—I did not know that. You knew it; I did not know it.

Senator ABETZ—It was all over the media. I think I am right. It is very dangerous to accept the media at face value; I accept that.

Mr Kenny—But the others—I think they are all still in storage; I only know of plans to move one.

Senator ROBERT RAY—One chair?

Mr Kenny—I believe it is a chair. I can confirm that it is a chair, not a lounge.

Senator FIERRAVANTI-WELLS—You might want to take a photo.

Senator ROBERT RAY—I am not sure I would get past reception.

Mr Kenny—I have just been advised it is the whole lounge suite.

Senator ROBERT RAY—Look, you press at these things and you get the truth. Now it is a suite.

Senator ABETZ—I volunteered it.

Senator ROBERT RAY—It will be Menzies' desk next.

Senator ABETZ—That would be a great one to have. Can I put my hand up for that?

Senator ROBERT RAY—There you go. You have a customer. Save your storage space.

Senator ABETZ—Absolutely.

Ms Missingham—I have all the sitting dates from 1997 for you.

Senator ABETZ—Was I right?

Ms Missingham—I do not know.

Senator ABETZ—Thank you very much for that. In relation to a senator's office, how much—

CHAIR—Can I interrupt for a minute to remind people that we were due to break for lunch?

Senator ROBERT RAY—No, they come back with answers and we follow up. We could not have follow-up questions when they did not know the answers.

CHAIR—I would like to find out if there will be any questions to the Governor-General's office, because they are pretty pressed for time today and I would like to know whether they will need to come back after lunch.

Senator ABETZ—I was just going to ask one further question and that is about the autonomy of senators in their offices. If a senator requested a key to the window, would they be given one? Would they be allowed to open their window?

Mr Kenny—The issue of keys, as I said earlier, goes to the Department of the Senate. As I said a minute ago, I do not know what the consequences of having windows open might be and maybe we need to get some advice on that.

Senator ABETZ—It seems to me that, whilst I can understand the working of the air-conditioning units et cetera, if somebody is feeling particularly cold in their office there would be nothing stopping them from bringing in a little fan heater, plugging it in to heat their office more. So if that is allowed—or, if they think their office is too hot, they might be able to install a little in-office air-conditioning unit to cool it down. If that is not stopped, why do we stop senators opening or closing their individual windows in their suites? That does not seem to follow, unless you ban the fan heaters, the little air-conditioning units et cetera. I am one of these people who love natural air conditioning, namely an open window.

Mr Kenny—I do not know the source of the original decision.

Senator ABETZ—Can you take that on notice and just see what can be done?

Mr Kenny—Yes.

Senator FIFIELD—A fear that smokers might stick their heads out the window or something?

Senator ABETZ—That had not even entered my mind, but yes.

The PRESIDENT—Maybe we would then have to put bars on the second-floor windows to stop senators jumping out after estimates!

CHAIR—Are there any further questions?

Senator ABETZ—No.

CHAIR—We will recommence at 1.30 pm.

Proceedings suspended from 12.37 pm to 1.38 pm

PRIME MINISTER AND CABINET PORTFOLIO

Consideration resumed from 22 May 2007

In Attendance

Senator Chris Evans, Minister for Immigration and Citizenship

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

Dr Louise Morauta, Deputy Secretary
Mr Duncan Lewis, Deputy Secretary
Mr Paul Tilley, Acting Deputy Secretary

Economic policy**Output Group 1**

Dr Rhonda Dickson, First Assistant Secretary, Industry, Infrastructure and Environment Division
Mr Paul Tilley, First Assistant Secretary, Economic Division

Social policy**Output Group 2**

Ms Serena Wilson, First Assistant Secretary, Social Policy Division
Mr Dominic English, Assistant Secretary, Employment, Education and Skills
Mr Shane Hoffman, Assistant Secretary, Indigenous Policy
Ms Yael Cass, Assistant Secretary, Health and Ageing
Mr Nick Hartland, Assistant Secretary, Social Support, Immigration and Citizenship
Ms Cheryl McRae, Assistant Secretary, Pandemic and National Health Security
Ms Michelle Patterson, Assistant Secretary, Social Inclusion Unit
Ms Ngaire Hosking, Assistant Secretary Office of Work and Family

International and National Security policy**Output Group 3**

Mr Nicholas Coppel, Assistant Secretary, International Division
Mr Angus Campbell, First Assistant Secretary, Office of National Security
Mr John Geering, Acting Assistant Secretary, Office of National Security
Mr Duncan Anderson, Acting Assistant Secretary, Office of National Security
Dr Richard Davis, Assistant Secretary, Office of National Security
Dr Rob Floyd, Assistant Secretary, Office of National Security
Ms Jacqui McRae, Assistant Secretary
Mr Andrew Harper, Acting Chief Financial Officer

Support services for government operations**Output Group 4**

Ms Barbara Belcher, First Assistant Secretary, Government Division
Mr David Macgill, Assistant Secretary, Parliamentary and Government Branch
Mr Alex Anderson, Assistant Secretary, Legal Policy Branch
Mr Peter Rush, Assistant Secretary, Awards and Culture Branch
Ms Joan Sheedy, Assistant Secretary, Privacy and FOI Policy Branch.
Mr Frank Leverett, Assistant Secretary, Ceremonial and Hospitality
Ms Anne Hazell, First Assistant Secretary, People, Resources and Communications Division
Ms Janette Davis, Assistant Secretary, People and Governance
Dr Sue Ball, Assistant Secretary, Information Services
Ms Trish Corbell, Director, People and Governance
Ms Wendy Southern, First Assistant Secretary, Cabinet Division

Australian Institute of Family Studies

Professor Alan Hayes, Director
Ms Sue Tait, Deputy Director (Corporate and Strategy)
Dr Matthew Gray, Deputy Director (Research)

Australian National Audit Office

Mr Ian McPhee, Auditor-General
Mr Steve Chapman, Deputy Auditor-General
Mr Peter White, Group Executive Director, Performance Audit Services Group

Mr Warren Cochrane,, Group Executive Director, Assurance Audit Services Group
Mr Michael Watson, Group Executive Director, Assurance Audit Services Group
Mrs Dianne Rimington, Group Executive Director, Corporate Services Group
Mr Brian Boyd, Executive Director, Performance Audit Services Group
Mr Ray McNally, Executive Director, Performance Audit Services Group
Mr Peter McVay, Executive Director, Performance Audit Services Group
Ms Fran Holbert, Executive Director, Performance Audit Services group

Australian Public Service Commission

Ms Lynelle Briggs, Public Service Commissioner
Ms Lynne Tacy, Deputy Public Service Commissioner
Ms Annwyn Godwin, Merit Protection Commissioner
Ms Karin Fisher, Group Manager Corporate
Mr Steve Ramsey, Acting Group Manager Evaluation
Ms Clare Page, Group Manager Better Practice
Mr John Norton, Acting Group Manager Programmes
Mr Patrick Palmer, Group Manager Regional Services
Ms Georgia Tarjan, Group Manager Policy
Mr Boris Budak, Adviser to the Merit Protection Commissioner

Office of National Assessments

Mr Peter Varghese, Director General
Mr Patrick Keane, Director Business Management

Office of the Commonwealth Ombudsman

Professor John McMillan, Commonwealth Ombudsman
Dr Vivienne Thom, Deputy Ombudsman
Mr Ron Brent, Deputy Ombudsman
Ms Jill Jepson, Senior Assistant Ombudsman (Corporate)
Mr George Masri, Senior Assistant Ombudsman (Immigration)
Ms Helen Fleming, Senior Assistant Ombudsman (Legal, Social Support, Indigenous)

Office of the Inspector-General of Intelligence and Security

Mr Ian Carnell, The Inspector General

Office of the Privacy Commissioner

Ms Karen Curtis, Privacy Commissioner
Mr Timothy Pilgrim, Deputy Privacy Commissioner
Mr Mark Hummerston, Assistant Privacy Commissioner
Mr David Richards, Finance Manager

Office of the Official Secretary to the Governor-General

Mr Malcolm Hazell, Official Secretary to the Governor-General
Mr Brien Hallet, Deputy Official Secretary to the Governor-General
Ms Sharon Prendergast, Director Honours
Ms Anna Saravanan, Finance Manager
Dr Stephen Jiggins, Senior Communications and Media Adviser
Mr Peyton Butler, Property and Services Manager
Mr Rob Meller, Facilities and Projects Manager

Department of Climate Change**Executive**

Dr Martin Parkinson, Secretary
Mr Howard Bamsey, Deputy Secretary
Mr Blair Comley, Deputy Secretary

Response to climate change**Output Group 1**

Mr Barry Sterland, First Assistant Secretary, Emissions Trading Division
Ms Jan Adams, First Assistant Secretary, International Division
Mr Robert Owen-Jones, Acting Assistant Secretary, International Division
Dr Greg Picker, Acting Assistant Secretary, International Division
Ms Shayleen Thompson, Acting First Assistant Secretary, Strategies and Coordination Division
Ms Jo Evans, Assistant Secretary, Strategies and Coordination Division

Ms Jo Mummery, Acting First Assistant Secretary, Adaptation and Land Management Division

Mr Robert Twomey, Chief Financial Officer

Office of the Renewable Energy Regulator

Mr David Rossiter, Renewable Energy Regulator

CHAIR—Good afternoon. We will open up with some questions from Senator Ronaldson.

Senator RONALDSON—Dr Morauta, are you aware of which company is responsible for the preparation of the Prime Minister's new website?

Dr Morauta—We will just get an officer to the table. What was the question again?

Senator RONALDSON—Do you know which company is responsible for the creation of the Prime Minister's new website?

Senator Chris Evans—Is this under general questions? Are we going to do them by programs?

CHAIR—We start off with general questions.

Ms Hazell—The Prime Minister's new website was not developed externally by a company; it was developed by the department.

Senator RONALDSON—What was the cost of that; do you know?

Ms Hazell—The cost to date is about \$8,900, excluding GST.

Senator RONALDSON—What is the cost of the ongoing maintenance of that website and who is responsible for performing maintenance functions on it?

Ms Hazell—If it is what I would call normal IT maintenance, we would be. At this stage we do not have an estimate on the costs. It will depend on how many times we need to do maintenance.

Senator RONALDSON—Who from the PM's office had input into the creation of the website; do you know?

Ms Hazell—If by creation of the website you mean content, it is not necessarily visible to us in the department who may have been involved in the Prime Minister's office.

Senator RONALDSON—So you had nothing to do with the content.

Ms Hazell—That is not what I said. I said if it was to do with content, we would not have had visibility of who in the Prime Minister's office may have had an input. The department has some input on content and some input on checking of facts for content.

Senator RONALDSON—What are you saying? Are you telling the committee that you had responsibility for the overall design but the content has basically come out of the PM's office? Is that what you are saying?

Ms Hazell—Yes. The Prime Minister's office is responsible for content at the end of the day.

Senator RONALDSON—Can you just tell the committee again what was the full extent of the department's input into this new website?

Ms Hazell—We designed the basic structure of the website. We host the website in the department as well. Some of the design behind the scenes, I am talking about IT design, we do. Content is not necessarily the department's responsibility.

Senator RONALDSON—Not necessarily or was not in this case?

Ms Hazell—It is not our responsibility, but we do provide some material for the website and we liaise with the Prime Minister's office about facts that go on the website.

Senator RONALDSON—Did you run an audit of the site before it went live to see whether there was any party political matter or incorrect content?

Ms Hazell—Not particularly that I am aware of. We would have looked at the content and made sure it was factual.

Senator RONALDSON—When did you do that?

Ms Hazell—As we received the content we did review the content, so I would not call it an audit as such.

Senator RONALDSON—Was there any external involvement that you are aware of in relation to the preparation of the content?

Ms Hazell—I am not sure what you mean by 'external'.

Senator RONALDSON—Given that you had no input into the content, are you able to say whether there were any external agencies, external companies or other options that may have had some input into that website?

Ms Hazell—It would not be visible to us if they dealt with the Prime Minister's office.

Senator RONALDSON—So the answer is it could have had some external involvement but you would not have known about it—the content.

Ms Hazell—We would not have known about external involvement on the content.

Senator RONALDSON—Do you know whether the ALP federal secretariat had any involvement in the content of the website?

Ms Hazell—I would not be aware of whether they had involvement in content at all.

Senator RONALDSON—And there were no consultants engaged by PM&C in relation to the design of the website; is that right?

Ms Hazell—No consultants at all.

Senator RONALDSON—Does the department have any current contracts with the STW Communications Group that you know of?

Ms Hazell—We are not sure, certainly not in relation to the website. If you wanted a definitive answer, I would have to take that on notice.

Senator RONALDSON—Yes. Do you have any contracts in place at the moment with any of the following, or are you in negotiations with any of the following: Hawker Britain; Ogilvy New Zealand; Ogilvy Public Relations Worldwide; Singleton, Ogilvey & Mather; Singleton OgilvyInteractive, Singleton OgilvyOne or yellow brands?

Dr Morauta—If we are taking the question on notice—because I do not know that we have got any answers here—I think we would rather check. Could you possibly give us that list so that we have it accurately for you?

Senator RONALDSON—I can provide you with that list. In fact, I will provide you with a more substantial list than that and if you could take that on notice—

Dr Morauta—We would prefer that; thank you.

Senator RONALDSON—I would be grateful as well. If the content of that website was sourced by the Prime Minister's office externally and paid for externally, I presume you would not be made aware of that, from what you were saying.

Ms Hazell—No, we would not.

Senator RONALDSON—And you would be unaware of whether it had or had not happened, I take it, as well?

Ms Hazell—Correct.

Senator RONALDSON—Can I go back to prior to the election? The Prime Minister indicated at, I think, the National Press Club—and I am quoting from the *Australian Financial Review*—‘that ministerial staff would, for the first time be required to appear before the committees’, as in Senate committees, ‘if they had exercised any executive function in the management of a policy’. What is considered to be the exercise of an executive function in the context of ministerial staff responsibilities?

Senator Chris Evans—Madam Chair, Dr Morauta has indicated to me that that would be covered under item 4. I think we would have to get officers in and get them back out. I seek your guidance. I am happy to have a general, lax view about questions in general, but Dr Morauta is indicating that those questions are dealt with by officers under output 4, who are not present to deal with them at the moment.

Senator RONALDSON—The chair had indicated that we were to have general questions. If officers are not here, then I am happy to wait—

Senator Chris Evans—The other thing is that Senator Faulkner is handling that section, so those officers will be coming forward with Senator Faulkner. As you know he has some responsibilities in that area. I am not trying to be difficult—we are happy to cooperate—but if we do not follow the program, the officers will not be here and we will not be ready to deal with it. My suggestion is that that matter be dealt with under output 4; you will get a more comprehensive response in that way.

Senator RONALDSON—Does that include the ministerial staff code of conduct?

Dr Morauta—Yes.

Senator Chris Evans—Most of those sorts of things are under output 4.

Senator RONALDSON—Are you able to answer questions in relation to functions at Kirribilli House? Is that part of your bailiwick?

Senator Chris Evans—If you have a look at page 13 of additional estimates, it has the outputs on there and in other places. All of that is output 4, some of which Senator Faulkner has responsibility for as minister, so it was thought best to deal with it with him being at the table. The plan was that I would deal with outputs 1 to 3 and Senator Faulkner would be here for output 4.

Senator RONALDSON—I presume you are able to talk to me under this section about DLO allocation, are you?

Senator Chris Evans—That is all under output 4.

Senator ROBERT RAY—There was a question on the DLO section before and it was not restricted to output 4, so I think Senator Ronaldson is entitled to pursue that here.

Senator Chris Evans—I am happy to do that. I am equally indicating that the officers and the minister responsible will not be here until output 4, so you will perhaps get a less satisfactory answer from me—

Senator ROBERT RAY—Chair, we always have a list. Could I suggest that we produce the list now? Senator Ronaldson can look at it for the next couple of hours and then pursue it under item 4. He gets the best of all worlds.

Senator Chris Evans—If you want to have a go now at the DLOs, we could have a crack at it now, if you are keen, or if you want to do it all together—

Senator ROBERT RAY—Could I ask that the list be tabled, just to facilitate things?

Senator FIFIELD—Historically this committee has taken a fairly broad view of what constitutes general questions. I appreciate that Senator Evans has indicated that he is happy to have a stab at the DLO question, but the committee has historically taken a fairly broad view of what constitutes general questions.

Senator Chris Evans—We also have a situation where we now have a Senate minister responsible for some of these areas. Clearly it seems to me that it would be better for the estimates committee to have that minister before them when they deal with them. Do we have a list of the DLO allocations?

Dr Morauta—I think we would probably need the output table to talk about that, if you want.

Senator RONALDSON—For clarification, perhaps Senator Evans can tell us what he has responsibility for and what Senator Faulkner has responsibility for and then we will have a better idea of where we are going.

Senator Chris Evans—I am doing outputs 1, 2 and 3. Senator Faulkner is doing output 4. Most of what you have raised with us currently is in output 4.

Senator MINCHIN—I understand that some of us here have ministerial responsibility for those. Whereas you are representing the Prime Minister, Senator Faulkner actually has executive responsibility as secretary to the cabinet for some of those items.

Senator Chris Evans—I would have to check on exactly those responsibilities, and I am sure he would be able to explain them to you in more detail.

Senator MINCHIN—That is my general understanding.

Senator ROBERT RAY—Two of the agencies, as I understand it—the Public Service Commission and Ombudsman—have supervisory—

Senator Chris Evans—The intention was that Senator Faulkner would be at the table as minister for output 4 and the agencies and that I would deal with the policy outputs 1, 2 and 3. All I am suggesting is that we deal with those matters under output 4. I am not trying to prevent people from dealing with the generalities in some sense, but these matters that have been raised are clearly in output 4. The minister responsible will be available to the estimates committee to answer questions on them. It seems to me that that is a better process than—

Senator FIFIELD—It may assist the committee, and it probably falls under general questions, if Senator Evans was able to outline what the formal responsibilities of Senator Faulkner are in his capacity as a portfolio minister in the Prime Minister and Cabinet portfolio.

Senator Chris Evans—Do we have a copy of that we can table?

Dr Morauta—I am not sure what we have on that.

Senator FIFIELD—Given that Senator Evans is representing the Prime Minister and the portfolio as a whole here, I think it would assist us if we at least knew what the specific formal portfolio responsibilities of Senator Faulkner were.

Senator Chris Evans—I am happy to get that for you in detail. I do not have it in front of me, and mine is a general understanding—probably the same as yours. But in terms of a formal answer, I will try to get you the piece of paper that details his exact responsibilities.

Senator FIFIELD—I think the difficulty for us at the moment is that, in the absence of that knowledge, it is hard for us to determine what is appropriate as a general question and what is appropriate as a more specific question under a particular output.

Senator Chris Evans—I do not see what you do not understand, Senator Fifield. Output 4, and all the suboutputs under that, will be dealt with then with Senator Faulkner in the chair. I do not think that is very difficult.

Senator FIFIELD—All questions—even general questions—relate in some way to a particular output, but we do not know to what degree we can be specific, because at the moment we do not know what Senator Faulkner's formal responsibilities are, so we do not know whether it is appropriate to go into more detail later rather than in general questions.

Senator Chris Evans—I do not get the logic of that; whatever he is responsible for or not responsible for, he will be at the table for output 4.

Senator FIFIELD—So we cannot ask any general question which touches on output group 4. We can ask general questions—

Senator Chris Evans—You can, I was just trying to help Senator Ronaldson. You can ask it now and I can do my best or he can ask it when Senator Faulkner and those officers who are planning to be here for output 4 are all here. I was trying to be helpful. We can do it now if you like, but it seemed to me that it would assist the committee more logically to deal with those questions that are output 4. Fire away, if you like. If I cannot answer them, I will take them on notice.

CHAIR—I think it would be most helpful if we could deal with items in 1, 2 and 3 now while we are waiting for that information to be tabled. I think that would add clarity for the rest of the committee.

Senator RONALDSON—I find it quite extraordinary that we have to wait for the Prime Minister's representative to come back to us with a list as to what his responsibilities or his colleague's responsibilities are. I find that quite extraordinary. We will go back and get a list and see who has got responsibilities for what. Surely the minister at the table knows what his responsibilities are and what Senator Faulkner's responsibilities are.

Senator Chris Evans—I do not have responsibilities in this portfolio. I am representing the Prime Minister. If you want to do program 4, let us do it now. You just will not get the same quality of response. But I would have thought, Madam Chair, that generally at estimates committees we have tried to facilitate senators and the government so we get the best possible result. Senator Faulkner will be here to deal with output 4. I am here to deal with general questions if you want. It was a bit of guidance for the committee. If they do not want to take it, it is up to you, Madam Chair, how we proceed, but it seems to me it is a better use of the committee's time if we deal with output 4 under output 4. But if Senator Ronaldson wants to ask me a question in general, we will deal with it as best we can.

CHAIR—Senator Ronaldson, do you have any further questions?

Senator RONALDSON—I think we will just go ahead. I go back to my question before: what is considered to be the exercise of executive function in the context of ministerial staff responsibilities?

Senator Chris Evans—We will call an officer to the table who may be able to help you, Senator Ronaldson.

Ms Belcher—I believe that any decision of that kind would be one that a minister would normally make under legislation. Signing up to a contract or the agreement to a grant would be executive decisions. Any directions to a public servant to make decisions that fell within the role of the Public Service under legislation or executive authority would be executive decisions.

Senator RONALDSON—How do they relate in the context of management of a policy? Are you aware that the government, prior to the election, indicated that ministerial staff for the first time would be required to appear before Senate committees if they exercised any executive function in the management of a policy? What is the detailed list—

Ms Belcher—The implicit message was that staff members employed under the Members of Parliament (Staff) Act should not be making executive decisions. It was not an invitation for them to make such decisions.

Senator RONALDSON—So you have had some discussions about this, have you, and some direction?

Ms Belcher—There have been training sessions for ministerial staff, where it has been made clear that it is not for MOPS staff to be making executive decisions.

Senator RONALDSON—That is all very well, but that is not the question I asked you. Anyone who is exercising any executive function in the management of a policy can be called before these estimates committees. What brief were you given in relation to what constituted management of policy?

Ms Belcher—I was not given a definition of that.

Senator RONALDSON—On what basis would you be then advising ministerial staff?

Ms Belcher—Ministerial staff know that there is a role for ministers to make decisions and a role for public servants to make decisions and a role for ministerial staff to provide advice, not decision making.

Senator RONALDSON—With the greatest of respect, this is a whole new ball game. This is the pre-election attempt at openness and transparency, and I will say it again, because I would assume that no-one before, under any government, has been in a position where someone who exercises any executive function in the management of a policy could be called before an estimates committee. So these are not old rules; these are new rules. What are the new rules that you have been given to make determinations about what is an exercise of executive function?

Ms Belcher—I do not think the approach is different, except to the extent that, before the election, it was made clear that if staff moved into that area where they should not move they would be allowed to appear before parliamentary committees.

Senator RONALDSON—So, if they moved into areas they were not meant to move into, they could then be called. Is that what you are saying?

Ms Belcher—That is right, yes. If they did make executive decisions then the government would say that they should appear before committees to explain their role.

Senator RONALDSON—I am sorry to interrupt, but that is if someone has left themselves exposed by carrying out an executive function. That is not what the ALP, now government, said prior to the election, where there was quite specific direction—and I will go through it again—that staff would for the first time be required to appear before Senate committees if they had exercised any executive function in the management of a policy, not if they had mistakenly done something they were not meant to do. This was a proactive decision, not a reactive decision. What instructions have you had in relation to that proactive appearance of staff members carrying out or exercising executive functions? What are those functions?

Ms Belcher—As I understand it, ministerial staff are being told they must not make executive decisions.

Senator RONALDSON—They must not.

Ms Belcher—Must not.

Senator ROBERT RAY—Or they appear before estimates.

Senator RONALDSON—Is that a direction in writing?

Ms Belcher—It is not in writing at this stage. The intention is that there will be a code of conduct for ministerial staff, and that will be clear.

Senator RONALDSON—I am going to come to that. So at the moment you have had no directions in relation to that, except that you are advising ministerial staff that they are not to exercise executive functions. Is that right?

Ms Belcher—That is right.

Senator ROBERT RAY—Like Senator Hill's staff did over the heritage thing; they made executive decisions, but they could not be called before this committee.

Senator RONALDSON—Has the Prime Minister's office been consulted in the creation of any of these guidelines or specific advice to ministerial staff?

Ms Belcher—Yes.

Senator RONALDSON—Are you going to keep a register of staff who have exercised this executive function?

Ms Belcher—I think the hope is there will not be any.

Senator RONALDSON—Can I move on further? I want to talk about the ministerial staff code of conduct. Have you developed or has PM&C developed a ministerial staff code of conduct yet, and what will it entail?

Ms Belcher—A draft has been prepared. It will be released. It has been drawn up in consultation with the Public Service Commission, the Department of Finance and Deregulation and with the Prime Minister's office, and—

Senator RONALDSON—When is that due for release?

Ms Belcher—I cannot give you an exact date. I understand it is likely to be soon, but I cannot give you a precise date.

Senator RONALDSON—So is it all but finalised?

Ms Belcher—My understanding is that it is all but finalised, but I do not want to speak too authoritatively about that.

Senator RONALDSON—And you are aware of the contents?

Ms Belcher—Yes. I do not have it with me, but yes, I am broadly aware of the content of it.

Senator RONALDSON—From your knowledge of the content of this code, would the actions of Mr Lachlan Harris, the Prime Minister's senior press secretary and Mr Tim Gleeson, have breached that proposed ministerial staff code of conduct?

Senator ROBERT RAY—Point of order.

Senator Chris Evans—That is clearly not relevant.

Senator ROBERT RAY—That question has to be directed to the minister, not a public servant.

Senator RONALDSON—I will direct it to the minister, then.

Senator Chris Evans—Yes. I think you were informed, Senator Ronaldson, that the code of conduct has not been finalised. Until it is, I think it is hypothetical to ask whether an action will fall within the code of conduct. That is a work in progress. The officer indicated that it should be completed in fairly short order. In terms of the incident that you referred to, as you would be aware, the Prime Minister sought and received an apology from the gentlemen involved and I understand they wrote to the Leader of the Opposition apologising. But as to its relationship with the code of conduct, until that is finalised I cannot help you with the answer.

Senator RONALDSON—I will ask you another question. Do you believe that the sort of behaviour that was exhibited by those two gentlemen last week is the sort of thing which should be subject to a staff ministerial code of conduct?

Senator Chris Evans—Again the government is working on the form of the code of conduct and that will be released and you can make a judgement then. The Prime Minister dealt with the situation as he saw fit.

Senator RONALDSON—But, Minister, do you think the staff code of conduct should cover the sort of actions that were exhibited last Wednesday? Is that the sort of behaviour that should be under a staff ministerial code of conduct or not?

Senator Chris Evans—You are asking me for my opinion. I am telling you what the government's position is. The government's position is that we are developing a code of conduct. You can make an assessment of how that behaviour you describe fits within that when it is published. But at the time of the incident occurring there was not a finalised staff code of conduct and the Prime Minister handled the matter as he saw fit.

Senator RONALDSON—How the Prime Minister handled that, quite frankly, is irrelevant to this. I have just been told that the staff code of conduct is all but finalised. Is it the government's intention to ensure that

the staff code of conduct would cover the sorts of activities that led to a public apology last Wednesday from the two gentlemen concerned? If not, what confidence can we have that this code will mean anything?

Senator Chris Evans—As the officer indicated, the code of conduct will be made public and people can then assess and make their own decisions about whether they think it is adequate. But until it is published you will have to await judgement on that issue.

Senator RONALDSON—But, with the greatest of respect, you are a senior minister in this government and you have portfolio responsibilities in this area. You are a long-serving member of parliament. Is this the sort of behaviour that should be included under a ministerial staff code of conduct?

Senator Chris Evans—One advantage of being a long-serving member is that I have asked a lot of questions at estimates and been frustrated by ministers over many years. I am attempting to assist you as best I can. What I am saying to you is that the code of conduct will be released publicly. You then can make some assessment as to whether you think it is appropriate and whether it covers all the matters that you think it should. I think it will go, obviously, to the conduct of staff, how they handle themselves both in terms of their duties and in public. But, in terms of the incident to which you refer, the Prime Minister has dealt with that in the absence of the finalisation of a code of conduct and he has made his judgement as to how best to handle that.

Senator RONALDSON—I am sure that everyone will be very relieved that the ministerial staff code of conduct will go to the conduct of staff, so I do not know whether that is—

Senator Chris Evans—I cannot answer it in any other way for you.

Senator RONALDSON—That is terribly enlightening for us, quite frankly! Under this proposed code, what breach mechanisms are being looked at and what enforcement of any breaches—what is proposed in relation to that?

Senator Chris Evans—When it is made public, I will be able to answer that question for you. Currently it is a matter that is being considered internally by government. It has not been finalised. When it is, it will be published.

Senator RONALDSON—I presume you can probably answer this question: who will sit in judgement and who will look at these potential breaches? Will it be the Prime Minister, will it be the department? Who is going to be doing that?

Senator Chris Evans—As I say, once it is made public, you will be able to see the full details and obviously debate that publicly.

Senator MINCHIN—Senator Evans, I thought I heard you indicate that the code will cover the public conduct of staff. Can you confirm that? So it is not just what they do inside their office, but it will go to the question of the public behaviour and conduct of—

Senator Chris Evans—I am slashing outside the off stump there. I guess all I am saying is that, while obviously it would cover their ministerial duties, clearly if there were outside matters like criminal behaviour, inappropriate behaviour at a public function—I do not know—it would not be confined merely to duties. One would have thought that, if a ministerial staffer were charged under the Criminal Code with an offence unrelated to their work, it would probably be something that would fall within the code of conduct. But, as I say, it has not been finalised. I think it is hypothetical for me to discuss what may or may not be in it. But, as the officer has indicated, it will be finalised in a relatively short time and it will be made public.

Senator MINCHIN—Did we get a time on that?

Senator Chris Evans—No, we cannot help you with a time.

Senator MINCHIN—You cannot say whether we are talking weeks or—

Senator Chris Evans—No.

Senator RONALDSON—It has been finalised, so I presume it will not be too long.

Senator Chris Evans—No, it is not finalised. It is close to finalisation.

Senator RONALDSON—Who had input into the preparation of the code or who is having input into it?

Ms Belcher—The Department of the Prime Minister and Cabinet, the Department of Finance and Deregulation, the Public Service Commission and the Prime Minister's office, of course. There may be others, but they are the ones I know of.

Senator COONAN—When can we expect to see the code?

Senator Chris Evans—I think we have said this on three or four occasions already: it is close to finalisation. It will be released publicly when it is completed, and that should be in short order, but we cannot tell you exactly when.

Senator COONAN—Is it days away, weeks away or months away?

Senator Chris Evans—In short, it is close to being completed. It will be released at the discretion of the government when it is ready.

Senator COONAN—Does that mean to say that it is days away?

Senator Chris Evans—No, it is not.

Senator COONAN—Does it mean to say it is weeks away?

Senator Chris Evans—No, it is not.

Senator COONAN—It cannot be—

Senator Chris Evans—I told you that we are not going to tell you when it is going to be released. It is still being considered by government. When it is finished, it will be released.

Senator COONAN—But you cannot give the committee any indication as to whether it is a matter of days away or weeks away.

Senator Chris Evans—As I said, it will be completed as soon as possible and then released.

Senator MINCHIN—Will it be retrospective?

Senator Chris Evans—Not that I am aware. I understand that the Liberal Party has a very strong objection to anything retrospective.

Senator MINCHIN—We normally do. I was just wondering whether—

Senator Chris Evans—I am sure you would be lambasting us if we did.

Senator MINCHIN—I was just wondering, if the behaviour of Mr Harris on that occasion was such that it would be in breach of the code, whether it would have retrospective application.

Senator Chris Evans—What about the previous government? Do you think we should go back, say, 11 years perhaps?

Senator MINCHIN—No, just a month would probably do.

Senator FIERRAVANTI-WELLS—But given the nature of how the government has started, they have delayed it and delayed it. So that sort of behaviour will continue to happen. That was just disgraceful.

Senator Chris Evans—Madam Chair, I am happy to help senators, even though we are not in the section before the chair, but it is not a question for political debate. If there are questions, we are happy to take them. As I say, I would prefer we do it in program order but, if we are not, at least if we could keep some order in terms of the questioning rather than having a political debate.

Senator RONALDSON—Press reports have indicated that Mr Rudd has had to speak very strongly to his staff in relation to a number of other matters, not justify the events of last Wednesday. Has this code been held back until the Prime Minister can get his own office in order and the behaviour of his staff? Is that the reason that it has been delayed?

Senator Chris Evans—No.

Senator RONALDSON—You acknowledge that this was part of the Labor Party's quest for openness and transparency. It is now the middle of February, in fact the second half of February. We still do not know when it is. I put it to you again that it has been hidden from public purview until you can get yourselves sorted out in relation to the Prime Minister's office and other ministerial offices.

Senator Chris Evans—And I will put it to you again: no—and Senator Ronaldson you can say it as many times as you like, but it does not make it true.

Senator RONALDSON—Can I just read you the last portion of Verona Burgess's article in the *Financial Review* on 8 February. She finishes:

There is still no word on the promised code of conduct—

I do not know whether she will be terribly enlightened by what she has heard today but anyway—

for ministerial staffers, which will require amendment to the Members of Parliament (Staff) Act 1984 if it is to be worth the paper the APS hopes it will be written on.

Are you going to introduce that code of conduct by way of amendment to the Members of Parliament (Staff) Act 1984?

Senator Chris Evans—Not that I know of, but the simple answer is that I do not know so I will take it on notice.

Senator RONALDSON—Thank you. I will ask the further question: if it is not done via the Members of Parliament (Staff) Act, would you agree with Verona Burgess, and apparently the Australian Public Service, that it will not be worth the paper it is written on?

Senator Chris Evans—No, I would not necessarily, but I do not know what other options there are. As I say, I told you I do not have any information on that, but I will take it on notice.

Senator RONALDSON—When you say ‘not necessarily’, under what circumstances do you think it might be necessary?

Senator Chris Evans—I think I gave the answer. I am not sure of the alternatives that may be available for establishing the code of conduct, but that would obviously be advice to government as to what our alternatives are. I am not sure whether the amendment to the act as suggested by the journalist is the only option. As to whether or not that is the option we will be pursuing, as I say, I do not know but I will take it on notice for you.

Senator RONALDSON—If that were the only option available, would you be prepared to do that?

Senator Chris Evans—That is a hypothetical.

Senator RONALDSON—Apart from having it written on paper, if there were no other option to maintain the integrity of that ministerial code, would you be prepared to adopt the course of action suggested?

Senator Chris Evans—It is a hypothetical. I do not know that it is the only option. I doubt that it is the only option, but I do not know what the options are so I am not going to answer hypothetical questions about which ones have been ruled in or ruled out.

Senator RONALDSON—It is not hypothetical. I mean if there is nothing else there, would you be prepared to do that?

Senator ROBERT RAY—Were you prepared to legislate the prime ministerial code of conduct in 1996? Of course not.

Senator RONALDSON—I am asking the questions. You can ask that of the minister if you want to, Senator Ray. I am again asking—

Senator ROBERT RAY—Hypocrisy.

Senator RONALDSON—Sorry?

Senator ROBERT RAY—There are double standards involved here.

Senator RONALDSON—We have had this palaver for the last three months about transparency and openness, but as soon as I start asking some questions about how that is actually going to be implemented or when all of a sudden we are sort of trawling back through it all—we will get back to 1788 with the way we are going at the moment.

Senator ROBERT RAY—You would make a good James!

Senator RONALDSON—Will you rule out putting this ministerial staff code of practice into legislation via an amendment to the Members of Parliament (Staff) Act 1984?

Senator Chris Evans—Will I rule it out?

Senator RONALDSON—Yes.

Senator Chris Evans—No. I told you I was not aware of the options and would take it on notice.

Senator FIFIELD—If I could just interrupt. The Prime Minister issued an interim Standards of Ministerial Ethics in December last year. My understanding is that that interim Standards of Ministerial Ethics was to be replaced by a revised one when the parliament resumed. Why wasn't an interim staff code of conduct put into place following the same sort of principle?

Ms Belcher—It was possible to complete the Standards of Ministerial Ethics. It has just taken longer to move on to the next task of the ministerial staff code. It is just a matter of time, in effect.

Senator FIFIELD—So, Senator Evans, is it okay for ministerial staff to operate without a code of conduct?

Senator Chris Evans—I am certainly not going lectured by members of the Liberal Party about ministerial or staff codes of conduct. If you have a question, I am happy to answer it.

Senator FIFIELD—That was a question, Senator Evans.

Senator Chris Evans—We have already moved to increase accountability in terms of ministerial standards and responsibilities. As you have been informed in the last 10 or 15 minutes, the work on the staff code of conduct is almost complete and will be made public when completed. I would have thought the priority of ministerial accountability followed by staff accountability would be appreciated as being a logical way to proceed.

Senator RONALDSON—We are talking about the Standards of Ministerial Ethics. Who had input into this document?

Ms Belcher—The Department of Prime Minister and Cabinet had some input. It was primarily developed within the Prime Minister's office. There may have been others who contributed, but I would not necessarily be aware of all those.

Senator RONALDSON—Paragraph 6.1 of the Standards of Ministerial Ethics states:

Ministers are expected to conduct all official business on the basis that they may be expected to demonstrate publicly that their actions and decisions in conducting public business were taken with the sole objective of advancing the public interest.

Are you aware of that section of the code?

Ms Belcher—Yes.

Senator RONALDSON—What is considered to be the definition of 'official business'?

Ms Belcher—That would be all business that the minister undertakes in relation to his or her ministerial responsibilities.

Senator RONALDSON—So, for example, talking to agencies that the minister had responsibility for would be official business.

Ms Belcher—Yes.

Senator RONALDSON—What is considered public business?

Ms Belcher—There will always be some elements of official business that are not public. For example, deliberations in cabinet would be official business but would not be considered public business.

Senator RONALDSON—So those decisions in cabinet presumably would not be public.

Ms Belcher—No.

Senator RONALDSON—Are you telling this committee that public business is confined only to cabinet discussions?

Ms Belcher—No, I gave that as an example. There would be other elements of ministerial official business that would not necessarily be public. It might be discussions on the development of policy that might not be made public.

Senator RONALDSON—Sorry, what was that again?

Ms Belcher—There might be discussions on policy development that would not necessarily be made public. It is difficult for me to go through a list of every element of official business that would not be seen as public business. There might be private discussions that an individual would have with the minister. A member of the public might have a discussion that would be regarded as private. It is still part of the minister's official duties, but it does not mean that the minister would necessarily make it public.

Senator RONALDSON—But if we do not have a definition of what is public business then how can the community possibly make a decision? I will just read through 6.1 again:

Ministers are expected to conduct all official business on the basis that they may be expected to demonstrate publicly that their actions and decisions in conducting public business were taken with the sole objective of advancing the public interest.

Senator MINCHIN—That sounds like a mistake.

Senator RONALDSON—No.

Senator MINCHIN—That is supposed to read ‘official business’, surely. What is public business? Is this simply transferred from the previous code of conduct? Reading this, I find that a lot of this is what I remember of the ministerial code of conduct.

Senator ABETZ—Slabs have been imported.

Senator MINCHIN—Was this clause taken from the other one? I put it to you that I think that is actually a mistake. It should read in the second line ‘official business’.

Senator COONAN—I think that is internally inconsistent.

Senator MINCHIN—It does not make any sense at all.

Ms Belcher—We will look at it, then.

Senator RONALDSON—Minister, have you got any comments on this? You were presumably involved in its preparation.

Senator Chris Evans—Senator Minchin’s point is one that I will take on notice and check. To answer the question of whether it was from the previous guide, I am not sure. It may have been. As you know, there were some provisions already catered for, and there were additions made, so I am not sure which category this fits into.

Senator RONALDSON—What is considered as advancing the public interest? What is the definition of ‘advancing the public interest’?

Ms Belcher—It is government that determines the public interest, and it is government that determines how that public interest will be advanced.

Senator RONALDSON—So the government interprets this ministerial code of conduct itself without any external involvement at all. So the advancement of the public interest, or whether something is not advancing the public interest, is a decision of the government only.

Ms Belcher—Certainly public servants do not determine what the public interest is. Governments do that.

Senator ABETZ—Can you assist us in that regard? A breach of these guidelines would involve the Secretary of the Department of the Prime Minister and Cabinet giving advice to the Prime Minister. Surely he is a public servant.

Ms Belcher—I do not think that goes to determining public interest. There are several places in the standards where it indicates that the Prime Minister might seek the advice of the Secretary of the Department of the Prime Minister and Cabinet in relation, for example, to whether there would be a conflict of interest in the holding of a directorship, but I do not see that as being the same as assisting the Prime Minister to determine the public interest.

Senator ABETZ—I accept that. So, apart from those exceptions where the secretary of the department may be involved, the foreword then becomes very instructive, doesn’t it. The third paragraph reads: these standards give a clear indication of—guess whose?—my expectations of ministers, signed Kevin Rudd. So basically it will be the Prime Minister wholly and solely who will determine Senator Ronaldson’s question. There is no other objective test, standard or person from whom the Prime Minister would seek advice?

Ms Belcher—The Prime Minister is the one to whom ministers would be answerable in terms of the standards, yes.

Senator ABETZ—So there is no objective, transparent test here; it is whether or not Mr Rudd wants to protect you or not?

Senator Chris Evans—I do not think the officer has to respond to those assertions.

Senator ABETZ—No, but I would have thought you should, Minister.

Senator Chris Evans—No. I actually answer questions; I do not respond to assertions. If you have a question through the chair, I am happy to answer it.

Senator ABETZ—That is very droll. Allow me to ask you who determines whether there has been a breach of these standards.

Senator Chris Evans—As the officer indicated, the Prime Minister has issued those standards to all ministers. They are held to account and, if there is any concern about those, they are answerable to the Prime Minister as to whether or not they have met those standards.

Senator ABETZ—But you see not only that, because, as Ms Belcher has indicated to us, there are some circumstances where the Secretary of the Department of the Prime Minister and Cabinet will be brought in. Is that right?

Senator Chris Evans—I do not have the document in front of me.

Senator ABETZ—What Senator Ronaldson and I want answered is: which ones is the secretary of the department going to be involved in and which breaches are going to be the sole call of the Prime Minister, keeping in mind of course that the incoming secretary of the department is an old mate from Queensland—but that is another is?

Senator ROBERT RAY—He is a bit like Max Moore-Wilton, is he?

Senator ABETZ—Just not as good.

Senator ROBERT RAY—You are joking. Nobody could be that bad.

Ms Belcher—The Secretary of the Department of the Prime Minister and Cabinet has, for long as I remember, occasionally had a role in assisting prime ministers to determine whether a particular situation represents a conflict of interest.

Senator ABETZ—That will not necessarily be made public, will it, under this new era of access and transparency?

Senator Chris Evans—I think if you look at subclause 7.4, it refers to the role of the Secretary of the Department of the Prime Minister and Cabinet in providing advice to the Prime Minister. It goes on to say that that may be made public by the Prime Minister subject to proper considerations of privacy.

Senator ABETZ—Not ‘shall’. It does not say ‘shall’, subject to privacy.

Senator Chris Evans—You can read it as well.

Senator ABETZ—‘May’.

Senator Chris Evans—I just read it to you.

Senator ABETZ—In other words, there is no imperative on the Prime Minister to make it available. It is not ‘shall, subject to privacy’; it is ‘may, subject to privacy’. So basically, if he does not want to, he does not have to. But that is one of the exceptions, is it not—7.4?

Senator Chris Evans—I do not know what you mean by exceptions.

Senator ABETZ—Ms Belcher said before, when I asked about the advice of the secretary of the department, that that would only apply to directorships. As a result, I was asking—

Senator Chris Evans—I do not think that is what she said actually. I think she used it as—

Senator ABETZ—I am sorry; she did.

Senator Chris Evans—I think she used it as an example rather than—

Senator ABETZ—All right, as an example—I stand corrected. All right, let us go pulling teeth. In what areas of this code or standard will the secretary of the department be consulted?

Ms Belcher—In terms of the standards there are three references to the secretary of the department. Two relate to directorships—2.4 and 2.5—and then 7.4, which the minister just read from.

Senator ABETZ—But, of course, 7.4 is under what heading?

Ms Belcher—That is under ‘Implementation’.

Senator ABETZ—Yes, ‘Implementation’, and one would assume that the implementation in paragraph 7 does not only refer to directorships. It does not, does it?

Ms Belcher—No.

Senator ABETZ—It talks about the implementation of the whole standard. Would you agree with that?

Ms Belcher—Yes. The Prime Minister may seek the secretary’s views on a whole range of matters. The directorships are mentioned specifically, but the Prime Minister can seek advice from the secretary in relation to any matter that, for example, a minister puts in his or her return of private interests.

Senator ABETZ—We know he can, and one of the privileges of being Prime Minister is that you can seek advice from a whole range of sources. What we are trying to come to grips with is whether he, under his standard—‘in my expectations of ministers’, using his language—will be doing that on all occasions or only on those very narrow occasions when directorships are at stake.

Ms Belcher—Advice has been sought on wider issues, but I cannot say exactly how the Prime Minister will handle these matters.

Senator ABETZ—The question is: how do we interpret this document? If it is to mean anything, we must have some understanding of it as to how it is going to be implemented. If you are not able to assist us, would you be kind enough to take that on notice for us as to whether the implementation, section 7.4—was it—only applies to directorships or to the whole standard.

Ms Belcher—It does not apply just to directorships. Advice has been sought on a wider range of issues than directorships. What I cannot say to you is that every aspect of this will be the subject of a request for views.

Senator ABETZ—Advice, yes. That is the point. Under this standard, will the Prime Minister be required to seek the secretary’s advice on all issues arising or only under directorships, in section 2 I think it was—yes, starting at 2.4?

Ms Belcher—It is the word ‘required’ that is causing me problems, so I will take that on notice.

Senator ABETZ—Just to make it clear, it says: in directorships ... on the advice of the Secretary of the Department of the Prime Minister and Cabinet. Then there is another such reference in 2.5 on the advice. What we want to know is whether that is just discrete to the issue of directorships—that he would have to get this advice. Let us ask this question as well: is he required to seek the advice of the Secretary of the Department of the Prime Minister and Cabinet even on directorship issues? It seems very unclear. If you can take those questions on notice, I would be much obliged.

Senator RONALDSON—Can I just go through it? We have at least agreed that the conflict of interest provisions do not just include shares or directorships; it is wider than that, you said?

Ms Belcher—Yes.

Senator RONALDSON—Just in relation to the definition of advancing the public interest, I take it we agree that a ministerial conflict of interest would not be advancing—I think you said before—the public interest. A ministerial conflict of interest would obviously not be advancing the public interest.

Ms Belcher—No, I do not believe conflicts of interest would—

Senator RONALDSON—Would be advancing the public interest, no.

Ms Belcher—No.

Senator RONALDSON—We are trying to get some definitions to potential conflict of interest as well. They would not be advancing the public interest. I am just trying to get some definitions here so we know where we are going.

Ms Belcher—Yes, actual conflicts, potential conflicts—though occasionally potential conflicts can be managed. But, yes, potential conflicts clearly need to be dealt with in some way.

Senator RONALDSON—And they may not be advancing the public interest in some circumstances.

Ms Belcher—They might not, no.

Senator COONAN—Further on the Standards of Ministerial Ethics, I start by asking the minister: has the register of lobbyists been prepared yet?

Ms Belcher—It has not been finalised. We do not expect it to be operational until late February or early March. That has just been a matter of pressure of other work.

Senator COONAN—In terms of how it is going to be established, will there be any guidelines released for those who wish to register as lobbyists?

Ms Belcher—Yes, there will be guidelines on the Department of Prime Minister and Cabinet website. For example, the definition of ‘lobbyist’ will be essential. Yes, there will be guidelines.

Senator COONAN—What would be a definition of a ‘lobbyist’?

Ms Belcher—I do not have it front of me and I would prefer it all to be finally approved before I began to give you a definition.

Senator ABETZ—It is for the minister to be considering his or her code of ethics in relation to lobbyists. They would not find the definition of ‘lobbyist’ in this document that they are required to, in effect, accept. Will they be advised that they have to go to this other document that we have now found out about to see what a ‘lobbyist’ might mean?

Ms Belcher—Yes, they will be given guidance on those people they should be checking for to ensure the person is on the register.

Senator ABETZ—Like Brian Burke.

Senator ROBERT RAY—Or Crichton-Brown.

Senator ABETZ—I agree. Why wouldn’t you have that sort of definition in the document?

Senator Chris Evans—I am prepared to defend Senator Ian Campbell if you are not, Senator Abetz.

Senator ABETZ—Why wouldn’t you have that definition in the actual document?

Senator COONAN—It is extraordinary.

Ms Belcher—As I said, it has simply been a matter of pressure of other work. We did not have that definition ready at the time this document was put together.

Senator ABETZ—No, but I thought in answer to Senator Coonan you said we would find that definition elsewhere. Are you saying that this definition of ‘lobbyist’ is now going to be imported into this document?

Ms Belcher—Yes, to the extent that this document refers to a register of lobbyists that is not yet established. When the register is established obviously—

Senator ABETZ—We are not talking about the register. We are talking about the definition of what a lobbyist is. I think Senator Coonan’s question in that regard is a very important one. I thought you indicated that there would be some definition of what a lobbyist is in another document.

Ms Belcher—There will be a definition in the document that is on the Department of Prime Minister and Cabinet website at the time that we are giving assistance to lobbyists to determine whether they should be registering.

Senator Chris Evans—The officer is indicating that the definition of lobbyist will be contained in the release of documentation about the register. Obviously you have to define it in order for people to work out whether they should register. The definition is not yet established or released, that’s true.

Senator ABETZ—Paragraph 8.1 tells us:

Ministers will be approached by individuals and organisations, acting on their own behalf or on behalf of others, whose purpose is to seek to influence (lobby) government on a variety of issues.

So, for example, if I have a social welfare issue and, after being approached by individuals, I go to lobby on their behalf, under this definition I am seen as a lobbyist. Would I have to be on the register? One would hope not.

Ms Belcher—Sorry if it appears unhelpful, but until I have the definition finally approved, I cannot really give you that definition. Of course, as soon as it is available, I will. I take your point that it would be useful for there to be a clear definition in this document.

Senator ABETZ—There are organisations that lobby on their own behalf. Take the RSPCA, for example; will they have to be on this register of lobbyists?

Senator Chris Evans—Your point is well made and it has been part of the issue around this register of lobbyists in state jurisdictions, as you know.

Senator ABETZ—This was one of the 100 No. 1 priorities that I thought Mr Rudd had.

Senator Chris Evans—I do not think you will find anybody apart from yourself suggesting the government has not been active in progressing its agenda and meeting its election commitments.

Senator ABETZ—Selectively, I would agree with you.

Senator Chris Evans—But the ministerial code of conduct is in place. The staffing code of conduct is close to release and the officer advised you that the register of lobbyists should be operational by late February or early March.

Senator COONAN—Senator Evans, I am particularly interested in the fact that at the moment there are, what, 30 people with executive office who are currently sworn in—cabinet ministers, the outer ministry and parliamentary secretaries?

Senator ROBERT RAY—Forty-two.

Senator Chris Evans—Forty-two? I think there were 45?

Senator COONAN—There are a lot of them. They are exhorted here under 8.3 to ensure that dealings with lobbyists are conducted so that they do not give rise to a conflict between public duty and private interest. How are they actually doing that currently?

Senator Chris Evans—I suspect, the same way that you did it when you were a minister.

Senator COONAN—That is not an answer. I am sorry; how are you doing it?

Senator Chris Evans—I use my judgement and when we have the register and the guidelines for the register I will apply those. At the moment I use the ministerial ethics as a guide and my own judgement, as all ministers do.

Senator MINCHIN—Has any directive gone out from the government to ministers as to any lobbyist, individual or other organisation they should not have any dealings with, while this register is being developed?

Ms Belcher—Not that I am aware of.

Senator ABETZ—Sorry, what was that?

Ms Belcher—Not that I am aware of.

Senator MINCHIN—So Mr Brian Burke has not been vetoed, by way of ministerial conduct, by this government?

Ms Belcher—It is not something that the department has been involved in. I am not aware of it.

Senator MINCHIN—I would not mind an answer to that if you have to take it on notice. I mean, other state governments have vetoed contact with the lobbyist Mr Brian Burke. I would like to know whether this government has issued such a ban on contact for all ministers.

Senator COONAN—I just wanted to clarify this with the minister, who is going to take on notice Senator Minchin's question. At 8.2 it says:

Lobbyists will be required to register their details on the Register before seeking access to ministers or their offices.

Does that include seeking access anywhere—at a social function, for example?

Senator Chris Evans—As has been made clear, the register and the rules of operation of the register will be released and they will be made available on the PM&C's website—

Senator COONAN—Yes, I understand that.

Senator Chris Evans—and then you will be able to look at that. I am not able to help you with what may or may not be in the document when it is publicly released.

Senator COONAN—At the moment we are all operating blind here without any particularity around these lobbyist guidelines. In terms of your own judgement, would you regard somebody approaching you at a social function, who may also be a lobbyist, as seeking access?

Senator Chris Evans—It would probably depend on the nature of the conversation. As I said, currently I would be guided by the Standards of Ministerial Ethics and my own judgement. When the register of lobbyists is established, ministers will obviously take note of that in their dealings with lobbyists or other individuals.

Senator COONAN—It goes on to be quite a difficult thing to apply when it says, at 8.4:

In dealing with a lobbyist who is acting on behalf of a third party, it is important to establish whose interests the lobbyist represents so that informed judgments can be made about the outcome they are seeking to achieve.

As a matter of interest, when would you do that? When would you be able to establish that?

Senator Chris Evans—As I said, when the documentation and the register are released, they will be available to you and you will understand how they work. That is currently a question of development inside government so it is not publicly available.

Senator COONAN—Have you had some advice about how you are going to deal with issues such as fundraising activities and lobbyists who attend and pay vast amounts of money to attend something at which you are the guest of honour?

Senator Chris Evans—I understand that those fundraisers will not be permitted at Kirribilli House any longer.

Senator COONAN—What about somewhere else?

Senator Chris Evans—As I said, Senator Coonan, I cannot help you with the details.

Senator COONAN—Well, that is clear.

Senator Chris Evans—I have no intention of helping you with the details, because it is not finalised.

Senator COONAN—You cannot help with the details. Is that what you are saying?

Senator Chris Evans—That is correct.

Senator COONAN—You do not know, as the Minister representing the Prime Minister—

Senator Chris Evans—No, that is different.

Senator COONAN—whether or not—

Senator Chris Evans—No, I am just not going to tell you. There is a difference.

Senator COONAN—somebody who is a lobbyist—just listen to the question—approaching a minister at a social function or a fundraiser is in fact going to be regarded as contact by or with a lobbyist.

Senator Chris Evans—That is a hypothetical question. When the register and the rules regarding the register are released, you will be aware of those rules, and ministers will be aware of them and will apply them.

Senator COONAN—What would you do currently?

Senator ABETZ—Is it intended that that specific circumstance—which is not hypothetical but a genuine reality—will be covered by the document?

Senator Chris Evans—When the document is publicly released, Senator Abetz, you will be able to examine it and see.

Senator ABETZ—So you—

Senator Chris Evans—I am not going to discuss with you what may or may not be in it. When government finalises its position, it will be publicly available and you will be able to debate it. If you want to ask questions about the actual document you will get the chance then at the following estimates process.

Senator COONAN—But you see, Minister, Mr Rudd announced with great fanfare that this was a material and much better improvement to the ministerial guidelines, yet here we are months later, and you are telling us you do not even know what is going to be in this document.

Senator Chris Evans—No, I am telling you that I am not going to tell you what will be in it, because it is not finalised. When it is finalised, you will be the first to know, Senator Coonan. I will organise it so that you get a personally signed copy.

Senator COONAN—That is not going to help me today, Minister.

Senator Chris Evans—No, it is not.

Senator COONAN—You see, one of the problems with these guidelines is that there is also a reference here that ministers should ensure that lobbyists with whom they have dealings are properly registered. What is the difference between properly registered and improperly registered or not registered at all?

Ms Belcher—Perhaps you have pointed out a superfluous word, but it means that lobbyists must be registered in accordance with the guidelines that will be issued.

Senator COONAN—What is going to happen in respect of noncompliance? What do we have in mind there?

Senator Chris Evans—Senator Coonan, you can ask in 300 different ways. The answer is that when it is released you will be able to read it, you will be able to discuss it publicly, you will be able to form your own view and, if you have concerns, you will be able to raise them at the next estimates round. But at the moment

it is not a public document and it has not been finalised by government. Questions about what is in or out or about how we handle various issues are hypothetical, and I am not able to help you.

Senator COONAN—Yes, but you see the problem is that it is absolutely farcical—isn't it?—for Mr Rudd to be claiming that this is a new era of transparency and accountability when, months later, you cannot even provide the rudiments of how this lobbyists register is going to work.

Senator Chris Evans—I do not agree with your assessment, and I think the Australian public do not either, Senator Coonan. They have made a judgement about your party and its accountability standards. Mr Rudd has promised higher accountability standards, and we are in the process—

Senator COONAN—But he has not delivered them, has he?

Senator Chris Evans—I do not think that is right.

Senator COONAN—Well, he has not. You cannot give us any detail at all about this document.

Senator Chris Evans—Senator Coonan, the government is elected for three years. I think we are still at—what is it?—11 weeks.

Senator COONAN—So you are going to drag your feet, are you, on this one?

Senator ROBERT RAY—Come off it!

Senator Chris Evans—Senator Coonan, you did not get a communications policy developed in all the time you were minister. I do not think you are the one to be talking about dragging of the feet.

Senator COONAN—You are dragging your feet because you have no idea how you are going to implement this lobbyists section—

Senator ROBERT RAY—I am enjoying this.

Senator COONAN—of this ministerial code of conduct.

Senator RONALDSON—Weasel words.

Senator Chris Evans—I am happy to answer any questions, Madam Chair, but—

Senator Abetz interjecting—

Senator ROBERT RAY—Come on, Eric, you have got to do better.

Senator ABETZ—Minister, do you think all these answers in relation to the register—saying that you do know what might be in it but you are not going to share et cetera—are giving a comprehensive account of your exercise of public office?

Senator ROBERT RAY—Let us know what is in the budget while you are at it.

Senator Chris Evans—What I am telling you, Senator Abetz—and you well understand—is that this is currently being developed by government. I have told you when it will be finalised. I have told you it will be public. I do not think people can expect any more. Until it is finalised, I will not be sharing the detail with you.

Senator ABETZ—So you are not giving us a comprehensive account.

Senator ROBERT RAY—Of course not. It is personal.

Senator Chris Evans—Senator Abetz, I am not going to tell you what has—

Senator ABETZ—It is personal, is it? So that is why Senator Evans, in answering these questions, is not in breach of paragraph 4.4 of the *Standards of ministerial ethics*, which says:

4.4. Ministers are required to provide an honest and comprehensive account of their exercise of public office ...

Senator Ray tells us it is all private, and that is why it is not public.

Senator ROBERT RAY—No, I am saying—

Senator ABETZ—That is a very good insight—

Senator ROBERT RAY—he does not like you.

Senator ABETZ—It is a very good insight into the way the Rudd government is going to do business. Senator Coonan, do you have further questions?

Senator Chris Evans—Senator Abetz, that sort of smart alec debating never worked for you as a minister and it is not working for you in opposition either.

Senator COONAN—I am just interested in—

Senator ABETZ—The arrogance is already showing, after 11 weeks.

Senator FORSHAW—Go and write a couple more letters abusing somebody. That's what you're good at!

Senator COONAN—Perhaps Ms Belcher might be able to deal with this question. You are formulating the definition of a lobbyist; what would be the status of, for example, somebody representing a tax-exempt charity?

Ms Belcher—I would prefer not to go into the definition until it has been finally approved.

Senator COONAN—Have you provided advice to the Prime Minister's office about who should be included as a lobbyist?

Ms Belcher—Yes.

Senator COONAN—The categories?

Ms Belcher—Yes.

Senator COONAN—Okay.

Senator RONALDSON—Will there be definitions attached to all these codes or are we going to go through exactly the same thing next estimates? There are no definitions—

Senator Chris Evans—No. You will have the advantage of the document.

Senator RONALDSON—Let me finish.

Senator Chris Evans—I am just saying you will have the advantage of the document.

Senator RONALDSON—Well, the document is finalised and you cannot give us the answer—

Senator Chris Evans—No, it is not finalised.

Senator RONALDSON—so I have no confidence at all. Well—

Senator Chris Evans—Madam Chair, I do not mean to be rude, but I am not going to be verbally by senators and their questions. What we said was: when it is finalised, it will be released. It is not finalised.

Senator RONALDSON—Okay. Can I ask you another question then. Will it have definitions attached to it?

Senator Chris Evans—You will find out when it is released: the extent of the document, the extent of the definitions—

Senator RONALDSON—So you do not know whether or not there are definitions in there?

Senator Chris Evans—No, I am telling you I am not going to discuss the contents of it with you. I have been pretty clear about that.

Senator COONAN—This is an exercise in obfuscation, Minister.

Senator RONALDSON—Absolutely.

Senator COONAN—It really is. Seriously.

Senator RONALDSON—Getting over the hump of these estimates is what this is all about.

Senator COONAN—You should be able to give indicative positions on this.

Senator Chris Evans—No, Senator Coonan. As a former cabinet minister you would be well aware that it is not appropriate for officers to provide details of advice given to the government in the preparation—

Senator COONAN—You are not the officer, though. You are the minister.

Senator Chris Evans—And it is not appropriate for the minister—

Senator COONAN—Yes, it is.

Senator Chris Evans—to debate hypotheticals with you. You will see the document when it is released publicly, and we will be able to debate and assess the definitions and the direction of the document then. Until then, I can only advise you about the processes being undertaken by government while we seek to finalise the document.

Senator RONALDSON—As a senior cabinet minister, do you think it is appropriate for definitions to attach to these ministerial or other codes?

Senator Chris Evans—I am not going to debate with you what may or may not be in here, Senator Ronaldson.

Senator RONALDSON—No, I did not ask you that. I asked: as a senior cabinet minister, do you think it would be appropriate for definitions to be attached to these codes so we do not have the same difficulties we have had for two hours today?

Senator Chris Evans—I do not know what you have been doing for the last two hours, Senator Ronaldson, but I have not been focused on it. I am happy to answer questions. The answer to your question, as to the others, is: the details will be made public when it is finalised. At the moment it is being considered by the government and I am not going to debate what may or may not be in it.

Senator RONALDSON—I did not ask you that. I asked you whether you believe it is appropriate for definitions to be there, to clarify the concerns that your officers have had here today.

Senator Chris Evans—I know you value my opinion, but what I am telling you is that I am here to answer questions about government process—

Senator Abetz interjecting—

Senator Chris Evans—It actually says ‘opinion’. I am happy to give you my notes if it helps, Senator Abetz.

Senator COONAN—Just while we are on definitions, there is another reference here to a prohibition on certain people when they leave parliament. They are apparently not able to have a ‘business meeting’. What is a ‘business meeting’?

Senator RONALDSON—They have a few of them in Western Australia, apparently!

Senator Chris Evans—Tread very carefully, Senator Ronaldson.

Ms Belcher—A business meeting would be one that discussed official matters—ministerial matters that fell within the minister’s responsibility.

Senator COONAN—So it will be confined only to the areas of the former minister’s responsibility.

Ms Belcher—Yes, or it might be the ministers’ responsibility, collectively, within government. That is possible.

Senator ABETZ—In the foreword, for example, we are told:

Ministers will be required to undertake that, when they leave office, they will not seek to have business dealings with members of the Government ...

Does that allow accidental dealings like accidental dinners with Brian Burke? Do you have to seek the business dealings? Is there such a thing as an accidental business dealing? I would have thought ‘will not have business dealings’ would be better. Why do we have the words ‘seek to’ in there?

Senator Chris Evans—The document, Senator Abetz, is finalised and released, and I do not think it is appropriate for the officer to try and explain why something is phrased in a particular way. That would be a question of opinion.

Senator ABETZ—So why was this draft released?

Ms Belcher—It does represent the standard of ministerial ethics, but one element of it is supported by a document yet to be released.

Senator ABETZ—So we cannot deal with the issue of ministerial ethics, at this stage, until another document is completed. Shouldn’t this document be the standard of ethics—so that there is actually a standard of ethics in place—until such time as there is a brand-new, full and comprehensive standard of ethics? At the moment we are in no man’s land without any standards of ethics applying.

Ms Belcher—It is just the one area where we are waiting for a related document.

Senator ABETZ—Wait a minute. It covers lobbyists, it covers business dealings and it has a ‘seek to’. We have a whole host of definitions that we cannot be told about because these standards do not apply as yet. So are we just sailing according to Chairman Kevin’s rules with no objective standard and no document that we can have recourse to?

Senator Chris Evans—Senator Abetz, there is a document. That is the *Standards of ministerial ethics*, which you have a copy of.

Senator ABETZ—So is this the standard?

Senator Chris Evans—There are further measures which we have been discussing, including the staffing code of conduct and the register of lobbyists, which will be released when completed. They will make a further contribution to a broader package of ministerial accountability measures. Yes, you do not have them all yet. In the alternative scenario, you would say, ‘Well, why haven’t you at least done the ministerial ethics?’ if we had not released that. What you have is what has been finalised and released publicly. The other documents will be finalised and released publicly, and people will be able to make their judgements then.

Senator ABETZ—Thank you, because that makes the very point, I think, that a number of my colleagues have been making—that this document is, in fact, the standard of ethics. I can understand that in the lobbyist area you have not got your act together and it will have to wait a while. But, in relation to Senator Coonan’s question of ‘business meetings’, ‘business dealings’ and ‘will not seek’ et cetera that I refer to, that is part and parcel of the standard of ethics that applies now and is not going to be changed according to what you have just said, Minister. So why can’t we have explanations?

Senator Chris Evans—I must admit that I did not understand the question, Senator Abetz.

Senator ABETZ—Well, you did understand it—

Senator Chris Evans—I did not.

Senator ABETZ—but you are embarrassed by the fact that you cannot say. Allow me to go through this very carefully, then:

Ministers will be required to undertake that, when they leave office, they will not seek to have business dealings ...

Does that countenance the possibility of accidental business dealings? It is a finalised document.

Senator Chris Evans—It makes it clear: ‘not seek’.

Senator ABETZ—So it does countenance the possibility of accidental business meetings, to cover off Brian Burke’s dinner.

Ms Belcher—I think it refers to the point at which the minister is aware that something has turned into a business meeting. If it were an encounter at an event, the minister might not initially know that it was turning into a ministerial meeting, but at the point it does then the minister knows how to behave.

Senator ABETZ—No. With great respect, the only injunction is not to seek it. If it happens to accidentally fall your way, on the reading of this, good luck to you. That is the way it reads, and that is why I have suggested that in the wording the words ‘seek to’ ought to be deleted so that it reads ‘they will not have business dealings with members’.

Mr Macgill—Paragraph 2.19 of the standards does not have the words ‘seek to’. It just says—

Senator ABETZ—Which is an inconsistency between the foreword and 2.19. I was going to get to that later. What do we do with the foreword, because that has the Prime Minister’s personal injunction in it? He must have written this bit because it has the words ‘my expectations’, so one assumes he wrote that foreword personally. So why did he put in the words ‘will not seek’, which is different to what is in the body of the document?

Ms Belcher—We are happy to take back any comments where you think that wording might be inconsistent—

Senator ABETZ—A minister could say, ‘Sorry, Prime Minister, I only read your foreword and there is an ambiguity in the document and we have wriggle room.’

Mr Macgill—Paragraph 2.19 says that ministers are required to undertake that they will not have business dealings after they leave office, so that is what they have to undertake. I do not think that—

Senator ABETZ—What do we make of the foreword then?

Mr Macgill—I think the foreword is a half-page explanation—

Senator ABETZ—A bit of fluff by the Prime Minister.

Mr Macgill—of where the key differences are between these standards and the Guide on Key Elements of Ministerial Responsibility.

Senator ABETZ—Is it a guide?

Mr Macgill—No—the Guide on Key Elements of Ministerial Responsibility, which applied under the former government.

Senator ABETZ—The foreword?

Mr Macgill—No.

Senator COONAN—The foreword should not be inconsistent with the body of the document, surely.

Senator Chris Evans—Madam Chair, the officer is trying to be helpful. I think if one senator asks a question at a time it would be helpful for him.

Mr Macgill—The foreword explains where the Prime Minister sees the differences between these standards and what applied under the Guide on Key Elements of Ministerial Responsibility.

Ms Belcher—Senator, I think it is best that, with your having pointed out those words, we seek where they in any way conflict or make a minister's obligations any less clear.

Senator COONAN—We ought to be perfectly clear about one thing also: business dealings are not really confined to meetings, are they? For example, a chain of emails could be a business dealing.

Ms Belcher—I do not see a dealing as having to be face to face.

Senator COONAN—No. Thank you.

Senator ABETZ—Was the St James Ethics Centre, for example, consulted in the preparation of this document?

Ms Belcher—Not by the department.

Senator ABETZ—When it is finally finalised, is it going to go to cabinet for approval? Is it going to go to caucus for approval? Who is going to have the final sign-off on this?

Ms Belcher—I do not know. It may be possible.

Senator ABETZ—Minister, this is a clear vision of the government. Sure, we might not have the definitions of 'lobby', 'business dealings' and all sorts of other things, but surely we have the process clear in our minds as to how this will be approved?

Senator Chris Evans—I am happy to get you an answer. I would assume it would go to cabinet, but I will take that question on notice and give you an answer.

Senator ABETZ—What about caucus?

Senator Chris Evans—I am not sure that a standard of ministerial ethics and responsibility would necessarily go to caucus for decision.

Senator ABETZ—They all live in hope. It may be of interest to them.

Senator Chris Evans—If you are asking in terms of formal decision making, I will take that on notice, but I would expect it will go to cabinet.

Senator ABETZ—Will a minister be required to sign up to them or just verbally accept them or is it deemed that they know the content?

Senator Chris Evans—I think Senator Abetz's question goes to ministerial ethics, not to the lobbyists—

Senator ABETZ—Yes, that is right—the total Standards of Ministerial Ethics. Will they be signing up?

Senator Chris Evans—I will take it on notice as to whether we are required to actually sign. I cannot remember exactly, but certainly we are required by the Prime Minister to meet them. I will take on notice how we handled it administratively, but I think it is fair to say that ministers are in no doubt as to their obligations to meet those standards. We were certainly provided with a copy of the device and it was discussed, but I just cannot remember whether we had to sign on the dotted line. It is certainly an expectation of all ministers.

Senator ABETZ—At the very top of the Standards of Ministerial Ethics it says:

All references to Ministers should be read as including Parliamentary Secretaries.

And, just so we are absolutely clear, the Prime Minister is deemed to be a minister?

Ms Belcher—Yes, Senator.

Senator ABETZ—In paragraph 1.3 (ii) we are told:

Ministers must observe fairness in making official decisions – that is, to act honestly and reasonably ...

Does that mean that they can override their department's advice or view in relation to a particular project—whether it ought to be funded, for example?

Ms Belcher—The minister is always the one who makes the final decision, so the minister can certainly decide in a way that goes against departmental advice.

Senator ABETZ—But would that be observing 'fairness' for the purposes of this code? We have heard words from the Prime Minister saying that if the department does not recommend it et cetera then the government will not be funding it. I just want to see what part of the ministerial code that fits into.

Senator ROBERT RAY—He did not say that.

Senator ABETZ—Oh yes he did.

Senator ROBERT RAY—No, he did not.

Ms Belcher—The Prime Minister could, if he wished at some stage, say in relation to particular programs that only those matters recommended by a department would be agreed to.

Senator ABETZ—I know that. The point is: can the minister override departmental advice and recommendations and still be observing 'fairness' as per this document?

Ms Belcher—I believe so, Senator. I believe there would be many areas of policy development where a minister would disagree with a department and there would not necessarily be an element of unfairness.

Senator ABETZ—So there is the possibility of a whole range of projects being recommended for funding by the department and the minister knocking out a few and substituting a few of his or her own and that would still be determined to be fair under these guidelines?

Senator Chris Evans—Senator Abetz, as you well know there was a lot of concern about how that occurred under the previous government. But if you are asking—which you seem to be—if the minister can make a decision contrary to departmental advice, of course he or she can, in the sense that the minister is there to make the decision. I encourage my department, for instance, to provide the recommendation but I do not necessarily support it. Otherwise, there would be no point in having us, would there.

Senator ABETZ—A very good point. You have come a long way since those statements by the Prime Minister. We might revisit those later.

Senator Chris Evans—Senator Abetz, if you look at the Prime Minister's comments about funding decisions, I think you will find they do not at all contradict what is the proper role of ministers.

Senator ABETZ—If Labor does it, it is fair; if the Liberals do it, it is unfair. I think that is basically the underlying theme here and it has now been exposed.

Senator Chris Evans—I will refer the Audit Office reports to you, Senator Abetz. It was not a question of that; it was a question of the Audit Office finding severe concerns with a number of the programs as they were administered by former coalition ministers.

Senator ABETZ—The Auditor-General happens to be of the view—and I do not want to debate this—that departmental advice ought to be slavishly followed.

Let us keep moving. At 1.3 (iv), the last dot point, it reads:

- their conduct in a private capacity upholds the laws of Australia—

I can understand that—

and demonstrates appropriately high standards of personal integrity.

What is that going to mean and how is it going to be judged and determined: 'demonstrates appropriately high standards of personal integrity'?

Senator Chris Evans—It means what it says, Senator Abetz.

Senator ABETZ—Who is going to be the judge? Who is going to be the moral arbiter of whether or not a minister 'demonstrates appropriately high standards of personal integrity'?

Senator Chris Evans—The ministerial standards have to be applied by all ministers as a requirement of their acceptance of their appointment.

Senator ABETZ—We know that. But there is a specific point here—to demonstrate appropriately high standards of personal integrity. Is there any objective standard to this or is it just what the Prime Minister thinks at the time?

Senator Chris Evans—It is a statement of the principles.

Senator ABETZ—There are no examples of something in private life? It just seems to me to be very open ended for the Prime Minister to use if he chooses to or not. It does not seem to add much.

Senator Chris Evans—I think a requirement that ministers ought to show personal integrity is not an unreasonable thing. I would have thought that in our system of government it is a very appropriate commitment for ministers to make.

Senator ABETZ—In other words, no answer—fine. Let us move on to—

Senator Chris Evans—Senator Abetz, you can run a commentary or you can ask questions. I gave you the answer. You may not like it, but you got the answer.

Senator ABETZ—Once again, point 4.4 in this standard comes to mind: ‘comprehensive account’. We are clearly not getting it on the very first day of estimates under this government. In relation to directorships, we are told in 2.4:

... will resign or decline directorships of public or private companies and businesses on taking up office as a Minister
Would that include, for example—I do not know—if you are an alderman and become the local government minister? Would you have to resign your aldermanic position in being the local government minister?

Ms Belcher—It is hypothetical, but it might be judged that there would be a conflict between the interest that the minister needed to pursue as an alderman and the responsibilities as a minister. It is hypothetical.

Senator ABETZ—What about a voluntary organisation?

Senator COONAN—Can I say that I know of a case where it is not hypothetical. I am not suggesting for a second that there is anything improper about it, but it does happen, Ms Belcher. Clover Moore is the Lord Mayor of Sydney and also a local member.

Senator FORSHAW—She is not a minister, though?

Senator COONAN—No, she is not a minister.

Senator FORSHAW—Whether we agree or disagree—

Senator COONAN—No, she is not a minister.

Senator ABETZ—What about a private organisation? Let us say you are the chair of the local community women’s shelter and you become the Minister for Families, Housing, Community Services and Indigenous Affairs.

Senator Chris Evans—Sorry, Senator Abetz, just for clarification, are we still talking about clause 2.4 or are you talking about the broader conflict of interest?

Senator ABETZ—No, directorships.

Senator Chris Evans—Of a private company or business?

Senator ABETZ—Yes. I want to know whether that includes, let us say, a voluntary organisation or not, such as being a member of the executive of your local women’s shelter or being chairman of one of the many organisations that now receive government funding. Does this seek to cover those circumstances?

Senator FORSHAW—Are you referring to incorporated or unincorporated organisations?

Senator ABETZ—Either or both.

Senator FORSHAW—If you knew anything about community organisations, you would know that there are distinctions.

Senator ABETZ—Yes, of course.

Senator FORSHAW—So I think the question should be made clearer.

Senator ABETZ—Thank you for your assistance, but it was not needed.

Ms Belcher—I think there could be circumstances where a minister’s involvement in a voluntary or charitable venture could conflict with ministerial duties.

Senator ABETZ—Would an example of that be if you were Minister for Family and Community Services, responsible for the funding of women’s shelters—to use my example—and you were chair of a women’s shelter that received federal funding?

Ms Belcher—That is, possibly, one where it would be necessary for some distancing to take place, but I would not want to suggest that people cannot be involved in any community activities and still be a minister.

Senator ABETZ—I am not suggesting that. The question is very specific and relates to when you are chairman of or on the executive of one of these voluntary organisations. Whereabouts in this code—I mean standard; sorry, I always want to refer to it as a code, but it is a standard—is that included? Where is the wording that tells me that? I think we are agreed that it is a conflict. I just want to see where it is in the wording.

Senator Chris Evans—I do not think we are necessarily agreed that it is a conflict.

Senator ABETZ—I am sorry, but Ms Belcher just agreed.

Senator Chris Evans—I think that is not quite right. She said there was a potential issue if a certain set of circumstances occurred. I think these things do go to the question of a conflict of interest. I am patron of the Western Suburbs Rugby Union Club in Perth—

Senator MINCHIN—A new favourite for the cup!

Senator Chris Evans—but I have not seen fit to resign that position at this stage, as Minister for Immigration and Citizenship—although we do have an interest in bringing in some Fijian players on occasion, so I might have to rethink that. But it depends on the nature of the conflict, as you understand.

Senator ABETZ—Being patron is an honorific type position. What I am talking about is being the chairman. If you were, for example, the chairman of that particular football club—there is another good example—trying to bring in overseas players for your club, as Minister for Immigration and Citizenship, I would have thought that it would stand out that that would be one huge conflict of interest.

Senator Chris Evans—That would be my judgement on that occasion, yes, Senator Abetz. I would certainly, then, seek to resign that position. But that is very clear. You have to judge that by each example, not by a general rule.

Senator ABETZ—Exactly. What I want to know is whereabouts, if at all, that is in this document. I think what you are saying makes good sense, but I am just wondering whether that now very live example can be seen in this document.

Mr Macgill—I think paragraph 1.3(i) might cover that situation:

... in carrying out their duties:

- (i) Ministers must ensure that they act with integrity – that is, through the lawful and disinterested exercise of the statutory and other powers available to their office ...

Senator ABETZ—It could. Where I want to go with this is that there is a minister whose organisation receives millions of dollars worth of Australian government money, and he is the relevant minister responsible in that area. Of course, I talk of Senator John Faulkner, who is the federal president of the Australian Labor Party and is also the minister responsible for the Australian Electoral Commission. If Senator Evans's circumstance of being chair of the footy club trying to get Fijian players in is a clear conflict of interest, I would be blown to know how the national president of the Australian Labor Party can not be in a conflict of interest when he is also the minister undertaking the responsibilities of the Australian Electoral Commission.

Senator Chris Evans—Can I say, Senator Abetz, that I gave you the example that I used of my own personal judgement—

Senator ABETZ—It was a very good one.

Senator Chris Evans—But I understand—and Senator Faulkner, perhaps, when he is at the table later on can answer this directly—that Senator Faulkner took steps to deal with that issue by, I think, corresponding with Dr Nelson. Is that right, Senator Ray? Yes, he corresponded with Dr Nelson to ensure that the latter was comfortable with the arrangement continuing.

Senator ABETZ—When was that letter?

Senator Chris Evans—As I say, I do not want to go too much further, Senator Abetz, because I think it is best that Senator Faulkner deals with that directly—unless the department can help me with the details.

Senator FIFIELD—Senator Evans, can I ask a question on that point. Taking what you say at face value, the ministerial code of ethics is quite clear that conduct in office is in fact and in appearance in accordance with the standards—not just in fact but also in appearance. As the minister at the table representing the Prime Minister, can you genuinely and honestly tell this committee that there is no conflict in appearance with the

senior national office bearer of the Australian Labor Party, the national president of the Australian Labor Party also being the minister with the responsibility for the Australian Electoral Commission.

Senator Chris Evans—As I say, I think a judgement was made about that. I am happy to take the question of the detail of how that was handled on notice and get back to you.

Senator FIFIELD—You are the minister representing the Prime Minister here. The Prime Minister has the responsibility for this code of ethics which clearly says:

- their conduct in office is, in fact—

and whether it is in fact or not is debatable; we will just put that to one side—

and in appearance, in accordance with these Standards;

It goes further and says that ministers must:

... promote the observance of these Standards by leadership and example in the public bodies for which they are responsible ...

Do you think that it is promoting this code in leadership and example by remaining the federal national president of the Australian Labor Party while at the same time you are responsible for the Australian Electoral Commission?

Senator MINCHIN—Before you answer that, Senator Evans, can I just say that I do not think anyone in the opposition is questioning in any way Senator Faulkner's integrity or honesty and his proper exercise of his responsibilities. No-one is questioning that at all. But I think it is a fact that the opposition is concerned by the extent to which the Prime Minister has placed Senator Faulkner in what is an impossible position. Before you answer that question, I want to make it clear that we are not questioning Senator Faulkner at all—simply the Prime Minister, who you are representing here today, in placing Senator Faulkner in what we believe is an impossible situation.

Senator FIFIELD—As I stated before, we are putting the issue of 'in fact' aside and talking about the issue of 'in appearance'.

Senator Chris Evans—I am not sure you can. Senator Minchin, I appreciate your intervention. I have not meant anyone in public life who is more fastidious about public behaviour and meeting standards than Senator Faulkner.

Senator MINCHIN—No, and I endorse that.

Senator Chris Evans—As I say, I will get you a more detailed answer but my understanding is that Senator Faulkner sought advice on this matter, received that advice and acted upon it.

Senator ABETZ—From whom?

Senator Chris Evans—Someone from PM&C, as I understand it.

Senator Chris Evans—Ms Belcher, are you able to help us with that?

Ms Belcher—The secretary of the department provided Senator Faulkner with advice.

Senator Chris Evans—I also understood, and I stand to be corrected, that Senator Faulkner wrote to the Leader of the Opposition, Dr Nelson, asking him if he was satisfied with the arrangements and whether his continuation until the end of his term—which expires shortly—was appropriate. I am not sure if Senator Minchin was copied into that correspondence; I thought he was.

Senator FIFIELD—Senator Evans—

Senator Chris Evans—Let me finish, Senator Fifield. You have raised this issue and I am giving you the answer to the best of my knowledge. I will correct the record if that is not correct but, as I understand it, Senator Faulkner took advice and then made a judgement after consulting with the leader of your party on whether or not it was appropriate. He formed the judgement that it was given the fact that no concern was raised, as I understood, from the Liberal Party. If that is not right, I will come back immediately and correct it.

Senator FIFIELD—Regardless of whether Dr Nelson was comfortable with that or not, it is the Prime Minister's responsibility to ensure the code of conduct is enforced. It does not matter if any opposition member is comfortable with the situation or not. It does not matter if the press gallery is comfortable with it. All that matters is that the Prime Minister is enforcing his own code of conduct. We have spoken about a lot of hypothetical examples of how this code might apply but what we are talking about here is a real instance, a real and concrete example, where the code of conduct needs to be applied.

As I indicated before and as Senator Minchin reiterated, no-one is questioning Senator Faulkner's integrity but, as the code clearly states, it is not just in fact that it has to be observed but also in appearance—and ministers have to promote the observance of these standards by leadership and example. I do not think it matters how you look at this. There is no way on earth that, in appearance, this looks like anything other than a perceived conflict of interest. I am not saying it is a real one, but I am saying that there is a perception, and that is what this code specifically seeks to address by talking about not just 'in fact' but also 'in appearance'.

Senator Chris Evans—Senator Fifield, with due respect, I think you are struggling. The reality is that, under the code of conduct, advice can be sought from PM&C. The office has indicated that Senator Faulkner sought that advice. As I understand it, it is also the case that he attempted to deal with the question of perception by consulting your leader about the matter. Senator Minchin might like to confirm whether or not he was copied in—I understand he was. Maybe Senator Minchin can help the committee with the response that was provided.

Senator ABETZ—You cannot hide behind the Leader of the Opposition.

Senator Chris Evans—No, but the key issue in these matters is transparency. There has been total transparency in these matters, but if I can get you more detail about the processes I will get that to you, because I am sure Senator Faulkner would be very keen to get it on the record.

Senator ABETZ—The real circumstance we have here is that the same national secretary, Tim Gartrell, has made some quite disparaging comments about the Australian Electoral Commission—

Senator ROBERT RAY—Like Fran Bailey?

Senator ABETZ—Yes, in relation to the vote count in the seat of McEwen. I would have thought that any Special Minister of State should be able to publicly defend the Australian Electoral Commission against such accusations. He has not. Clearly the reason that he has not is that his employee, Tim Gartrell, has made those disparaging comments and the Labor Party are hoping to win the seat of McEwen in the event that the High Court knocks out the election result. I would suspect that all this has arisen after the letter or correspondence with Dr Nelson. But it is a real conflict where you have a minister who is charged with defending the Australian Electoral Commission on the one hand and, on the other hand, he is employing Tim Gartrell who is bagging out the Australian Electoral Commission for not counting votes properly. It is just an impossible situation, surely.

Senator MINCHIN—Senator Evans is right to say that there was correspondence between the Leader of the Opposition and Senator Faulkner which included advice that Senator Faulkner properly received from PM&C as to the question of conflict. That advice was that the department did not necessarily see any conflict arising. Senator Abetz is also right to say that what has intervened since that episode is the case of the challenge to the result in Ms Bailey's electorate, in that we now have the party of which Senator Faulkner is president challenging the behaviour and conduct of the AEC, of which he is the minister responsible, before the Court of Disputed Returns, which, frankly, I think requires an answer from the Prime Minister. As I said, this does not go to Senator Faulkner's or Senator Evans's integrity whatsoever—and we do respect Senator Faulkner's fastidiousness for these things—but I think this committee is entitled to an answer from Senator Evans, perhaps on notice, as to the Prime Minister's view on this matter, particularly since there has been a dramatic expose of the extraordinary conflict that Mr Rudd has put Senator Faulkner in.

Senator ROBERT RAY—Could you explain this to me. The moment this matter goes to the Court of Disputed Returns, it is incumbent upon Senator Faulkner to say nothing. The matter is before the High Court. He has said nothing about Fran Bailey's extraordinary attack prior to the recount and he has said nothing on this. The matter is before the court.

Senator ABETZ—But he is allowing his employee, Tim Gartrell, the national secretary, to bag out the Australian Electoral Commission. I would have thought—

Senator ROBERT RAY—You allowed Fran Bailey to do the same thing.

Senator ABETZ—She is not a minister.

Senator ROBERT RAY—Not any more.

Senator ABETZ—I would have thought that the minister responsible for the Australian Electoral Commission should—when asked, 'Do you have confidence in the Australian Electoral Commission?'—be able to say, 'Yes, I do.'

Senator ROBERT RAY—The Australian Electoral Commission is an independent entity that will brief their own counsel and run their own case, without any guidance from a minister—and so it should be.

Senator FIERRAVANTI-WELLS—No, but he is still the minister responsible.

Senator ROBERT RAY—I am only objecting to the example you have used, not the philosophical discussion.

Senator FIERRAVANTI-WELLS—If he has to go in, who is he going to go in to bat for—one or the other? That is the issue?

Senator ROBERT RAY—That is the way you would approach it.

Senator FORSHAW—A point of order: can we get back to the questioning of the witnesses, move onto another topic or have afternoon tea?

Senator FIERRAVANTI-WELLS—We are entitled. We sat here for ages listening to Senator Faulkner go on and on, and we are entitled to ask questions.

Senator FORSHAW—Excuse me, I am waiting for the chair to rule on my point of order.

Senator FIERRAVANTI-WELLS—I think it would be incumbent on everyone to—

Senator ROBERT RAY—Give the leader the call.

Senator MINCHIN—Could we perhaps leave this as a question to Senator Evans, representing Mr Rudd, as to his view of what now emerges as, from the point of view of members of this committee, the quite extraordinary and difficult situation that Senator Faulkner has been placed in as a result of the court case which has arisen post the correspondence to which Senator Evans properly referred. You can take it on notice—we understand that—because it is a very serious issue.

Senator ABETZ—There is one follow-up question on that, and that is—

CHAIR—Can I just make a point at this time? It would be very helpful to me if you could go through the chair instead of talking across each other.

Senator Chris Evans—I would appreciate the opportunity to answer Senator Minchin's question and show him due respect. Senator Minchin, I appreciate the question put to me. As I said, I have complete confidence in Senator Faulkner and his independence. I am sure in terms of that matter he will handle himself in the way he always have.

In terms of concern that may have arisen since, there seemed to be cross-party agreement that no conflict arose. I will ask the Prime Minister if he has anything further to say. I think the key here is that Senator Faulkner sought the appropriate advice. He also sought to consult to make sure the process was totally transparent, and that those who may have concerns about it were consulted—that is, the Liberal Party and the leader of the coalition opposition. He received, as I understand it, feedback that they were comfortable with that. I will check those comments and make sure I am absolutely factually correct. I will come back as soon as I can with that detail. But as to whether or not we think that anything has occurred that might alter that judgement, on first blush, I do not think there is. Senator Faulkner is a great defender of the independence of the AEC. I will take your question of notice, Senator Minchin.

Senator RONALDSON—The very fact that Senator Faulkner—or the government—found it necessary to seek confirmation from the opposition as to whether this was appropriate or not raises the question that should be asked: should this appointment have ever been made in the first place? I put it to you that the fact that you needed to ask the question actually answers your question. It was an act of gross arrogance to put the federal president of the Australian Labor Party in a position—I will repeat the comments we all agreed with before—where ministerial conflict of interest or potential conflict of interest would not be advancing the public interest. That is on the record.

Any allegation that anyone around this table—including Senator Fifield, who raised this subject—has made any personal comments about Senator Faulkner is wrong. The bottom line with this is that the Prime Minister put this minister, the government, the Australian Electoral Commission and every other department that might have any conflict of interest with the Australian Labor Party in an untenable position. It is so untenable that you had to go and ask the Leader of the Opposition whether he was prepared to wear the outcome of your gross arrogance and misjudgement in relation to the allocation of this portfolio to Senator Faulkner.

Senator Chris Evans—I am not sure there is a question there.

Senator RONALDSON—There is.

Senator Chris Evans—Senator Ronaldson, I do not know whether you are deliberately trying to undermine Dr Nelson, but I think Senator Faulkner acted in a very appropriate way in seeking to have total transparency and to consult with the alternative government as to whether they had any concerns.

Senator RONALDSON—Do not accuse me of trying to—

Senator Chris Evans—My advice is that they had no concerns. That may not be, it seems now, a corporate position. As with everything else, you may well be divided amongst yourselves, but I think Senator Faulkner took the appropriate action, sought the views of the opposition, received that advice, and therefore resolved that you were comfortable with that.

Senator RONALDSON—So, if the Leader of the Opposition had said, ‘No, I think there is a conflict of interest,’ are you saying Senator Faulkner would have resigned from that portfolio?

Senator Chris Evans—I think Senator Faulkner was genuine in seeking the views of the opposition leader—

Senator RONALDSON—I will ask you again: if Dr Nelson had said, ‘No, he is totally conflicted,’ are you telling this committee that the Prime Minister would have forced Senator Faulkner to resign?

Senator ROBERT RAY—Resign what, though?

Senator Chris Evans—I think that, if Senator Faulkner had not been interested in the view of Dr Nelson, he would not have sought it. I think he thought it a relevant consideration and he took it into account when making a decision.

Senator RONALDSON—Well, the answer is no, and therefore why did he bother to ask the question?

Senator Chris Evans—Senator Ronaldson, you got promoted under Dr Nelson. I cannot see what the problem is.

Senator RONALDSON—Don’t be cute about that, Senator.

Senator Chris Evans—Don’t you be cute. You cannot have it both ways. As I understand it, you are now saying: ‘Don’t listen to what Dr Nelson said. Don’t take that as meaning anything. His opinion is not worth anything—

Senator RONALDSON—No, that is not—

Senator Chris Evans—and he does not speak for us.’ If that is your view, that is your view.

Senator RONALDSON—That is not my point, and you know it.

Senator Chris Evans—Senator Faulkner could do no better than seek the Leader of the Opposition’s view—

Senator RONALDSON—It is the totally inappropriate behaviour of your leader that has compromised the AEC and compromised many, many other public servants in this country by his arrogant appointment of Senator Faulkner to this position. Why didn’t he wait to reshuffle until after Senator Faulkner had finished his time as ALP president? It could quite easily have been done. You will die by your own sword because you wrote the letter. Having written the letter because you were concerned about the conflict of interest, you are the ones who are totally compromised.

Senator Chris Evans—Senator Ronaldson, I am not sure if your leader had enough confidence to consult you about this matter; I would have thought, as the relevant spokesman, he should have. So I do not know whether you are saying to me that you were a party to that decision and now you have changed your mind or you are indicating to me that Dr Nelson did not consult you. I do not think Senator Faulkner could have done any more than he did. As I understand it, he received advice that the coalition had no concern. But, if that is not right, I will correct the record.

Senator FIFIELD—The point is that it is the Prime Minister’s code of conduct to enforce, no-one else’s, and when you make an exemption to enforcing the code of conduct you end up in the sort of situation that we are talking about here today.

Senator Chris Evans—There is no exemption being made.

Senator FIFIELD—There clearly is.

CHAIR—Senator Forshaw?

Senator FORSHAW—Another point of order: this discussion, debate or abuse across the table has been going on now for about half an hour. I have heard very few questions. I think the last one was the one that Senator Minchin asked the minister to take on notice and which he did take on notice. Chair, can we get back to some questions.

CHAIR—Senator Ray.

Senator ROBERT RAY—I have a question. Is it true, Minister, that there are three former special ministers of state here who were once in charge of the Electoral Commission who have all got passionate and biased political views? Should they have been disqualified from being in charge of the Electoral Commission? You will not get a harder line person than me.

Senator ABETZ—No, because we were not federal party president.

Senator ROBERT RAY—But, you see, that is the artificiality of it.

Senator Fierravanti-Wells interjecting—

Senator ABETZ—It is not. He has an unelected position from which—

Senator ROBERT RAY—We were all members of the national executive of our parties at the time. Senator Minchin and I—

Senator ABETZ—No.

Senator MURRAY—Point of order.

CHAIR—Senator Murray.

Senator MURRAY—Madam Chair, I am getting fed up with this. Really, Madam Chair, you have got to bring some more order to the interaction. When a question is being asked of a minister, somebody else should not then debate with the senator asking the question. It has been happening for the whole morning and frankly we are losing control of the session. If Senator Abetz—and I am still on the point of order—wishes to put a question to the minister contesting Senator Ray's view, he is entitled to do so, but this continual cross-banter is really making this very difficult to manage.

Senator ROBERT RAY—On Senator Murray's point of order: I have asked the minister a question. Fortunately, six of my colleagues have all answered it for me, but I would actually like Senator Evans to answer my question. It was a leading one, I admit, so he can be fairly curt in his response. He is not even listening, so I would not worry about it!

Senator ABETZ—Or—on the point of order—because it does not fall within his ministerial responsibilities. But what does fall within his ministerial responsibilities is this standard of ethics. And my next question is—

Senator ROBERT RAY—No, it is not; I am waiting for my answer.

Senator ABETZ—Under the administrative—

Senator ROBERT RAY—Point of order: I am waiting for my answer from Senator Evans. He can either give it or otherwise.

Senator ABETZ—I thought you said it does not matter, so I asked a further question.

Senator ROBERT RAY—No, I just said he was not listening to me, but he might like to give me a response. Then you can go.

Senator ABETZ—Very wise.

CHAIR—Minister Evans, there is a question before you from Senator Ray.

Senator ABETZ—Which was?

Senator Chris Evans—I remember the question. I do not know the answer. I do know that those ministers held strong political partisan views, and the reality is that the secretary of state—sorry, the Special Minister of State—

Senator ABETZ—You're making it far too good!

Senator Chris Evans—or cabinet secretary position will always, in our system of government, be held by a politician.

Senator COONAN—I want to get back to the actual ministerial code of conduct. Is it your view, from the former answers that you have given to the committee, that anyone other than the Prime Minister can waive the obligation to strictly comply with it? Is that what you are suggesting?

Senator Chris Evans—No.

Senator COONAN—What are you suggesting when you put weight on the fact that there may be some agreement from Dr Nelson that it was not an issue? What is the relevance of that?

Senator Chris Evans—Opposition senators have today pointed to what they say is a potential conflict of interest or an appearance of a conflict of interest and, in raising that concern, that there is an appearance of a conflict of interest. You asked for a response. What I have told you is the process by which Senator Faulkner sought to deal with those issues before he made a decision as to whether it would be appropriate for him to hold both positions.

Senator COONAN—It was Senator Faulkner's decision, was it?

Senator Chris Evans—I am sure it was in consultation. As I said, he took formal advice from PM&C and then sought the views of the opposition, which he got.

Senator COONAN—So it was not a decision of the Prime Minister on that process?

Senator Chris Evans—I can take that on notice for you.

Senator COONAN—The other question I want to ask before I defer to my colleagues is: in the interests of transparency, could the committee have a copy of the PM&C advice that you referred to?

Senator Chris Evans—It is not usual, but I will take that on notice.

Senator COONAN—Thank you.

Senator ABETZ—If I may, regarding the advice that was proffered to Senator Faulkner, will that be made available?

Senator Chris Evans—That was the last question, Senator Abetz. I urge you to concentrate.

Senator ABETZ—And the answer was?

Senator Chris Evans—I said I would take the question on notice. I am not even sure what form that took—written or verbal—so I will take the question on notice.

Senator ABETZ—All right. Under the administrative orders that the Prime Minister arranged, any request for supplemental funding for the Australian Electoral Commission would be taken to cabinet by the Special Minister of State. Is that right?

Ms Belcher—I do not know. I will need to take that on notice.

Senator ABETZ—If it were not the Special Minister of State, would we nominate anybody else?

Senator COONAN—No—I think it is whether or not it goes to cabinet. Isn't that your point? You would have to for supplementation.

Senator ABETZ—Yes. Who would be advocating within the government for supplemental funding for the Australian Electoral Commission? That would be the Special Minister of State under the arrangements entered into by the Prime Minister. In the event that the High Court challenge costs the Australian Electoral Commission potentially hundreds of thousands of dollars and it needs supplementation, it would need to go to Senator Faulkner to argue the case to the government. Is that correct?

Ms Belcher—The Electoral Act is administered by the Special Minister of State and the Minister for Finance and Deregulation. If funding were needed, it should be the Special Minister of State who would go forward with that request.

Senator ABETZ—That is what I was suggesting, so thank you for confirming that. So, if the High Court challenge costs hundreds of thousands of dollars and causes potential difficulties for the Australian Electoral Commission, they would then require the good offices of Senator Faulkner to seek that supplementation. Is that correct?

Dr Morauta—I think there are some questions about budget process here that we are not completely sure about in terms of who writes which letters. I think we would like to take that on notice.

Senator ABETZ—All right. I think the point is made in any event.

Proceedings suspended from 3.44 pm to 4.05 pm

Senator ABETZ—We are still on the Standards of Ministerial Ethics.

Senator Chris Evans—Madam Chair, I just want to do a couple of things in response to questions asked earlier. I now have copies of the advices provided to Senator Faulkner by Dr Peter Shergold, formerly of the Department of the Prime Minister and Cabinet, and Ian Campbell of the Australian Electoral Commission in relation to the matters raised regarding a potential appearance of a conflict of interest for Senator Faulkner in his role as president of the Australian Labor Party. I understand these advices were shown to the opposition some time ago, but in order to facilitate the committee I will again make them available and will table those advices. I also indicate that, as he is down to deal with output 4, when this matter will be more properly dealt with, Senator Faulkner is more than happy to take questions on these matters. I am happy to take questions. Senator Faulkner will be available under output 4 and is more than happy—in fact, keen—to take questions on these matters.

Senator COONAN—Does he know any more than you do?

Senator Chris Evans—I would hope so. But I am happy to table these advices from the AEC and from the Department of the Prime Minister and Cabinet.

Dr Morauta—I wonder if I could just catch up on a question that was asked just before the break, which was: what is the normal arrangement for a budget proposal coming forward in relation to an agency within the portfolio? Our understanding is that the normal arrangement for the formal processes is that the portfolio minister brings forward proposals for the whole of their portfolio to the budget process rather than, for example, junior ministers doing it on their own behalf or whatever. It is a portfolio submission and a portfolio proposal.

Senator ABETZ—Moving through this code, we have post-ministerial employment at 2.19. The government clearly is of the view that, within a 12-month period after ceasing to be a minister, they will not seek to be employed or have business meetings with members of the government. What do we mean by ‘the government’ in relation to that? Is that the Rudd government or, if the proverbial were to happen, would it mean also the Gillard government? What do we mean by the term ‘the government’?

Ms Belcher—I will begin by saying it is 18 months.

Senator ABETZ—That is what I thought.

Senator Chris Evans—It is 2.19, I think.

Senator ABETZ—Yes. Ministers are required to undertake that for a 12-month period. I thought it was 18 months.

Mr Macgill—It is 18 months. There was an error in the version that was first put up on the website and it has now been corrected.

Senator ABETZ—Thank you. So it is 18 months. That is what I thought it was and I surprised myself when I was just reading it out again. Thank you for that correction—18 months. By the way, what does ‘the government’ mean?

Ms Belcher—It is the executive government. This would apply to any government that endorses the standards.

Senator ABETZ—So potentially, if there were a change of Prime Minister, this would change. Is that what you are saying?

Ms Belcher—It would be open to any government to adopt—

Senator ABETZ—I suppose everything is open to change; I accept that.

Senator Chris Evans—This has been adopted by the Rudd Labor government, by the Labor government. I think the officer was interpreting your question as meaning if there were a change back to a coalition government.

Senator ABETZ—No, if there were a change within the ranks. What does the term ‘the government’ actually mean? Does it mean for the 42nd parliament or just for when this particular government is on board under Mr Rudd? Is it flexible?

Senator Chris Evans—I think it has a normal meaning.

Senator ABETZ—If it is so easy—a normal meaning—I would like to have an explanation for it, please.

Senator Chris Evans—You want me to explain to you what the government is—

Senator ABETZ—That is right.

Senator Chris Evans—Is that what you are asking?

Senator ABETZ—For the purposes of paragraph 2.19, it is so obvious that I am sure you will do it easily.

Senator Chris Evans—It is the executive. It is the government of Australia.

Senator ABETZ—The government of Australia. The government of Australia has determined that it is not good or healthy from a public policy point of view to have former ministers for a period of 18 months being involved in lobbying, advocating or having business meetings.

Senator Chris Evans—In respect of those matters in which they have had official dealings as ministers, if you go on to read the rest of the paragraph.

Senator ABETZ—So if you were to have been a coalition minister, let us say in a portfolio, and knocked on this government's door, no matter how good your credentials, if it were an area in which you had previous ministerial involvement for up to 18 months, you would not be considered for any position. Is that right?

Senator Chris Evans—No, that is not right. This is a standard applied by the new government that was not applied by your previous government. The provisions do not apply retrospectively to you. Rudd Labor government ministers would set a higher standard, in our view, and they will be applied to them.

Senator ABETZ—Yes, I can understand all the rhetoric in that, but what I am trying to get to is: if it is good public policy that current ministers not undertake any of the matters outlined in 2.19 within 18 months of leaving office, does it not stand to reason that it would also be good, sound public policy for previous coalition ministers not to be given or offered any jobs specified in 2.19?

Senator Chris Evans—I am not sure that 2.19 applies in the sense of giving jobs to former coalition ministers. What it refers to is a standard of ministerial ethics that will be applied by this government to its ministers—

Senator ABETZ—Only to its ministers.

Senator Chris Evans—It does not look to retrospectively apply it to yourself, no.

Senator ABETZ—Why has that been put in there? What are the public policy reasons?

Senator Chris Evans—Because it is a standard of ministerial ethics for this government, adopted by this government.

Senator ABETZ—Yes, and if you think that is an important standard surely you would say, 'Well, this is our belief that this is the way we ought to conduct ourselves; therefore we won't be appointing people who have not had an 18-month gap between their ministerial portfolio and seeking or being given a position in the variations in 2.19.'

Senator Chris Evans—You might want to argue that. That is not what the Standards of Ministerial Ethics do. If you are seeking to apply further clauses or different approaches, that is a question of your views. You asked me what it does; that is what it does.

Senator ROBERT RAY—But isn't it the case that those now ex-ministers who fall into Senator Abetz's category did not know this standard applied when they exited office or even when they set up any business arrangements but that every minister going into the Rudd government knows this will apply to them? Isn't that the difference?

Senator Chris Evans—Yes. I am not sure that was the question that Senator Abetz was asking. I think he was worrying about whether or not we would appoint former coalition ministers, but—

Senator ABETZ—Good health to a struggling minister, Senator Ray.

Senator Chris Evans—But I reiterate: this is a code, a standard for this government's ministers to be applied to them when they cease to be ministers. It only purports to do that; nothing else.

Senator ABETZ—But one would have thought that was for good public policy reasons. So if those good public policy reasons abound and are so obvious, how do we appoint a former Labor Premier of Victoria to a government position, who has not been out of office for 18 months and who has had direct dealings in the area in which he is being asked to operate?

Senator Chris Evans—As I said to you before, these are the Standards of Ministerial Ethics, the code applied to the members of the Labor government—that ministers have, if you like, signed up to as part of accepting their commissions. That will be applied to them upon leaving office. It does not seek to be a policy

that seeks to apply conditions upon people like you, who are former ministers, in some sort of retrospect agreement. It does not seek to apply it to other persons. It just says that, as part of accountability of ministers of this government, they will undertake for an 18-month period, as part of their acceptance of their role, not to lobby, advocate or have business meetings in relation to matters on which they have had official dealings as ministers. That is all it does.

Senator ABETZ—So we have this wonderful position that former state ministers will be able to accept Commonwealth appointments and former Commonwealth ministers will be able to take up state appointments in less than the 18-month timetable that is advocated in this document. So, when you run every government in Australia, it does not really mean much, does it?

Senator Chris Evans—I find it incredible that you would seek to lecture me on appointments. As I look around the globe at all the former senators who now reside as ambassadors or high commissioners et cetera, I think it is fair to say that you show some gall in wanting to talk about appointments. I actually think it is perfectly appropriate for some former senators. Senator Minchin and I are as one on the value of former Senate government leaders in this regard, but the point I am making is that this is—

Senator FIERRAVANTI-WELLS—So you are not taking an overseas appointment; is that what are you telling us?

Senator Chris Evans—No, I am not your cocktail circuit type. What I am indicating is that these are rules that have been adopted by this government to apply to its ministers as part of its accountability.

Senator ABETZ—So a federal minister who might resign here could take on a position with a state Labor government—that is what you are telling us—the very next day after resigning.

Senator ROBERT RAY—They could not deal back with the federal government the next day, though.

Senator Chris Evans—What they do in terms of private employment when they leave is their own business, except in the sense that they have committed not to have official dealings—not to lobby, advocate or have business meetings in relation to their dealings as a minister.

Senator ABETZ—With ‘the government’—that is why I was so particular, and you finally told us that it was the Australian government, which means, for example, that the minister for industry could resign and then get a position with the Victorian government immediately with the car industry.

Senator Chris Evans—These rules do not seek to bind state government, the British government or the Saudi Arabian government. They actually are rules adopted by this government to govern its ministers.

Senator ABETZ—Yes. That was a very smart answer, but it does not take into account that, with these rules, you could bind your ministers not to take appointments with state governments. You have deliberately chosen not to do so to allow for the circumstance that I have just outlined.

Senator Chris Evans—That is a complete nonsense, with respect. What we have done is to have dealt with the potential issues arising from their service as a federal minister.

Senator ROBERT RAY—So you could not be defence minister one day and join Tenix the next—is that right?

Senator Chris Evans—No, even if you hawked yourself around all the other defence providers and took the highest bidder.

Senator ROBERT RAY—And you could not be health minister and join a health company a few days later, could you?

Senator Chris Evans—I do not think so.

Senator ABETZ—But you could be the Victorian Labor Premier, having put in submissions to the Australian government about the car industry, who, after having resigned, promptly got a federal Labor government appointment, being paid over \$500 a day to advise the new government.

Senator ROBERT RAY—What about Tim Fischer with regard to the Victorian government? It was exactly the same.

Senator ABETZ—We do not parade, as you guys have done, that these are some huge new standards. These standards are, I must say, noteworthy for their holes, exceptions and wiggle room, including, might I add, the royalties clause, which undoubtedly was there for Mr Garrett—but good luck to him.

CHAIR—Is there a question there?

Senator ROBERT RAY—You will recognise this if you win government.

Senator ABETZ—Senator Ray, I would have thought you would have been in opposition long enough in those 11 years to know that opposition senators do not get to answer questions here.

Senator ROBERT RAY—Not even if you are deputy leader?

Senator ABETZ—No, you do not.

Senator ROBERT RAY—You are totally safe, Nick.

Senator ABETZ—Clause 7.2 of the standard says:

Ministers will be required to resign if convicted of a criminal offence.

There are a whole host—

Senator COONAN—Does it say ‘charged’ or ‘convicted’?

Senator ABETZ—It says ‘if convicted of a criminal offence’.

Senator COONAN—I have ‘charged’ in mine.

Senator Chris Evans—Senator Abetz, can I interrupt you? You seem to have a different copy of the document from the rest of us. I am not saying that that is your fault, but I do not think we are operating off the same document.

Senator ABETZ—So what does it say now and why was it changed?

Ms Belcher—It does in fact say that ministers will be required to resign if convicted of a criminal offence.

Senator ABETZ—Senator Evans, I think you have just been corrected. It does say ‘Ministers will be required to resign if convicted of a criminal offence’.

Senator Chris Evans—I and others thought you were starting on the top line.

Senator ABETZ—No, I was third line down. Sorry if I was moving too fast, so allow me to be perfectly clear.

Senator Chris Evans—I was just trying to help. As we found earlier—

Senator ABETZ—At 7.2—

Senator Chris Evans—Can I just say—

Senator ABETZ—No, you are not answering a question.

CHAIR—He is just trying to clarify a point.

Senator Chris Evans—I am just trying to be helpful. Your document said 12 months but it was 18 months.

Senator ABETZ—Yes, which was wrong.

Senator Chris Evans—I was concerned that you might have another error in your document.

Senator ABETZ—It is full of holes; I agree with you on that. But at the third line of 7.2 it says:

Ministers will be required to resign if convicted of a criminal offence.

So you can be convicted. What does that mean? Somebody who is expert in criminal law might be able to tell us. You may be found guilty but then not necessarily convicted on sentencing, or you might be convicted without penalty. Does it mean that if you are convicted that is it—over and out, no ifs and buts, no weasel words later on that the judge said, ‘Look, yes, are you convicted, you are found guilty, but it was such a minor offence I’m not going to fine you or impose any penalty’?

Senator COONAN—Record a conviction.

Senator ABETZ—Yes—‘Record a conviction and let you go’. Would that require the minister to resign?

Senator Chris Evans—I do not pretend to have legal qualifications, unlike you and the rest of the opposition front bench. You would have a more experienced eye to this than me. But can I say—

Senator ABETZ—I am happy for you to take it on notice.

Senator Chris Evans—I am happy to take it on notice, but I refer you to the footnote on that page, which says:

Criminal offence does not include an infringement notice such as an “on the spot” fine.

Senator ABETZ—Thank you. I was aware of that. That is very helpful but it does not answer the question. If you could take the question on notice, that would be very helpful.

Senator Chris Evans—That is all right, Senator Abetz. I am happy to stop being helpful if you want to be a smart alec about it.

Senator ABETZ—For the purposes of a criminal offence, does that include offences under the Police Offences Act or only under criminal codes?

Senator Chris Evans—I am happy to take that on notice.

Senator ABETZ—Thank you very much. In 7.3 we are told:
Where an allegation involving improper conduct of a significant kind—
which allows for a lot of manoeuvring et cetera—

... ..

the Prime Minister may refer the matter to an appropriate independent authority ...

What do we have in mind there, with ‘an appropriate independent authority’? What sorts of things are we considering? A royal commission might be one, but one would assume there might be others. What other authorities?

Senator Chris Evans—I am not sure that I can give you a list.

Senator ABETZ—You can take that on notice.

Senator Chris Evans—No, I am not sure that I will, in the sense that I am not going to be able to find the gamut of these for you. I am not sure whether you are struggling with the English language, but I think it is quite obvious what ‘an appropriate independent authority’ means. As to whether I can find for you every independent authority—

Senator ABETZ—If it is so obvious tell us, as I asked you before.

Senator Chris Evans—One could run through a range of options, but I would not be able to be exhaustive in those.

Senator ABETZ—Can you give us some examples—

Senator Chris Evans—One would be, say, something like the appointment of Mr Palmer to a judicial inquiry. That is obviously one option, a royal commission. But as to the whole gamut it would be whether or not it is ‘appropriate’ and ‘independent’. They are the two key words.

Senator ABETZ—I fully agree, and that is why the person who helps advise the Prime Minister on these things, like the secretary of the department, is such an important person in all this.

Senator FORSHAW—I take it that it is a small ‘a’ and not a capital ‘A’ for ‘authority’, is it? I do not have access to—

Senator Chris Evans—In my copy it is a small ‘a’.

Senator ABETZ—Yes, of course it is.

Senator FORSHAW—I am sorry; excuse me. That was a serious question because you started to give examples like royal commissions and other things.

Senator ABETZ—I thought I had the bracket of questions, but Senator Forshaw can intervene; that is fine.

Senator FORSHAW—I do not know whether you have questions—but, anyway, carry on.

Senator ABETZ—If you could take that on notice, I would be obliged.

Senator Chris Evans—No, I told you that I was not taking it on notice.

Senator ABETZ—Arrogance on the very first day—unbelievable, isn’t it.

Senator ROBERT RAY—Deja vu.

Senator FORSHAW—Is that ‘arrogance’ with a small ‘a’?

Senator ABETZ—In his case, with a capital ‘A’.

Senator Chris Evans—If I were to take on notice what an appropriate independent authority is, the answer would be that it is an authority which is appropriate and independent.

Senator ABETZ—That is very helpful and very smart!

Senator Chris Evans—You seem to be having difficulty in understanding common English at the moment. I do not want to mislead you. That is the answer you will get, so I gave it to you now rather than taking it on notice.

Senator ABETZ—Can I ask in relation to 4.2, the fundraising clause that a lot of song and dance was made of, about electorate offices, the Prime Minister's dining room downstairs and ministerial offices—can they be used for fundraising purposes?

Senator Chris Evans—All I know is that it is quite clear from this clause what it pertains to—that is, they must comply with the relevant guidelines for the use of the official residences.

Senator ABETZ—Yes, there are two particular houses that have not been used for fundraising, as I understand it, for about 12 or more years. They have been ruled out, so there is no real change. But if we are so concerned about a publicly funded property, I just want to know whether that is going to extend to electorate offices, ministerial offices, the prime ministerial office downstairs or indeed even the use of vehicles going to and from fundraising functions.

Senator Chris Evans—If you ask me what that clause means, I can tell you—and I think I have made it clear. If you are asking me what else might—

Senator ABETZ—So everything that was in before is still in, and in fact nothing has changed. That is what you are telling us?

Senator Chris Evans—I do not know whether you have used a ministerial car for fundraising activities; I certainly have not. But I am not sure what you are suggesting. Are you suggesting that the former Prime Minister used his office for fundraising activities?

Senator ABETZ—No, I am asking if you are specifically ruling out two residences which have not been used for fundraising for the past—what?—12 years or so. I am just wondering why they were included but not other publicly funded facilities.

Senator Chris Evans—The clause is pretty self-evident I think.

Senator ABETZ—We know it is self-evident, but what is the distinction you would draw between Kirribilli House and the Prime Minister's dining room downstairs?

Senator Chris Evans—I am not drawing any distinctions; I have no experience—

Senator ABETZ—Thank you; that is all I need to know.

Senator Chris Evans—I have no experience of fundraising in those offices, but if it has been a practice in the past I am happy to inquire. What I am telling you is that this guideline specifies that particular guidance.

Senator ABETZ—I have a question in relation to the personal standards and requirements that are set out in this document—for example, in paragraph 1.3(iv):

... their conduct in a private capacity upholds the laws of Australia, and demonstrates appropriately high standards of personal integrity.

Would that include filing returns within the appropriate specified time?

Senator Chris Evans—I think it is self-evident what the clause says, Senator Abetz. I am not responding to every hypothetical you wish to make.

Senator ABETZ—All right. So, if a minister were to be 18 months late in reporting on an overseas trip or something of that nature, would that be considered by the Prime Minister to be an appropriately high standard of personal integrity?

Senator Chris Evans—Certainly, in terms of the ministerial code of ethics, we have been in office for—what?—11 weeks, and the document was adopted some time after that, so I doubt that any of our people have been in breach of such a standard for 18 months. If there is—

Senator ABETZ—You see, Mr Rudd has, in relation to reporting on overseas trips—or an overseas trip. I do not want to go into it but for the fact—

Senator Chris Evans—Well, why would you make the slander, then?

Senator ABETZ—of the reporting being some 18 months late. If that is the standard he set in opposition, it is going to be very difficult for him—isn't it?—to crack the whip on his ministers. Because if anybody has

delayed putting in a report for 17 months and gets hauled into the Prime Minister's office then I dare say they will have the article from the *Australian* of 4 December 2007 in their hand and will say, 'Look, it was good enough for you to be 18 months late; why can't I be 17 months late with my returns?'

Senator Chris Evans—Senator Abetz, I am sure there is a cunning debating point in there somewhere, but I could not discern it.

Senator ABETZ—We want to know what the standard is. Once again, we are seeing a display of arrogance.

Senator Chris Evans—Unlike with the previous government, the standards are actually on the document before you; and they will be applied.

Senator ABETZ—Yes, but they are meaningless, as I think four or five of my colleagues here this afternoon have been able to point out.

Senator Chris Evans—You may think they are meaningless. You may not think it is important to have a standard of ministerial ethics, but the Labor government does—

Senator ABETZ—It is very important, and we had one.

Senator Chris Evans—and that is why we have implemented it and that is why we will apply it. But you will be judged on your own view about whether these things are important. We think it is important.

Senator ABETZ—But, you see, you and your ministerial colleagues are being judged on this document, which, we are led to believe, was written by Mr Rudd.

CHAIR—Is there a question there?

Senator ABETZ—We want to know what that standard actually means. You say your standards are a lot better than under the previous coalition government. What we are trying to do is drill down and ask why and how, and whenever we ask that question you are devoid of an answer. You do not have definitions, or you say, 'We just rely on the ordinary meaning'. We have all sorts of obfuscating answers. So let us hope that, when the final document is tabled and we have all the other revisions, amendments and definitions, we might have something that is actually worth while.

Senator FIFIELD—Just on that point, and while we wait for the final documents to be tabled, from my recollection the first day the parliament was back was 12 February. The document says, in the first paragraph: The Guide will be revised and reissued as a whole when the Parliament resumes in 2008.

Is there a reason why that undertaking in the foreword of the Prime Minister's document was not met?

Ms Belcher—Because we hope the guide will cover further detail of the lobbyists and the staff code of conduct. We do not have it finalised yet, so we have not submitted it to the Prime Minister for tabling.

Senator FIFIELD—Are you saying it is the fault of the Department of the Prime Minister and Cabinet that that undertaking to meet the 12 February deadline was not met?

Ms Belcher—We have not been able to finish the work on the lobbyist aspect of that.

Senator FIFIELD—But, Senator Evans, the document was issued in the name of Kevin Rudd, the Prime Minister. He has said that:

The Guide will be revised and reissued as a whole when the Parliament resumes in 2008.

So, Senator Evans, would you concede that the Prime Minister has failed to meet his own undertaking in relation to the code?

Senator Chris Evans—No, I do not. On the basis of the quote you just read, I would not. So unless—

Senator FIFIELD—In that case, you must be able to give us the full revised copy.

Senator Chris Evans—You said 'when the parliament resumes'. But in any event—

Senator FIFIELD—When did the parliament resume?

Senator Chris Evans—these smart debating points—

Senator FIFIELD—Senator Evans, it is not a smart debating point. I am reading what Prime Minister Rudd said in his foreword.

Senator Chris Evans—Well, congratulations.

Senator FIFIELD—He said:

The Guide will be revised and reissued as a whole when the Parliament resumes in 2008.

If that is the case, you should be able to give us a copy of that document now. If not, the Prime Minister has failed in his own undertaking.

Senator Chris Evans—No.

Senator FIFIELD—Which is it?

Senator ABETZ—Has the parliament resumed?

CHAIR—One question at a time.

Senator Chris Evans—Madam Chair, Senator Fifield may want to get excited. We have just spent the last couple of hours going through all of these measures. If he reads the *Hansard* he will understand. The delay in the finalisation of the lobbyist section has meant that it has not been possible to issue the complete guide. You were told when it would be issued, why it would be delayed and that you would see it publicly.

Senator FIERRAVANTI-WELLS—You have not said when it is going to be issued, Senator Evans.

Senator FIFIELD—What is the date, Senator Evans, when it will be issued?

Senator Chris Evans—On the question of the lobbyists, I think we said the end of February or early March—was that it?

Ms Belcher—He said it.

Senator FIFIELD—Will that be the totality of the revised guide?

Senator Chris Evans—It will be one of the components we are waiting on.

Senator FIFIELD—Okay.

Senator Chris Evans—Ms Belcher, are you able to provide any further guidance on that?

Ms Belcher—There is also the staff code of conduct.

Senator Chris Evans—So once we have got the staff code of conduct and the lobbyist register, will we be in a position to issue the total document—or are there any other sections still required?

Ms Belcher—No, I do not believe there are any others.

Senator Chris Evans—If there are any others, Senator Fifield, I will take it on notice and get back to you.

Senator FIFIELD—I would appreciate that. So what will be the date? Clearly the 12 February date set by the Prime Minister has not been met, so what is the date that will be met?

Senator Chris Evans—As I said to you, in terms of the lobbyists we said late February or early March.

Senator FIFIELD—That is one element, but I am talking about the entire revision.

Senator Chris Evans—That is why I am saying to you that we are close to finalising the staff code of conduct. We expect to finalise the register of lobbyists in late February or early March. When those elements come together then clearly it will be possible to issue the complete package.

Senator FIFIELD—So it will be a few months after when the Prime Minister undertook to have it ready.

Senator Chris Evans—As I indicated to you, Senator, one element will not be completed till late February or early March. That is part of the broader process.

Senator RONALDSON—Senator Evans, the concern we have about this is that we have asked you for definitions for the last two hours. The opposition made it quite clear that we would support this ministerial code of conduct and this other code—

Senator Chris Evans—There is no sign of that so far.

Senator RONALDSON—Let me finish. We would support it if it were in the best interests of the Australian community. We are asking you questions to ascertain some answers to some fairly basic questions—such as, ‘What is the public interest?’, ‘What are official duties?’ and a whole range of other things. You have refused to say today whether there would be definitions attaching to this document. At the moment, quite frankly, I would stand about 50 feet away, because this has got so many holes in it there is a B-double coming through.

You have done nothing today to clarify any of the issues that we have put to you. There will not be definitions. All we are going to have is the document as it is. It will be fiddled around with at the edges and we

will have no better document—which ostensibly is to protect the public’s interests—than we had at the start of this process. I again ask you: why won’t you provide us with some definitions? Why won’t you say whether there are or are not going to be definitions attaching to this? Unless there are, as has been clearly articulated for the last two hours, this is meaningless. It just becomes a fuzzy document that might make the government feel good and might make the Prime Minister feel good—because his fingerprints are all over it. But does it achieve anything for the community? Is there anything there in the public interest? Quite frankly, and with the greatest respect to you, I think the answer to that after the last two hours is an emphatic, ‘No’.

Senator Chris Evans—I take it from that, Senator Ronaldson, that you will not be supporting a standard of ministerial ethics and you will not be supporting the other accountability measures. I am disappointed.

Senator ABETZ—That is just nonsense.

Senator Chris Evans—You purport to be the alternative government, and clearly the public will be interested in your views on this when the documents are released. But I have, at length, taken you through the process and indicated what has been developed and the time frames for that. When they are released, you will be able to make commentary on the content. I would hope that, having been freed up by electoral defeat to adopt, perhaps, some new attitudes—

Senator ABETZ—Arrogance, again.

Senator Chris Evans—one of the attitudes you adopt is that this sort of ministerial accountability is important in our system of government and that you will support these measures. But you can clearly—

Senator RONALDSON—Minister, with the greatest respect, that is the sort of arrogance that is starting to come out in this sort of documentation. It is a purely political document.

Senator ABETZ—It is all about spin and not substance.

Senator RONALDSON—You really could not give a tinker’s cuss about the Australian public. You make an arrogant comment like that when I said to you not less than two minutes ago that the opposition supports a ministerial code of conduct and other codes of conduct that are going to be in the best interests of the Australian community. What I am putting to you is that your failure and refusal to answer the most basic questions about definitions and process means, in our view, that you are not serious about this. It is just spin and it is all fluff. Until you provide that information to us, to this committee and to the community, it is meaningless.

CHAIR—Is there a question there, Senator?

Senator RONALDSON—Yes: what do you think of that?

Senator FORSHAW—On a point of order, what we have just heard from Senator Ronaldson makes it very clear that this issue cannot be taken any further. He has indicated on the record what his view is. Let us move on to a new issue.

Senator ROBERT RAY—I think he was summing up.

Senator FORSHAW—Okay, then we should move to the next question.

Senator MURRAY—Minister, we have heard a fair few hypotheticals, but anyone who has dealt with conflicts of interest or codes of conduct in any organisation knows you cannot foresee all the possibilities. It is in specific circumstances that it is really tested. It has already been tested once with respect to Senator Faulkner’s potential conflict of interest. What he did there was to check with two reputable independent third parties as to their view on his potential conflict of interest. My question is: what happens if the Prime Minister has a conflict of interest? He obviously could not go to an employee of his, such as the secretary for cabinet or the head of cabinet. Who does the Prime Minister go to for advice if there is a conflict of interest?

Senator Chris Evans—I do not think that is particularly covered by the standard of ministerial ethics. I presume you have read them and would confirm that is the case. There is nothing to stop, though, the Prime Minister seeking the advice of his departmental secretary or seeking the advice of other departmental heads, Public Service commissioners et cetera—whoever he thought was appropriate. He can certainly seek that advice. I take the point you are making, which is that there may be a more unequal relationship, in a sense, between the Prime Minister and some of those officers.

Senator MURRAY—Yes, his employees.

Senator Chris Evans—But, I think, that is the problem with being Prime Minister: there are not too many people to whom you can defer, as it were, in seeking that advice. But to be fair, I have been impressed since

becoming minister by the fearless and frank advice one does receive from public servants on issues. I am sure he could seek it there. In the end it is a question of his judgement—exercising his judgement and taking advice from where he sees fit—and, of course, like all ministers, he will be held to account by the public document.

Senator ROBERT RAY—I am right in saying that the former member for Bennelong sought advice over his directorship—accidental, we know—of, I think, one of the Menzies foundations. He went to the secretary of PM&C. This was when we exposed you, Senator Minchin, as being a major shareholder in BHP, as I recall—the fact that you had one share.

Senator MINCHIN—I was just going to add that the normal course of events, if I may interlude, was for the Prime Minister to consult the secretary of his department and operate on that basis. I think that is proper and that is how it should be.

Senator MURRAY—The reason I raise this question with you, Minister, is that other parliaments have looked at this issue and have created a genuine third party, such as a parliamentary commissioner or commissioner of parliamentary ethics. Your government has decided to not do so. It seems to me that Senator Faulkner's instance is a clear example of his going to somebody whom he does not employ or appoint—somebody he has a genuine objective, independent relationship with—and therefore to me it is very proper and credible. However, if the Prime Minister—any prime minister, not just this Prime Minister—were to go directly to an employee for advice, I suggest to you that the advice will not have the same quality as if that person were truly independent of the Prime Minister. I am just wondering if that has been thought through and if it is envisaged that there might be a set-up for the Prime Minister, as opposed to other ministers, where he can turn to someone for advice.

Senator Chris Evans—I think the broader policy decision has been made and it is reflected in this document. I am happy to take on notice as to whether there is anything further to add in terms of the line of questioning you have developed. The bottom line is that the Prime Minister can seek advice from any of the Public Service or other agencies and assess that advice, but in the end it is a judgement call. He, as with the rest of us, will be held to account against the published ethics.

Senator MURRAY—I also have a question arising from a specific, practical instance. I think it is extremely valuable for the committee and the public at large that the advice to Senator Faulkner was tabled. To me, that really makes the way in which he approached it above board, because it is confirmed in writing. Will it be the practice that all advice of this nature is tabled or will it be determined by circumstance, by individual situation?

Senator Chris Evans—As you indicated earlier, you have to deal with these things on a case-by-case basis. Certainly the Prime Minister is serious in his desire to have more open government. He has been very anxious to ensure that we meet FOI requirements and other transparency mechanisms. I cannot provide advice as to what will happen in all cases, but I think you should take Senator Faulkner's actions as a guide to the sort of behaviour to expect in these cases. Clearly, there are a range of pieces of advice that you would not table for a whole range of reasons.

Senator MURRAY—But this is not an exception. You would expect that, generally, this sort of approach would be taken?

Senator Chris Evans—Senator Faulkner operated in that way. I can say that I certainly intend to operate in that way, as does the ministry. Whatever I feel I can make public, I will. There will obviously be cases when one cannot, or one makes a judgement not to do so, so I do not think we can speak too much in the broad. In this case Senator Faulkner did the appropriate thing. Tabled the advice allows the sort of level of transparency in government that I know you have argued for for a long time.

Senator MURRAY—I would actually argue that in general it should apply and, when it does not apply, there should be reasons for it not applying, rather than the other way around, if I may say so.

Senator Chris Evans—That is certainly the sort of judgement I will be applying.

Senator MURRAY—I want to go back to the lobbyists register. I will restate my understanding of the publication. The people or organisations who register as lobbyists will be listed on a public website. That is correct, isn't it?

Ms Belcher—That is right.

Senator MURRAY—You might have seen that I have said elsewhere that that list is very valuable for everybody who is subject to potential influence—chairmen of committees, cross-benchers who hold the

balance of power, people who have the majority in the Senate, bureaucrats; it goes right across. Do you think it should be titled to ensure that everybody understands that its purpose is to be a guide for everyone who is potentially the subject of lobbying? Perhaps it should be titled 'parliamentary register of lobbyists', even if it is to be administered, managed and coordinated by the Prime Minister's department. I ask this deliberately because there might otherwise be a sense amongst politicians as a whole that it applies to only ministers. In my view you are saying that it applies to anyone who is potentially influenced in their vote or in the conduct of their political or bureaucratic life.

Senator Chris Evans—I will ask Ms Belcher to comment on the development of the document. It seems to me, though, that by having a lobbyist register you identify who is a lobbyist.

Senator MURRAY—That is right.

Senator Chris Evans—It is more about the transparency of who they are and how they operate. It seems to me that that would be useful for others in the parliament as well. That is publicly available.

Senator MURRAY—I understand the title is 'Ministerial register of lobbyists'. Is that correct?

Senator Chris Evans—That is where I might hand over to Ms Belcher, who might be able to help.

Senator MURRAY—What is the title of this thing?

Ms Belcher—We have not actually got a title that cannot be changed at this stage, because we have not got that far.

Senator ABETZ—So you have not even got to the title yet?

Ms Belcher—We have just been calling it 'the register—

Senator MURRAY—But do you understand the point I am making?

Ms Belcher—Yes, I do, Senator. We have just been calling it 'the register of lobbyists' up till now. I suppose there could be a rare case where someone does not lobby ministers but lobbies other people in the parliament.

Senator MURRAY—Usually they lobby both.

Ms Belcher—Normally it would be both, yes. I do not think there is any fixed view on what it could be called. I can see that the title would indicate something broader, so I am happy to take that up.

Senator MURRAY—Thank you very much.

Senator FIELDING—I was wondering whether you could shed some light on performance benchmarks for each of the ministers.

Senator Chris Evans—I am not sure that I can, other than that if you are not doing well the Prime Minister usually sacks you.

Senator ROBERT RAY—That is not the only reason!

Senator Chris Evans—You have got me worried now, Senator Fielding, about whether I am meeting them or not.

Senator FIERRAVANTI-WELLS—You will know if you do not.

Senator Chris Evans—You are generally the last to hear. The Prime Minister has taken a number of initiatives, though, in corresponding with ministers about what he expects of them in terms of policy outcomes. Perhaps, Ms Belcher, you might be able to assist in describing that process.

Ms Belcher—Yes. The Prime Minister will be providing each minister with a charter letter that sets out priorities and some expectations in areas of policy and elsewhere.

Senator ABETZ—So they have not been sent out yet?

Ms Belcher—There have been discussions with each minister.

Senator ABETZ—The question is whether they have been sent out.

Dr Morauta—No.

Senator ABETZ—They either have or have not.

Ms Belcher—No, they have not.

Senator FIELDING—Let me continue. I recall that on the *7:30 Report* on 27 November last year Kevin Rudd was outlining his plans. He said:

What I'm determined to do with the cabinet colleagues is to say, 'Well, here are some performance benchmarks in terms of how this is implemented over the next three years.'

I am sort of familiar with this sort of thing—key performance indicators, I suppose—that people know about. It is over three years, so it is significant. I am just curious. These benchmarks have not been done yet for the three-year period?

Ms Belcher—Not in that formal sense that you are describing. The Prime Minister, from the day he was sworn in, indicated that there were deadlines for certain promises to be implemented and certain policies to be developed. In a less formal way than you are describing, that started immediately. Then there will be these charter letters that will flow from discussions the Prime Minister has with ministers.

Senator FIELDING—Will these performance benchmarks be made public?

Ms Belcher—That is a matter which will be for the Prime Minister to decide.

Senator Chris Evans—Maybe we can take that on notice. The Prime Minister has been very focused on making sure each minister understands the election commitments in his portfolio and receiving advice from those ministers on the program for achieving those things. There will be a series of discussions about that before the charter letters are finally issued. I think it is fair to say that the charter letters will, if you like, set out the Prime Minister's expectations of his ministers.

Senator FIELDING—Do you know when they are likely to be sent?

Ms Belcher—I know that letters have been drafted, but they may be the subject of further discussion with ministers. I cannot give you a time.

Senator FIELDING—To come back to the previous point, are you taking it on notice whether they will be made public or not?

Senator Chris Evans—Yes, I said I would take that on notice.

Senator FIELDING—Thank you. I would appreciate that. Obviously I think that they should be made public. That is my comment. Given that back in November last year there was a reasonable amount of energy put into saying that these are very important for the three years, I would be interested in seeing them. I look forward to hearing that reply.

Senator Chris Evans—It is very much a focus of the Prime Minister's approach. He is very much focused on meeting those election commitments. You would have seen a whole range of measures to get the major commitments moving. I just am not sure in my own mind whether the Prime Minister intends to publish those charter letters or use another mechanism. I will take that on notice and give you an answer.

Senator FIELDING—What else is likely to be in that charter, just out of curiosity?

Senator Chris Evans—It is, if you like, an agreed program of work to be undertaken by that minister with the key objectives both in the short and longer-term in that portfolio so that there is a common understanding between the minister and the Prime Minister of those issues. It is the sort of thing you were talking about really—not so much performance benchmarks but benchmarks against which the minister is supposed to deliver.

Senator ABETZ—Senator Evans has kindly tabled two letters. Is he able to table the letter that was written to Dr Nelson?

Senator Chris Evans—No, I should have raised that earlier. As I understand it from checking with Senator Faulkner's office, I think Senator Faulkner consulted Dr Nelson and Senator Minchin in a conversation or two rather than by formal correspondence. I understand that he provided the advice that he had sought from the two organisations to Senator Minchin. But, as I say, Senator Faulkner is happy to attend. Certainly my understanding is that those advices were shown to the opposition, there was a discussion rather than an exchange of letters and Senator Faulkner concluded that there were no ongoing concerns from the opposition.

Senator ABETZ—Just to confirm—there was no letter to Dr Nelson and no letter of response?

Senator Chris Evans—No. I think I indicated to you earlier that I was not sure of the details, but I understand it was by way of conversation. Senator Minchin is in attendance. I know he is not allowed to answer questions, but I am sure that if that is wrong then Senator Minchin will correct the record.

Senator MINCHIN—That is my recollection of the sequence of events. As I say, my question still stands about the consequences of the subsequent actions with respect to the McEwen matter.

Senator Chris Evans—I have taken that on notice. Senator Minchin probably knows more about the interchange than I do. But, as I say, Senator Faulkner will be available after dinner.

Senator MINCHIN—You have summarised the position accurately.

Senator ABETZ—Does the government have a checklist of all the plans, reviews and plans to review that it has committed itself to over the past 12 months or so?

Senator Chris Evans—I think the officers at the table can assist you with questions relating to the Prime Minister and Cabinet portfolio. If you want to ask questions of a more general nature, I suspect you will have to ask them department by department.

Senator ABETZ—The Prime Minister made a lot of promises and announcements on behalf of the government. I would have thought that it would be appropriate for Prime Minister and Cabinet to give us a checklist of what all the plans, reviews and, indeed, plans to review were that the government is committed to. I can understand that officials at the table would not have the full checklist, but if that could be taken on notice across portfolios that would be very helpful.

Senator ROBERT RAY—If there is knowledge within PM&C at the moment of that, they should give it to you, but you cannot actually task them to go out and research over all departments and answer your question when the knowledge is not there. I think they are two entirely different matters.

Senator ABETZ—I know from time to time we in fact did it to coordinate on behalf of the government. Take it on notice and see what you can come back with.

Senator Chris Evans—I was about to make a similar point, Senator Abetz: the officers I think will be able to help you with issues within the portfolio. Whether or not the government wishes to commission an across-government response, I will take on notice.

Senator ABETZ—What is the government's first or No. 1 priority?

Senator Chris Evans—I do not know whether this is a quiz question, but I would have thought a strong economy, Senator Abetz. It is certainly one of the priorities.

Senator ABETZ—When the Prime Minister says: 'Education will be the first priority', 'Economic management is my No. 1 priority', 'The first priority is defence and security', 'Inflationary pressures our No. 1 priority', 'The first priority is to act on climate change' and 'Cooperative federalism the No. 1 priority', can you understand that some of us are a bit confused as to what the actual first or No. 1 priority of the government is? More importantly, has the government considered what is going to happen when all the defence boffins, climate change boffins and education boffins get together and realise they have all been told and promised that they are the No. 1 priority? It was something that was promised to everybody. The special promise that they were made that they were No. 1 now seems very shallow and very hollow, because it seems that everything is No. 1.

Senator CHRIS EVANS—I am not sure if there is a serious question there from Senator Abetz.

Senator ABETZ—It is a very serious question. I want to know what the No. 1 priority is.

Senator Chris Evans—I have answered that question.

Senator ABETZ—Is it cooperative federalism?

Senator Chris Evans—I have answered that question.

Senator ABETZ—Is the government's No. 1 priority cooperative federalism?

Senator Chris Evans—I have answered the question.

Senator ABETZ—No you haven't. I am asking—

Senator Chris Evans—You asked me what the No. 1 priority was. I told you.

Senator ABETZ—I am now asking specifically whether the phrase: 'Cooperative federalism is the No. 1 priority for me'—that is Kevin Rudd speaking—is correct.

Senator Chris Evans—The No. 1 priority of the government is a strong economy, Senator Abetz, and things like cooperative federalism are a key to having a strong economy. Yes, we do prioritise those matters and they are matters that the Australian public embraced as being important for the development of a strong

economy. The government is actively looking to implement the commitments it made and prioritising all those measures, including capacity constraints, the failure to invest in education and all those other issues that will contribute to a strong economy.

Senator ABETZ—So we have some core priorities and non-core priorities. Is that what you are telling us?

Senator Chris Evans—I am not sure you should be making the point. That sounds like an awfully big own goal to me.

Senator ABETZ—No. What it shows is that you have gone around the Australian community promising to individual interest groups that they are the No. 1 priority and now all the chickens are coming home to roost. They are all becoming a bit disappointed that the promise of being No. 1 was in fact shallow and hollow because it was promised to the world at large.

Senator Chris Evans—Senator Abetz, I am happy to have the political debate, if you want to have it, in another forum. But I have not noticed a sense of disappointment in the Australian community; in fact, I have noticed quite a different approach—a welcoming of many of the initiatives we have taken and a sense of a new beginning in Australian politics. That mood seems to me to be reflected broadly across the community. But you obviously can make a different judgement. You can argue your case in the public and in three years time you can take that view to an election.

Senator ABETZ—If the government is committed to climate change as its No. 1 priority then clearly that is something that the government should be questioned about and taken to task on. But when everything becomes a No. 1 priority it all becomes a bit shallow and hollow, I might say.

Senator Chris Evans—Could I just say that the question of climate change will be addressed by the department if they get to appear. The question of how you use your time today is up to you, but if you seriously want to have a go about climate change issues then I suggest that you might think about the timing of the day because I am concerned that you will not get the opportunity if we are still on the overview of this department. You will run out of time, but I am happy to answer any questions you want to raise with me.

Senator ABETZ—If you keep on like that, we will undoubtedly run over time.

Senator Chris Evans—It is your call; your time.

Senator ABETZ—If it is appropriate, Chair, can we move on to questions about the apology, under general questions? Is there a specific outcome for the apology? I have just a few questions on that.

Senator Chris Evans—Madam Chair, could I make the point that I am happy to have a broad interpretation of the opening general questions, but the reality is that we have officers waiting and they are timed with their programs. I think we ought to be able to give them at least some direction about how we are going to handle the program. We can get someone to the table to help with the apology question, but we have not got anywhere near the program structure and I am conscious that the day is proceeding. How senators want to use their time is obviously a question for them, but, in terms of managing departmental officers and not mucking them around, it seems to me that we would be better off running through the program. I do not care in which order we do that, but—

Senator ABETZ—I am relaxed. That is why I asked.

Senator Chris Evans—It is under output 2, as I understand it, Senator Abetz.

Senator ROBERT RAY—Some of us have deferred our general questions, as we should, to give the opposition the run they want. I will continue to do so, but I do have general questions.

CHAIR—Yes, and so does Senator Murray.

Senator MINCHIN—Senator Fierravanti-Wells has some questions on the 2020 summit. I do not know whether they fit into an output.

Senator Chris Evans—We were planning to handle that under output 2 as well. If we go to the program then senators know when to come in and out, but at the moment they would not have a clue when to come in and out. There may well be other senators who want to come in on the apology questions.

Senator ABETZ—And there is the Australian Social Inclusion Board.

Senator MINCHIN—I assume that is also under output 2. I have one question which I think comes under general questions. I noticed the press release with respect to the appointment of Mr Terry Moran as the secretary of the department. The release does not refer to whether he is appointed on the basis of a contract

and, if so, the term of the contract. I read unfortunate speculation that he is merely a seat-warmer for Mr Glyn Davis. In the absence of any evidence—I may have missed it—as to the nature of Mr Moran's appointment and the terms of that appointment, that speculation will run. I think that is unfair to Mr Moran. Could you just clarify the nature of his appointment—the term of it?

Ms Belcher—Mr Moran has been appointed for a term of five years.

Senator MINCHIN—On a contract?

Ms Belcher—It has never been quite under contract; it is by appointment by the Prime Minister under the Public Service Act.

Senator MINCHIN—It is a five-year appointment?

Ms Belcher—Yes.

Senator Chris Evans—He would get a very good payout.

Senator MINCHIN—I am just looking after his interests.

Senator Chris Evans—That is one rumour I think you can dispel.

Senator MURRAY—Minister, I want to ask you about the freezing of politicians' wages. It would not come under anything else but general questions. This was a prime ministerial decision. I understand it is to be made enforceable through regulation. Is that correct?

Ms Belcher—Yes, that is my understanding, but I do not have detailed knowledge of the process. That falls more within the employment portfolio.

Senator MURRAY—Frankly, I have no objection to the adoption of a policy which people may think contributes to lowering inflationary pressure—

Senator Chris Evans—You sound like a man who is retiring in a couple of months!

Senator MURRAY—Exactly—providing it is going to have real effect! My real question is: if this is underway, has the Prime Minister called for advice as to whether this same freeze can apply to any public sector worker earning over the benchmark of \$127,060?

Senator Chris Evans—I do not know the answer to your question about advice in relation to those persons. I am happy to take it on notice; I do not actually know. Obviously the initiative was targeted at members of parliament and, as Ms Belcher said and as I understand it, the enacting of that by regulation is being carried by the Department of Education, Employment and Workplace Relations. I say that just to indicate that both caucus and cabinet have considered this issue, so it is not just a prime ministerial position.

Senator MURRAY—There are things the Prime Minister has the power to do and things he does not. For instance, he obviously cannot tell the private sector, not-for-profit and for-profit, what to do. He can merely encourage them. But he can, with the support of the cabinet as a whole, act to put a freeze on the increase in wages in the public sector. That is directly within his power, as it appears to be for politicians. It is in that context I would ask you to take that question on notice.

The second question will also probably have to be taken on notice. Has there been a letter to the chief ministers and the premiers of the states and territories asking them to act to freeze the wage increases of state and territory politicians and of all state public sector workers who earn in excess of \$127,060? Once you do that you have got a very large aggregate number, which does of course then have a material effect on reducing inflationary pressures as a result of people not having the same discretionary income. I think you clearly understand where I am going to with this. Could we have the answer to that?

Senator Chris Evans—All I can do, Senator Murray, is indicate I will take that on notice.

Senator ROBERT RAY—You have just taken a question on notice, which raises the question of questions on notice. Can I ask why it has taken eight months as of 12 February this year? A whole range of questions taken on notice then were not answered. I will ask, first of all, about questions 9 and 11 on water: why were they not answered in that eight months? Have they now been answered? And, if so, when were they answered?

Dr Morauta—We took 93 questions on notice and 38 answers were tabled by the due date, 21 answers were tabled at the Senate committee under the former government after the due date and the remaining 34 answers were tabled with the Senate committee on 15 February. So we have covered all the questions that were asked. There is one exception, which is PM41. We are seeking to pass that one on to the Department of the Environment, Water, Heritage and the Arts.

Senator ROBERT RAY—So question 41 is delayed because you are consulting another department—is that right?

Dr Morauta—Actually, the documents went from our department to that department with the transfer of function of the Office of Water Resources. We do not have the files anymore.

Senator ROBERT RAY—Tell me again how many questions you answered on 15 February.

Dr Morauta—All of them but this one were answered by then.

Senator ROBERT RAY—Yes, but how many did you put in over eight months late?

Dr Morauta—There were 34 answers tabled on 15 February.

Senator ROBERT RAY—Remind me again when the deadline was for the answers.

Dr Morauta—The deadline was 6 July for most of those questions.

Senator ROBERT RAY—Can you proffer a general reason or specific reason as to why these 34 questions took eight months to answer when your deadline was so explicit?

Dr Morauta—They were awaiting clearance.

Senator ROBERT RAY—Could you tell me when these questions were submitted for clearance?

Dr Morauta—All of the questions were submitted by 27 July 2007.

Senator ROBERT RAY—What about the 21 questions? We have got two categories: 34 and 21. When were the 21 submitted?

Dr Morauta—The information I have is that everything was submitted by 27 July 2007.

Senator ROBERT RAY—When were the 21 answered?

Dr Morauta—Under the previous government but after the due date.

Senator ROBERT RAY—But when? When were they forwarded to the committee?

Dr Morauta—I am just trying to see if I can have some assistance. I am afraid that I have not got that information but we could certainly get that for you.

Senator ROBERT RAY—Was it just after the deadline or was it well after the deadline?

Dr Morauta—My impression was that it was a stream, not at one particular point in time.

Senator ROBERT RAY—I see. I had the impression the 21 were all put in at the one time. So 21 answers dribbled out after that July date and after you submitted them for clearance?

Dr Morauta—Yes.

Senator ROBERT RAY—All right. I think we will let those go, but what about the 34 questions? Have we got any reason why the clearance took so long? These are questions on media monitoring costs, Senator Vanstone, campaign ads, Kirribilli bathroom renovations, the wine at Kirribilli, PM's functions and furniture for the lodge in Kirribilli. Did these all get stuck in the Prime Minister's office?

Dr Morauta—Yes. They were awaiting clearance.

Senator ROBERT RAY—For seven months, basically?

Dr Morauta—Yes, for whatever period. Yes, it is around that time.

Senator ROBERT RAY—It is a very poor performance, Minister. The PM&C usually sets the standard for the rest of government. But these were just bottled up for political reasons, in my skimming across the surface.

Senator Chris Evans—As I understand it, Senator Ray, and as the department advised, the Prime Minister and cabinet provided draft responses. They were not clear and therefore they were not provided to the committee.

Senator ROBERT RAY—Let us go to where the department is a little more responsible: answering parliamentary questions on notice. I will take you to your annual report if you like. Let me take you to pages 23 and 24 of the annual report for 2006-07. Is it true that it took on average 182 days to respond to questions placed on notice in the House of Representatives?

Dr Morauta—That is what the report says—yes.

Senator ROBERT RAY—And what is the normal limit on answering those? 60 days—is that right?

Dr Morauta—I think it is 60 days for the Reps and 30 days for the Senate.

Senator ROBERT RAY—Yes, that is right. So it took you 182 days on average. Why was that?

Dr Morauta—I will just seek advice. I am not dead certain about this one.

Ms Belcher—There would be perhaps more than one reason why they had not been answered in a shorter time. Sometimes it is not possible for the department to meet the 30- or 60-day deadline because the questions are complex and require a good deal of coordination and so forth. Sometimes it would be that the department did not meet the deadlines in getting them to the Prime Minister's office in time to meet the 30- or 60-day deadline.

Senator ROBERT RAY—Yes, but we are not looking at just two or three here, are we? We are looking at almost a majority of the questions taking this long. We are averaging 182 days in the case of the House of Reps and 152 days in terms of the Senate. Is the problem here, again, clearance out of the PMO?

Ms Belcher—In some cases, yes.

Senator ROBERT RAY—Can you give me an idea of how many cases?

Ms Belcher—I am sorry, I cannot. I do not know.

Senator ROBERT RAY—You might like to take on notice that question about what the delays have been. Minister, is it not a fact that any other department looking at this performance would not be encouraged to answer questions as required by parliament? These are not capricious deadlines put on.

Senator Chris Evans—Obviously I have shared your frustration over the last 11 years. I think it certainly did get worse as time moved along. I think it is the case that PM&C ought to provide leadership and set the standard rather than be one of the poorer performers. I think the officers can explain that many of these questions have had answers prepared but they have not been dealt with at the political level. Therefore, answers have not been provided to senators or members of the House of Representatives.

Senator ROBERT RAY—I do accept that some questions are complex, but you might take this question on notice: provide an example of these complex questions so we can understand why they were not answered in time. I would reiterate that I would like to know, on notice, what the lodgement dates for some of these answers were and how long it took to get clearance out of the PMO before they could be lodged in the Senate and the House of Representatives. That would give me a clear idea of whether this is a breakdown somewhere in the political process or a less than competent performance by the department.

Senator Chris Evans—Certainly I will undertake to get you a document on notice, setting out the time frames.

Senator ROBERT RAY—All right. I assume it was not the Prime Minister's office that was at fault when it came to the lodgement of the PM&C annual report. I understand that was lodged on 19 October. That was late.

Dr Morauta—Yes, Senator, it was late.

Senator ROBERT RAY—Why was it late?

Dr Morauta—Further information was sought and, when it was provided, the report was cleared and then tabled.

Senator ROBERT RAY—What was that further information?

Dr Morauta—I think the details of our discussion with the previous government on this matter are probably not relevant. The document has been firmly tabled in its complete form now.

Senator ROBERT RAY—It has been firmly tabled and you have also, I assume, complied with the requirement to report to parliament on the reasons for it being late.

Dr Morauta—Yes—there is a letter that went in which said that further information was sought.

Senator ROBERT RAY—But you are not willing to identify what that further information is?

Dr Morauta—Let me take that on notice. I need to take advice.

Senator ROBERT RAY—I am not seeking the absolute detail of that further information, just a broad subject category of why that information was not available and why it made you table the report in a late fashion.

Dr Morauta—I understand the question.

Senator ROBERT RAY—You understand it. We have been through this before. You have either got an answer to it or you do not know the answer and you are taking it on notice. Or what you are really saying to me is—and I would like you to say it very explicitly—‘This could be a very sensitive matter that I do not want to blurt out here, and I want to go back and get advice.’ Any one of those three answers is acceptable.

Dr Morauta—I am saying I am going to take it on notice and take advice.

Senator ROBERT RAY—Take advice—thank you very much. Am I right in saying that, on three occasions, officers of your department have written to this estimates committee explaining and clarifying evidence? You wrote on 1 June in relation to certain costs of campaign advertising. I must say, it does credit to the department to correct the record so quickly. Mr McMahon says in part: ‘The information I gave was wrong because of clerical errors within the Department of the Prime Minister and Cabinet. I apologise for unintentionally misleading the committee.’ That is most appropriate. Have we examined what those clerical errors were?

Dr Morauta—My understanding is that the paperwork was not properly analysed and people just did an incomplete job. I am not sure of the exact details, but I feel it was a clerical error.

Senator ROBERT RAY—What I am trying to get to is whether this clerical error is systemic or a one-off.

Dr Morauta—We are hoping to not repeat the error.

Senator ROBERT RAY—He then wrote to us on 26 June—I think in answer to Senator Forshaw’s and Senator Evans’ questions relating to, in one case, security guard services at Weslo. You then had to clarify another position with regard to a third-person note from the Department of Foreign Affairs and Trade and, finally, there was one about train services from Senator Forshaw. There were those three in particular. Was the committee notified at the first available opportunity when these errors were realised?

Dr Morauta—I will have to find the people who know about these. We are just looking for the people.

Senator Chris Evans—While we do that, can I declare a conflict of interest if one of the questions was from me, Senator?

Senator ROBERT RAY—Absolutely.

Senator Chris Evans—I have no intention of participating in answering it.

Senator ROBERT RAY—No, and if it embarrasses you—

Senator Chris Evans—I presume that is why you raised it.

Senator ROBERT RAY—No. If you go back through the track record, every time evidence is corrected I try to find out the purpose.

Senator Chris Evans—I was only joking.

Senator ROBERT RAY—Yes.

Dr Morauta—I really am not sure that I have got the material with me on this. We will get back to you as soon as we can.

Senator ROBERT RAY—You might answer it at some later stage.

Dr Morauta—Yes. I will try to answer it tonight if I can.

Senator ROBERT RAY—There was another correction to evidence sent on 10 August. It corrects two pieces of evidence: one was the amount spent on alcohol at the residence—I presume Kirribilli and the Lodge—and the second one was, I think, on the use of water at Kirribilli. Again, my main question is: was this committee notified as soon as the discrepancies were realised or was there a delay?

Dr Morauta—There are two questions here. With regard to the correction put on the water at Kirribilli, you asked whether we notified them as soon as we found the error. Senator, what was the other one?

Senator ROBERT RAY—The other one was the amount spent on alcohol. It was a downward revision, which must be very gratifying to my coalition colleagues. It was \$30,000 down to \$26,000.

Senator RONALDSON—Madam Chair, could Senator Ray give some indication as to how long he is going to be? I need to get to another committee. If it is half an hour or an hour or so it would be brilliant.

Senator ROBERT RAY—No, I reckon it will be a maximum of about a quarter of an hour.

Dr Morauta—Senator Ray, we can advise that those two pieces of information were provided as soon as the errors came to light.

Senator ROBERT RAY—Thank you. I had a more general question on the tabling of legal advice by government. I think I have already heard some coalition members ask you, Senator Evans, to table legal advice, but is there any thought being given to making it compulsory to table legal advice by government as to the constitutionality of an act of government as opposed to all the other categories? This actually affects the entire parliament. Constitutionality of legislation or constitutionality of an executive act seems to me to go beyond the normal bounds of confidentiality and privacy. It really is in the public interest always to table that—not necessarily to table every piece of advice you get, because no government will do it. Has any thought been given to that or will any thought be given to it?

Ms Belcher—I am not aware of it having been considered as an issue. I am aware of some cases where that has been the reason for giving out legal advice; that is, where it has gone to the Constitution. I am thinking of an example in relation to the status of parliamentary secretaries, where it was decided that there was a broad interest in the constitutionality of the arrangements.

Senator ROBERT RAY—I would have to disagree there. It was given out because it had absolute certainty and expressed no doubts. But, anyway, I do acknowledge that it has been done in the past on occasions, but on a selective basis, that is all. Minister, you might take that on board.

Senator Chris Evans—I am happy to seek some advice from PM&C and perhaps from the Attorney-General on that question. Of course, as with all legal advice, it is then disputed by another lawyer, and one seems to be able to commission whatever advice one needs. But, as you say, it might be appropriate on occasions to have the actual government's formal advice available to settle or at least reassure. We will take that on notice.

Senator ROBERT RAY—I turn now to the investigations of leaks. We have a lot of evidence here. I notice that the *Australian* of 9 November 2007 carried an article by Dennis Shanahan—so I do not make any claims as to its accuracy—purportedly based on a confidential submission on the car industry to John Howard from the Department of Prime Minister and Cabinet dated 3 October. Do you know about this newspaper article?

Dr Morauta—No, I am not familiar with this issue at all.

Senator ROBERT RAY—Someone must be.

Dr Morauta—I will find out if anybody knows.

Dr Dickson—Your question was about a newspaper article. I did not quite catch the intent.

Senator ROBERT RAY—It was a newspaper article by Dennis Shanahan which purported to be based on a confidential submission on the car industry to John Howard, the Prime Minister at the time, from the Department of Prime Minister and Cabinet dated 3 October. I am wondering whether the document which the article is purported to be based on is a confidential cabinet document and, if it is, whether there was a direction to the AFP to investigate the leak.

Dr Dickson—I do not actually recall that occasion, but I can check on that. I do not think there was any investigation of a leak. The Prime Minister of the former government was briefed from time to time on the car industry and those developments. There was not anything beyond those regular briefings that was provided to the Prime Minister.

Senator ROBERT RAY—It says here that there was a confidential submission on the car industry to John Howard from the Department of the Prime Minister and Cabinet dated 3 October. That is pretty specific.

Dr Dickson—I am pretty confident that there was no submission. There would have been briefings on car industry developments that were provided to the Prime Minister from time to time over a number of years.

Senator ROBERT RAY—But there was no document of that date?

Dr Dickson—I would have to check on that date, but there would not have been anything in the nature of a submission.

Senator ROBERT RAY—I think 'a submission' can mean one or two things. It could be a submission to cabinet—and I understand that. Some people would say that advice is a submission to the Prime Minister. I am trying to understand this. I think I know why there was no investigation by the AFP, it is pretty obvious from reading the article who leaked it. So there was no AFP investigation?

Dr Dickson—No, there was not.

Senator ROBERT RAY—I do not know whether this is the appropriate time to raise my next question. We have raised the general area before. It may save me raising it overnight. We will wait for a couple of other colleagues to get back, but what is happening with the coach?

Dr Morauta—We do not have that officer in the room. We are just trying to find them. The coach is actually under output 4.

Senator Chris Evans—I am always happy to hear about the coach, Dr Morauta. It gives me great pleasure.

Senator ROBERT RAY—I have been worrying about it, that is all; and Senator Fifield is worried about it too.

Senator FIFIELD—I am.

Dr Morauta—Mr Coppel is available, Senator.

Senator ROBERT RAY—Can you give us an update on the coach? Have you been to see it yet?

Mr Coppel—No.

Senator ROBERT RAY—Has anyone from PM&C been over?

Mr Coppel—No-one from PM&C has been to see the coach.

Senator ROBERT RAY—So we do not know where our 250 gorillas have been spent then?

Senator Chris Evans—I think we do know where it has been spent, Senator Ray.

Senator ROBERT RAY—Do we know where the project is up to?

Senator FORSHAW—Do we know where it is located?

Senator ROBERT RAY—Yes, I think we do.

Senator FORSHAW—I wonder if it has moved.

Mr Coppel—My understanding is that it is still located in Australia.

Senator ROBERT RAY—Have we had a report as to whether it is finished?

Dr Morauta—I do not believe we have had any recent reports.

Mr Coppel—There have certainly been no reports between the department and the coach maker.

Senator ROBERT RAY—Where does that leave us, Minister? We fork out the money for it; we do not go and see it; and we do not get a progress report. This is just—

Senator Chris Evans—Mr Coppel, are you able to assist with any information that has come to light since the last estimates round?

Dr Morauta—There do not seem to have been any developments on this matter since the last estimates.

Mr Coppel—The last advice we have from Mr Frecklington is that the coach is nearing completion. That was in a letter to the Prime Minister on 29 August 2007.

Senator ROBERT RAY—Have we been told how it is going to be transported to the United Kingdom?

Mr Coppel—No, Senator.

Senator ROBERT RAY—So we do not know. We have not been asked to assist with that transport?

Mr Coppel—No, Senator.

Senator FORSHAW—The QE2 is in Sydney at the moment.

Senator ROBERT RAY—I notice the online supplement to the Department of the Prime Minister and Cabinet's annual report provides details of consultancies during 2006-07. I noticed listed on group three there was a contract of \$180,000 awarded to Neil Brown QC for legal advice. I am wondering what the purpose of that legal advice was which was provided by Mr Brown. Why was it necessary to obtain the advice from a sole source rather than from the Government Solicitor or a restricted open tender? I tend to think that the figure probably explains why it did not go to restricted open tender. Is this the only contract for legal advice awarded by Department of the Prime Minister and Cabinet to Mr Brown QC?

Mr Lewis—That sum, Senator, was for a contract for the review of all of the reviews that have been done into the Mackelmann case. You might recall, Pilot Officer Mackelmann was a young RAAF pilot who crashed in an aircraft some years ago. Pilot Officer Mackelmann's father had requested over a period of time that the

government have yet another look at the issue of his son's crash. Mr Brown was contracted to undertake that review of previous reviews. It was an examination of the papers.

Senator ROBERT RAY—Has that report come in?

Mr Lewis—Yes, it has.

Senator ROBERT RAY—Was a copy of that report provided to the father?

Mr Lewis—Yes, it was.

Senator ROBERT RAY—Do you have any idea when it was provided?

Mr Lewis—I can say that the report was concluded on 23 February last year and then sent to the Prime Minister's office. I do not know at what time the report was sent to Mr Mackelmann Sr. I am just taking advice here, but a copy was sent possibly some months ago back in last year, perhaps the back end of last year. I cannot be precise.

Senator ROBERT RAY—Did you make copies available to the Department of Defence?

Mr Campbell—Could you repeat your question please?

Senator ROBERT RAY—We know a copy was made available to Pilot Officer Mackelmann's father.

Mr Campbell—That is right.

Senator ROBERT RAY—I am wondering whether a copy was made available to the Department of Defence.

Mr Campbell—We will have to check that.

Senator ROBERT RAY—Take it on notice.

Senator FIFIELD—Senator Evans, the Prime Minister made quite a big deal of the fact that, after their swearing in, the new ministry was going to be working hard from the outset. Before Christmas he was asked if any of the new cabinet would get any time off over Christmas. He responded, 'I'll take that question first. Yes, Christmas Day and Boxing Day.' Is it a requirement for ministers to submit leave to the Prime Minister and for the Prime Minister to approve their leave?

Senator Chris Evans—I believe so but I will get Ms Belcher to explain the formal process.

Ms Belcher—Ministers are required to let the Prime Minister know when they wish to take leave.

Senator FIFIELD—And they can only take leave if the Prime Minister approves what they have submitted.

Ms Belcher—That is right.

Senator FIFIELD—Does PM&C keep a record as to when ministers are on leave, the period they are on leave and which ministers are acting in their stead?

Ms Belcher—Yes.

Senator FIFIELD—So you would have a record of the days that ministers took leave between the swearing in of the new government and today?

Ms Belcher—Yes.

Senator FIFIELD—Is the period during which various ministers took leave and who was acting during that period available to the committee?

Ms Belcher—I am quite happy to take that on notice.

Senator FIFIELD—If you could that would be helpful. Thank you. I will move on to another issue: the ranking of ministers in order of seniority or the order of precedence. Is there a formal ranking of ministerial seniority?

Ms Belcher—Yes.

Senator FIFIELD—Who determines that ranking? Is it the Prime Minister or does the department do a first cut of that on the basis of who might have been a party leader before, who may have held office before and who might be a leader or deputy leader?

Ms Belcher—The Prime Minister determines it. I think in this case the department and the Prime Minister's office worked together on the list.

Senator FIFIELD—I mentioned some of the factors which I assume would be taken into account. Are they the sorts of factors that are taken into account—whether someone has been a party leader before or if someone has held ministerial office previously?

Ms Belcher—They may be factors taken into account. I really would not want to be prescriptive about that.

Senator FIFIELD—Sure, but ultimately it is the Prime Minister who determines it?

Ms Belcher—Yes.

Senator FIFIELD—I might direct the next question through Senator Evans. I was wondering what the Prime Minister might have against poor old Senator Conroy. Just looking at the order of precedence, he is down as number 13 as Deputy Leader of the Government in the Senate which is just—and this is the ultimate offence to Senator Conroy—one place ahead of Senator Kim Carr. I am sure Senator Ray will have his own views on that, although I am not sure what they might be these days.

Senator RONALDSON—One too high.

Senator FIFIELD—Senator Evans, is Senator Conroy's ranking at 13 a reflection of anything in particular? Can you shed some light as to why Senator Conroy might be there?

Senator Chris Evans—I think the answer you got from Ms Belcher is the relevant one. The Prime Minister allocates the order. I do not know that it actually means much. I think I am at number 4. I was demoted from number 3 in opposition, but I would rather be at number 4 in government than at number 3 in opposition. As to why I am at number 4 and not number 7, or number 3—I know why I am not at one or two—I do not think much hinges on it. I think you would agree, and certainly Senator Coonan would, that Senator Conroy holds a very major cabinet portfolio.

Senator FIFIELD—He certainly does.

Senator Chris Evans—The trust the Prime Minister has in him is reflected by allocating such major responsibilities. In terms of the particular order, I must admit that I did not realise it meant anything until the secretary of the department congratulated me on being number 4. I thought, 'What does this mean?'. So I am not sure, and I would be interested if Ms Belcher can help us, whether the order of precedence has any bearing beyond the first couple. Certainly Senator Conroy enjoys a very senior position in the government and has very serious portfolio responsibilities and, as you know, also represents the Treasurer in the Senate. So there is no suggestion that Senator Conroy does not carry very serious responsibilities inside the government.

Senator FIFIELD—Senator Evans, can you recall what Senator Conroy's ranking was in opposition?

Senator Chris Evans—I presume it was No. 4, but I am not sure that the ranking in opposition has any formal basis. I do know that I was Acting Leader of the Labor Party for a couple of days and, as a result, I will never be asked to do it again. I think I lost the leader on that occasion.

Senator FIFIELD—Every minister I know has always studied very carefully and closely their ranking after each reshuffle.

Senator FORSHAW—Why do they get you to ask this, Mitch?

Senator FIFIELD—I think because I have precisely no experience.

Senator Chris Evans—Senator Fifield, given that there is a frontbench of 45, I do not know what that means for your ranking but clearly your talents have not been recognised.

Senator FIFIELD—The talent always rises to the top.

Senator FIERRAVANTI-WELLS—We are very concerned about Senator Conroy!

Senator FIFIELD—It is with deep and genuine affection that I ask these questions about Senator Conroy.

Senator MINCHIN—It is a lack of regard for the Senate that we are worried about.

Senator FIERRAVANTI-WELLS—Absolutely.

Senator ROBERT RAY—I was Acting Prime Minister once.

Senator Chris Evans—Can I just say to Senator Minchin that he and I have a joint project, which is to continue to press the importance of the Senate.

Senator RONALDSON—Don't give him a get-out-of-jail-free card with comments about the Senate; get back into him.

Senator FIFIELD—If there is anything additional that can be added in terms of what factors are taken into consideration, particularly in the case of Senator Conroy, that would be—

Senator Chris Evans—I think the answer is that there will not be any further information; you should realise that. The Prime Minister drew up a list.

Senator FIFIELD—Senator Conroy will be disappointed, but thank you Senator Evans.

Senator FIERRAVANTI-WELLS—Please do pass on to him our deepest concern.

Senator Chris Evans—One rule of politics is to make sure you are in government and in the cabinet. I think Senator Conroy will be very happy.

Senator RONALDSON—Unlike a lot of the stuff we have discussed today, that is one thing about which there will not be a note floating around. I would like to get onto the new animals—the CCTSU. I note Senator Ray's comments this morning, which I fully concur with, that this group should be accountable to estimates. I will get to that later on. Senator Evans, you would be aware that the Caucus Committee Training and Support Unit is listed under the ministry, in line with the ministers and their staff, parliamentary secretaries and the cabinet policy unit, which makes it accountable to this committee. Do you have a nickname for it, rather than going through the full thing? As it is CCTSU, do you call it 'cutsie' or 'cootsie'—what do you call it?

Senator ROBERT RAY—Senator Faulkner is the minister because of his role in the department of finance, so tomorrow you can ask whatever questions you like.

Senator RONALDSON—Right; that was going to be one of my questions.

Senator Chris Evans—Senator Faulkner will be the minister at the table straight after dinner on the basis that we thought we would be at program 4. I will just inform Senator Minchin of that. You can certainly ask me these questions now. I think you will get a more comprehensive and better informed answer if you ask Senator Faulkner, but it is your call if you want to go ahead. I was scrolling down, trying to work out what CCTSU meant, so if you could use the full title that would certainly help because I was not sure.

Senator RONALDSON—It is the Caucus Committee Training and Support Unit. There are nine staff members—

Senator MINCHIN—It is the government members' secretariat.

Senator RONALDSON—It is; it is the old animal.

Senator ROBERT RAY—It is not 15, it does not have three senior advisers and it does not campaign. But, apart from that, you are close.

Senator RONALDSON—When was it created? The officers will know, presumably.

Ms Belcher—I really think that this applies more to the Department of Finance and Deregulation

Senator ROBERT RAY—Of course it does.

Senator RONALDSON—Why?

Senator ROBERT RAY—Because that is where the signing minister is.

Senator MINCHIN—So it is not under PM&C at all; it is under Department of Finance.

Ms Belcher—No.

Senator RONALDSON—Nothing to do with PM&C at all?

Ms Belcher—No, Senator.

Senator RONALDSON—There are no responsibilities back to PM&C?

Ms Belcher—No, not at all.

Senator RONALDSON—There are no representatives from PM&C?

Ms Belcher—No.

Senator RONALDSON—Can I take you to the exclusive New Year's Eve party at Kirribilli House?

Senator Chris Evans—I make the point again—I am happy for the senator to ask questions about it—that we are jumping around. We are back to outcome 4 again. We are not actually progressing through in any order at all.

Senator RONALDSON—We have been doing that all day.

Senator Chris Evans—I know. I just thought that at some stage we would try to get some structure into the place in terms of assistance to officers and having the right people available. That is clearly an output 4 question. I am seeking advice on it, but we need to get some order; otherwise we are not able to help as much as we could.

Senator RONALDSON—What was the total cost to the taxpayer of the Kirribilli House party?

Ms Hazell—There was no cost to the taxpayer from the recent New Year's Eve function.

Senator RONALDSON—That is probably the least surprising bit of information I have had back today. Had you told me otherwise I would have been more surprised. Have you got a list of who attended the dinner, and how was it paid for?

Ms Hazell—The department does not get guest lists for functions held at the official residences, so I do not have a list of who may have attended the dinner. What was the second part of your question?

Senator RONALDSON—How was it paid for?

Ms Hazell—The Prime Minister reimbursed the department for the additional costs of the function.

Senator RONALDSON—The Prime Minister did?

Ms Hazell—Yes.

Senator RONALDSON—Are you able to say whether the Prime Minister paid for that personally or by way of donations—a whip around, or sponsorship? How was that paid for?

Senator Chris Evans—Clearly, the officer is not able to take that question. The officer can answer in terms of her responsibilities in PM&C, but clearly that is not an appropriate question.

Senator RONALDSON—With the greatest respect, given that the ministerial code of ethics is under the domain of PM&C, I would have thought that they were the very questions that the department would be asking—who was there, were donors to the Australian Labor Party there; what discussions may have been held in relation to fundraising; was it sponsored? You are telling this committee that you have no idea what the guest list was and who was invited.

Senator CHRIS EVANS—The officer told you that PM&C does not receive the guest lists and does not have this one available. She also told you that Prime Minister Rudd met the costs of the function by reimbursing directly the department. That is the extent of the officer's knowledge of the issue, I suspect.

Senator RONALDSON—I will ask you, then. Did the Prime Minister pay for it out of his own pocket? Did the Australian Labor Party pay for it? How much was it? What was the cost of it? What was the cost of wine, food and entertainment? I will ask the department, before they go, whether there were any additional security staff there. Were there any hire costs?

Senator ROBERT RAY—I raise a point of order.

Senator RONALDSON—Were hire costs paid for by the Australian Labor Party, if they paid for this function?

CHAIR—Senator Ray has raised a point of order.

Senator ROBERT RAY—My point of order is that some of these questions are within the ambit of PM&C and financial expenditure and some are well outside. You cannot expect officers to know some of those answers. But when you ask about additional security costs they are well within order. You are throwing about 15 questions out.

Senator Chris Evans—The point is: ask them one at a time.

Senator ROBERT RAY—Half of the questions were in order and half of them were out of order.

Senator FIERRAVANTI-WELLS—Senator Ray—

Senator ROBERT RAY—Excuse me, I am making a point of order. You may follow me.

Senator FIERRAVANTI-WELLS—These were the very questions that Senator Faulkner asked when we were here last year. What is the difference?

Senator ROBERT RAY—It does not matter.

CHAIR—Senator Ray has the call. I think I have been fairly lenient all day. If we are going to get through the program before Sunday of next week then Senator Ray has the call.

Senator ROBERT RAY—I make the point that, by asking 10- or 12-part questions here, some of which may be in order and some of which are not, we will have to disaggregate those to make it easier for the chair to rule. I am sure you agree with that, Senator Ronaldson.

Senator Chris Evans—We are happy to answer them, Senator Ronaldson. If you ask them one by one, either I or the officer will tell you.

Senator RONALDSON—I will return to you, Senator Evans. Did the Prime Minister pay for this personally or was it paid for by the Australian Labor Party? Were there tickets sold? How was it paid for?

Senator ROBERT RAY—That is about it and then follow on from that.

Senator Chris Evans—The officer has said that the Prime Minister reimbursed the department. I have no further knowledge of that, but I am happy to take those questions on notice.

Senator RONALDSON—Were you there?

Senator Chris Evans—No, Senator Ronaldson. I am a Western Australian and I spend those occasions at home with my family.

Senator RONALDSON—You will take that notice?

Senator Chris Evans—Yes, sure. If I can help you at all, I will get you an answer.

Senator RONALDSON—And the number of people who were there, the cost of the function?

Senator Chris Evans—I will just check with the department as to whether they are capable of answering any of those questions. As I say, I have no personal knowledge.

Senator RONALDSON—But you are happy to take it on notice?

Senator Chris Evans—Just taking up Senator Ray's point, one of those questions may well be capable of an answer by the department now, so I am happy to ask the officer whether she can help you with one of those. If she cannot then I will take it on notice.

Senator FIERRAVANTI-WELLS—Can I just make a point. The very questions that Senator Ronaldson is asking now were asked by Senator Faulkner in relation to other activities at Kirribilli House—almost verbatim. So if it is all right for Senator Faulkner to ask the question—

Senator Chris Evans—No one has ruled them out!

Senator FIERRAVANTI-WELLS—and press them, then I think that they should be answered.

Senator Chris Evans—I do not know where you have been, Senator, but I said to Senator Ronaldson that he could ask them one by one. If the officers could help him, they would. If they can't, we will take them on notice. If he has a question for me and I cannot help him, I will take it on notice. I was not at the event. I have no idea of the cost and, other than knowing that the Prime Minister paid for it personally, I am not able to help him there. If the officer can help with numbers or costs, she will. If she can't, we will take it on notice.

Senator RONALDSON—You are now saying that the Prime Minister paid for it personally?

Senator Chris Evans—All I was doing was confirming what I thought Ms Hazell said, which was that the Prime Minister reimbursed the department.

Senator RONALDSON—You appreciate, Senator Evans, that there is a big difference between paying for it personally and reimbursing the department.

Senator Chris Evans—You asked me that question and I said I would take it on notice. I have no idea.

Senator RONALDSON—Just so we are clear—you are taking on notice what the cost was, whether the Prime Minister paid for it personally—

Senator FORSHAW—Chair, I have a point of order.

Senator ABETZ—You are sensitive.

Senator FORSHAW—No, we are not sensitive. Look, we are happy—

Senator RONALDSON—Oh, no, you are not. I don't think you are.

Senator FORSHAW—We are happy to sit here and allow you to ask these questions. The minister has said to ask them one by one and you may find that the departmental officials can answer some of the questions. If they cannot, then presumably they or the minister will be able to take them on notice. That is precisely what the minister has said.

Senator RONALDSON—My, what a difference four months makes.

Senator FORSHAW—My point of order is: allow the minister to answer the questions.

Senator Chris Evans—Senator Ronaldson, you run through them. I will help you if I can, the officers will help you if they can and, if we cannot, we will take them on notice. But the point is—

Senator RONALDSON—I can see Senator Murray and Senator Allison quietly laughing to themselves.

Senator FORSHAW—Do you want to ask them or not? Get on with it!

Senator RONALDSON—The world moves on very quickly.

CHAIR—Senator Ronaldson, have you got a question?

Senator RONALDSON—Just so we are absolutely clear, and before anyone gets overly excited, I will ask again. Senator Evans, are you prepared to take on notice whether the Prime Minister paid for this personally, whether it was funded by the Australian Labor Party, whether there were tickets sold to fund this, what the costs of the function were and were there any previous donors to the Australian Labor Party at this function? Unless my colleagues can think of anything else, I will now return to the department to ask them a couple of questions about this as well.

Senator Chris Evans—Could I just indicate that I will take those question on notice and, to the extent I can help you, I will.

Senator RONALDSON—Was the reimbursement from the Prime Minister by way of an electronic funds transfer, was it a cheque from the Australian Labor Party, was it a cheque from the Prime Minister, was it an electronic funds transfer from the Prime Minister's account, was it cash?

Ms Hazell—The reimbursement was by way of cheque from Ms Rein.

Senator RONALDSON—From Ms Rein?

Ms Hazell—Yes.

Senator RONALDSON—Just for clarification, the Prime Minister's wife paid for this?

Ms Hazell—Yes.

Senator RONALDSON—Do we know whether that was a personal cheque or a company cheque from one of Ms Rein's businesses?

Ms Hazell—We would need to take that on notice.

Senator RONALDSON—Thank you. Minister, there is clearly an issue in relation to the use of Kirribilli House and the Lodge for functions. Do you believe it appropriate—or find it quite extraordinary, as I do—that the Prime Minister's wife would be paying for a function at Kirribilli House?

Senator Chris Evans—I do not understand the question. The question of how Kirribilli House is used is covered by the ministerial ethics. They have been applied. As to who wrote the cheque and out of which account it came, that is obviously a question for the Prime Minister and his wife—

Senator ABETZ—You represent the Prime Minister.

Senator Chris Evans—Yes, but I do not represent him in personal matters. The question is—

Senator ABETZ—This is—

Senator Chris Evans—Senator Abetz, can you just hold on. Let me answer the question—Senator Ronaldson deserves the respect of me answering the question. Senator Ronaldson, I can help you in the sense that the department has advised you that it was paid for by the Prime Minister, and you were informed that that was by cheque in the name of Ms Rein. They covered the costs of the function and they have made reimbursement. As to the organisation of their financial affairs, the key question seems to be in terms of public policy: did the taxpayer pay for it or did the Prime Minister and his wife pay for it? The officer has told you that the Prime Minister and his wife paid for it.

Senator RONALDSON—I think we are taking on notice as well whether it was a company cheque or a personal cheque. Is my recollection correct?

Dr Morauta—Wes, we took it on notice.

Senator RONALDSON—I just wanted to clarify that.

Senator Watson interjecting—

Senator Chris Evans—Senator Watson, we cannot do this twice. The questions have been asked previously by Senator Ronaldson. We can go over them again if you like, but I think you will find Senator Ronaldson has it covered.

Senator ROBERT RAY—Can I ask about farewell lunch at the Lodge after this government came to office?

Senator RONALDSON—Of course you can, but can I just finish this first. I am sure we all have lots of points to make in relation to this. Would Ms Rein's funding of this function be viewed as a donation to the Australian Labor Party?

Senator Chris Evans—I do not see why the Prime Minister and his wife holding a private function and reimbursing the full amount to the taxpayer would in any way have been seen as fundraising or a donation.

Senator RONALDSON—I presume that the Prime Minister and his wife or the Labor Party were determining the guest list. I have had a look at some of the guests—

Senator Chris Evans—What do you presume? I would have thought an invitation to the Prime Minister's private residence was a decision of the Prime Minister and his wife. It certainly was not one, as I understand it, by the Labor Party.

Senator RONALDSON—It is hardly a private residence, I do not think. I do not think in all honesty we can describe it as a private residence.

Senator Chris Evans—To a private function at the official residence. You know what I mean.

Senator RONALDSON—I will quote the foreword of the ministerial code of conduct:

The Australian people are entitled to expect the highest standards of behaviour from their elected representatives in general and ministers in particular.

What is the perception of the Australian community in relation to this function, where—from acknowledgements elsewhere—it is full of Labor Party friends? There were various lobbyists there from Hawker Britton and a very wide group of people. Given the department knows none of the people who were there, on what basis can the Australian community be satisfied that this was not a Labor Party fundraising event at Kirribilli House, paid for by the Rudds for the purpose of repaying past favours or for gaining future favours.

Senator Chris Evans—Well, Senator Ronaldson, you can make as many assertions as you like.

Senator RONALDSON—I have asked you a question.

Senator Chris Evans—No, you tried to slur people as you went along. What I am saying to you is that it was a—

Senator RONALDSON—Where is the slur?

Senator Chris Evans—function held by Mr Rudd and Ms Rein. It was paid for by them. I am not aware of the guest list, but it was at their invitation. Some people who were there may be friends of the Labor Party; I assume Julia Gillard is one of those, as Deputy Prime Minister and a member of the Labor Party. I know she was there because I saw a photo in the paper. But, apart from that, I do not know who else was there.

Senator RONALDSON—Representatives from Hawker Britton were there. They have just set up a big office in Canberra.

Senator Chris Evans—The question of who was invited was a question for the Prime Minister and Ms Rein.

Senator RONALDSON—But in a taxpayer funded residence. It was not as if they invited them to their private home in Brisbane. It is not their private home. It is a taxpayer funded residence.

Senator Chris Evans—Are you suggesting that the Prime Minister is not allowed to invite people to the residence even when he pays for it himself?

Senator RONALDSON—What I am saying is that under your new ministerial code of ethics—

Senator Chris Evans—It is not allowed to be used for fundraising.

Senator RONALDSON—There is a quite clearly defined use of Kirribilli House and the Lodge and everything else involved in that ministerial code of ethics, which the Prime Minister and cabinet have a direct input into. I will ask the department this: can you assure this committee that that function was not for the

purpose of soliciting donations to the Australian Labor Party? What audit or other trail do you have in place to assure this committee that that function was not used for that purpose, which clearly would be against the principles of the ministerial code of conduct, particularly as you do not know who the guests were? What processes are there in place in the department to make sure that the use of Kirribilli House or the Lodge is not contrary to the stated requirements in the ministerial code of conduct?

Senator Chris Evans—I think the department have indicated their level of engagement, Senator Ronaldson—that is, the Prime Minister held a function, invited guests of his and Ms Rein's choosing, and fully reimbursed the department for the additional costs associated with that hospitality.

Senator FIERRAVANTI-WELLS—Can I just take you back to this very place and the transcript which I have in front of me from 22 May 2007. Senator Faulkner asked this question:

Why can the number of guests who attended the function not be provided for the information of the public? What is so secret about the number of guests who attend these functions?

I can take you through this evidence. You asked these detailed questions about the very matters that Senator Ronaldson is now pressing and now you have the hypocrisy to sit here and say that it is not appropriate for us to ask these questions. Would you like me to take you through?

Senator Chris Evans—I never said that. Do not verbal me.

Senator FIERRAVANTI-WELLS—I know that, but the point is—

Senator Chris Evans—You have got to have an argument with somebody. We are not disagreeing. I have taken those on notice. You have got a point you are trying to make, but it is actually a straw person.

Senator FIERRAVANTI-WELLS—You—let's not be cute about this—were taken through it. You were asking questions about the hospitality and the guidelines and all of the same sorts of things. You were pressing, so we are entitled to ask.

Senator Chris Evans—No-one said you are not entitled to. I know you have come with a prepared script, but you have got to have the intellectual wherewithal to actually say: 'He didn't give that answer. Therefore, I change the script.' Senator Ronaldson has been encouraged to ask his questions individually. Those I am unable to deal with, I have taken on notice. I will continue to do so. I have no problem with the line of questioning. It is perfectly appropriate for Senator Ronaldson to pursue those queries, as it was for Senator Faulkner. If I can help him now, I will; if I cannot, I will take them on notice. There is no argument that it is not an appropriate line of inquiry. It certainly is.

Senator RONALDSON—I will go back to the department again and I will again ask the question. Given that you have responsibility for the ministerial code of ethics, what steps are you taking, or have you taken, to satisfy yourselves that those who attended that function or the discussions that took place at that function were not in breach of the prime ministerial code of ethics, particularly in relation to the soliciting of donations?

Dr Morauta—I stand to be assisted by Ms Belcher, but I think our role in the ministerial code of ethics was that we provided advice in its development. But, subsequent to that, I think our role is related to the lobbyist register and to any particular advice that is sought of us.

Senator RONALDSON—So we get back to where we started three hours ago: that this is not a matter involving the Prime Minister and cabinet; that the interpretation of the ministerial code of ethics is going to be in the hands solely of the person who wrote the foreword.

Senator ABETZ—Exactly.

Senator Chris Evans—No, Senator. What is apparent from your line of questioning is that the accountability mechanism, or one of them, is the Senate estimates process. You are quite rightly pursuing matters of interest as to the use of official establishments. Where we can help you today, we will; where we cannot, I will take the questions on notice. I am not sure whether it is appropriate to answer as to whose account it came out of or whatever, but I will take the question on notice and see what the Prime Minister wants to give you in response.

Senator RONALDSON—I take it on face value in relation to that. In the interests of openness and transparency, will you provide this committee with a full guest list of the function?

Senator Chris Evans—I will take the question on notice.

Senator RONALDSON—You will provide it?

Senator Chris Evans—No, I will take the question on notice.

Senator RONALDSON—In the interests of transparency, are you prepared to provide that list?

Senator Chris Evans—I said I will take the question on notice. I will seek the—

Senator RONALDSON—So I can get a response back to say that it is not appropriate?

Senator Chris Evans—If that concerns you, where have you been for the last 11 years? I can show you hundreds—

Senator RONALDSON—You have just confirmed the fact that that is the response I am going to get—

Senator Chris Evans—No, it is not, Senator Ronaldson.

Senator RONALDSON—I will again ask you: are you prepared to provide that guest list?

Senator Chris Evans—I will take the question on notice, seek advice and come back to you.

Senator RONALDSON—Otherwise this whole ministerial code of conduct is just pure fluff. You have pulled the department out of it; they are no longer involved. I will ask this question again—

Senator Fierravanti-Wells interjecting—

CHAIR—Senator Ronaldson has the call.

Senator ABETZ—I came to that conclusion six hours ago, Senator Ronaldson.

Senator FIERRAVANTI-WELLS—Now that you are in government, why don't you do something about it? You complained about it enough when you were in opposition.

Senator FORSHAW—On a point of order: can we get back to the questions? I would have thought that, after a short period of debate and toing and froing, you are going to get an opportunity down the track, when you get the answer back on notice, and you can take it up again, so let us move on. The problem is that you want to get to your conclusion today. The answers are not going to take you there.

Senator RONALDSON—With the greatest of respect, I think that is the wisdom of a stuffed owl as opposed to a wise owl. I might get on with my questions. I go back to the department.

Senator Chris Evans—There are nine of you here and I do not know how many Liberal senators it takes to ask a question, but if you get on with it maybe the other eight can have a crack.

Senator RONALDSON—Thank you very much for your gratuity—

Senator IAN MACDONALD—We are here for the entertainment.

Senator Chris Evans—Me too.

Senator ABETZ—We are watching the skewering.

Senator RONALDSON—I take you back to the department. Were additional staff required at the New Year's Eve function?

Ms Hazell—The New Year's Eve function is considered to be a private function. In the past we have not released details of the additional costs that were reimbursed, other than in a general way.

Senator RONALDSON—Will you take on notice whether there were additional costs associated with this function that were not paid for by Ms Rein or her company, whatever the answer might be?

Dr Morauta—The department's evidence is that the additional costs that were caused by the function were reimbursed by the Prime Minister and Ms Rein.

Senator RONALDSON—You will provide full details of that as well. Did you see an invoice? How do you know that additional costs were covered if you just got a cheque and you know nothing else about the function?

Dr Morauta—We provide an invoice to the Prime Minister and the Prime Minister pays on the invoice.

Senator Chris Evans—Which I understand is standard practice, as in the past.

Senator RONALDSON—How much was the invoice for? What did it cover?

Dr Morauta—That is the question that Senator Evans has taken on notice.

Senator Chris Evans—I will happily take that on notice.

Senator ABETZ—You do not have that information before you?

Senator Chris Evans—I think the officer has indicated that she seeks guidance on what information is provided, as it has not been past practice. I will take that on notice and provide an answer as soon as I am able to.

Senator FORSHAW—On a point of order: Senator Ronaldson asked the minister and the officers at the table to initially take all of these questions on notice. Senator Abetz is now trying to make an assertion that people are withholding information that they have. You had better get your line straight as to whether you are asking questions—

Senator ABETZ—The minister has confirmed that they have the information before them, but they are quite rightly checking to ascertain whether it was past practice to release it.

Senator Chris Evans—That is not what I said. I refuse to be verbally by you. That is not what I said.

Senator ABETZ—It has been confirmed.

Senator RONALDSON—Is there a taxpayer-funded chef at Kirribilli House?

Senator FORSHAW—He asked for it all to be taken on notice.

Senator RONALDSON—Is there a taxpayer-funded chef at Kirribilli House?

Dr Morauta—Yes.

Senator RONALDSON—Do we know whether the costs for that chef were reimbursed by the Rudds?

Dr Morauta—The method we use for reimbursement, and we have used it for some time, is that if the costs would have been incurred anyway in the normal running of the house they are not reimbursable, but if there are additional costs above the normal running cost of the house they are reimbursable. That is the principle that has been used for some time.

Senator ABETZ—So that has included the chef?

Senator RONALDSON—Just so I am clear on this, what guidelines were to be put in place as a normal requirement? Is it two, four or eight people? What is the normal requirement? If you say the normal requirement for a chef is to cook for 100 people, then they got away scot-free, didn't they? What are the criteria for 'normal' requirements?

Senator Chris Evans—We could perhaps take that on notice. I think what Dr Morauta explained to you is that the guidelines in relation to reimbursement have not changed and that those that apply to Mr Rudd holding a private function are the same as those that applied to Mr Howard in terms of meeting the additional costs, but we will get further advice.

Senator RONALDSON—So you will take on notice what the requirements of the chef were on that evening?

Senator Chris Evans—I am not sure we would be taking on notice what the requirements of the chef were.

Senator RONALDSON—Was it was a three-course meal? Surely, before you can ascertain whether they were the normal work duties of a person, you would actually need to know what they did, wouldn't you?

Dr Morauta—I need to check, but I think that the way it is done is by hours worked. I need to check that. I am just trying to give you an example of how it operates.

Senator FIERRAVANTI-WELLS—Could you take it on notice to provide us with a breakdown of the staff of Kirribilli and the Lodge?

Senator Chris Evans—The officers might be able to help you now rather than taking it on notice. If they can, I would encourage them to do it now rather than add to the questions on notice.

Dr Morauta—Perhaps I could answer a question that was asked earlier. The question that was asked was: what account was the cheque made payable on? It was made payable on the account of KM Rudd and TV Rein. It was a joint account and there is no sign of any business name.

Senator FORSHAW—It sounds like a joint personal account.

Dr Morauta—It was a personal account—yes. I think we had a question on staffing; did we?

Senator RONALDSON—Will you take that on notice?

Senator Chris Evans—Madam Chair, can we have some order? The senator asked a question about the staffing. The officers are getting that for her now. They should be allowed to answer that and then you can give the call.

Senator RONALDSON—I am sorry; I thought they took it on notice.

Senator Chris Evans—No, we said we would attempt to get it now.

Senator RONALDSON—My apologies.

Ms Hazell—You asked about the structure of the staffing at Kirribilli House. The new structure will have one chef and one house attendant.

Senator FIERRAVANTI-WELLS—That was from the—

Ms Hazell—That is the new structure. We are in transition at the moment. The chef has accepted the offer of the position. We are still discussing with house attendants as to whether they wish to accept the positions.

Senator RONALDSON—How many were there on that evening—chefs or staff attendants?

CHAIR—Can we just let them answer the question?

Senator Chris Evans—The senator has a series of questions. Then we can come to Senator Ronaldson; otherwise Senator Fierravanti-Wells will not get the answers to her questions.

Senator FIERRAVANTI-WELLS—Are they full time or part time?

Ms Hazell—It would be one full-time chef and one full-time house attendant at Kirribilli. We are still finalising the position of house attendant.

Senator RONALDSON—Was the house attendant—

CHAIR—We have not finished with the Lodge. We have not finished answering Senator Fierravanti-Wells's question yet, Senator Ronaldson.

Senator FIERRAVANTI-WELLS—And at the Lodge?

Ms Hazell—At the Lodge, the structure will be: one senior chef, one chef, one child carer, one senior house attendant and two house attendants.

Senator FIERRAVANTI-WELLS—One child carer, one—

Ms Hazell—One senior house attendant and two house attendants. That is the new structure. Not all those positions are yet filled. The second house attendant position has been readvertised.

Senator FIERRAVANTI-WELLS—And that is an overall increase in staff of how many from the previous regime?

Ms Hazell—In total, there will be eight staff across the two houses, compared with 7.4.

Senator RONALDSON—Well, well, well. It has started already.

Senator ABETZ—We can take pay cuts and he will get child care at taxpayers' expense.

Senator RONALDSON—Congratulations, Minister. It has started already—the riches of office. Can I go back to the Kirribilli—

Senator Chris Evans—A man who can remove three chairs of select committees and wants an extra whip—I would be very careful.

Senator RONALDSON—What remarkable restraint. We talk about restraint, and we had the fluff again last week about wage restraint. Does it apply to the Prime Minister, who is independently wealthy? Clearly not.

Senator ABETZ—He can take a pay cut if he gets child care.

Senator RONALDSON—He is happy to whack the taxpayer for another 0.6—

Senator Chris Evans—Is there a question in there, Senator Ronaldson, or just a performance?

Senator RONALDSON—Okay, I will ask the question: why would it be necessary for the Prime Minister to increase the staffing by 0.6 of a person?

Senator FIERRAVANTI-WELLS—And why is there a child carer?

CHAIR—I think we have already agreed that one question at a time would serve us better.

Senator Chris Evans—Thank you, Madam Chair. The opposition senators are going to look like a rabble. The officer can take one question at a time. Do you want to explain the basis of the rearrangements of the staffing and the process?

Ms Hazell—Basically the staffing has changed because it is a larger family. There were effectively only two people in residence with the previous government. This is a family with two children living at home.

Senator FORSHAW—So if we looked at the average we might get a different figure.

Senator RONALDSON—We are not talking about average times; we are talking about the need for great restraint apparently. Can I just get back to the department again?

Senator ABETZ—You do not need an extra chef for the extra kids.

Senator RONALDSON—If you know who the cheque was provided by, you would know how much it was for, would you not?

Dr Morauta—Yes. Senator Evans has taken that on notice.

Senator RONALDSON—With the greatest respect, I was advised whose name the cheque was made out in. Presumably you would then know how much it was for.

Senator Chris Evans—The questions were asked. The officers found the cheque for you. I said I would take on notice the question of how these matters would be handled and the details of the questions you asked.

Senator RONALDSON—So we know whose name the cheque was in but you are not prepared to tell us how much it was for.

Senator FIFIELD—He has only taken part of the cheque.

Senator Chris Evans—I told you I would take it on notice and I will.

Senator IAN MACDONALD—You are deciding what you are going to answer. This is an estimates committee process that is open and transparent. If you know the answers, you should be giving them.

Senator FORSHAW—I go back to my point of order, chair. If you go back and check the *Hansard* you will find—because I have listened closely—Senator Ronaldson actually asked for all of his questions at one point, which included these issues, to be taken on notice.

Senator IAN MACDONALD—But they have the answer.

Senator RONALDSON—The request was made of them—

Senator FORSHAW—Excuse me. Hang on. He actually asked that. He did not ask that because the information was not available. He just asked straight out—I think Senator Evans will recall.

Senator ABETZ—We were not told the information was available. It is now available and—

Senator RONALDSON—Come on, you have missed the news cycle. How much was it? It is not a state secret. You told us who wrote the cheque—

Senator Chris Evans—Senator Ronaldson, if there is a news cycle—

Senator RONALDSON—They have all closed down now and you have missed the news cycle, so just tell me how much it was for.

Senator Chris Evans—I took that question on notice about half an hour ago—

Senator FORSHAW—At your request.

Senator Chris Evans—and you will get a response.

Senator ABETZ—Because we did not know the cheque was available.

Senator RONALDSON—But you took on notice who the cheque was from. I then had the response and now I am asking why I cannot have the amount if you know who the cheque was made out to.

Senator Chris Evans—If you do not want us to get what information we can and get it to you quickly, we will not.

Senator ABETZ—That is a threat, is it?

Senator Chris Evans—As you asked the question, I took it on notice. The officers actually found the answer to one of them. We provided it quickly for you. That I think would be regarded by most senators as a helpful thing.

Senator RONALDSON—Can I just go on then? Were there any breakages to taxpayer-funded assets such as glasses during or after the function, and was there reimbursement for those?

Dr Morauta—We might have to take that on notice.

Senator MINCHIN—Actually, if there were, they would not be reimbursable. That is my understanding of the arrangements, is it not?

Dr Morauta—With that level of detail, I am not as confident of the arrangements.

Senator RONALDSON—That would have to be the situation, surely. But if you want to take that on notice, fair enough.

CHAIR—It has been agreed to be taken on notice.

Senator Chris Evans—You can keep on making assertions. The senior officer at the table does not know. She said she would take it on notice. That is the appropriate thing for her to do rather than have a slash at it outside the off stump, and we will get an answer for you.

Senator RONALDSON—With respect, Senator Minchin did ask the obvious question: is it normal practice that, if there is a breakage at a function like that, it would be paid for not by the Australian taxpayer? It is a quite legitimate question.

Senator Chris Evans—Senator Minchin would know better than I would. If he was at one of those Liberal Party fundraisers at Kirribilli and he caused a bit of damage, no doubt he got sent the bill.

Senator MINCHIN—Like you, I was at home with my family.

Senator Chris Evans—So you were not invited either.

Senator RONALDSON—Are you able to tell the committee whether the wine that was provided at this meal was Australian wine and whether the food that was provided was Australian produce? If not, can you take that on notice please?

Senator Chris Evans—I am happy to take that on notice.

Senator RONALDSON—Were any repairs needed to the official residence post-party?

Senator Chris Evans—Repairs post-party?

Senator RONALDSON—Yes, to the official residence. Were any repairs required as a result of the party?

Senator Chris Evans—I will take that on notice.

Senator RONALDSON—Can I very quickly take you to the Labor ex-prime ministers dinner? Was that held in Kirribilli as well, or was it held in the Lodge?

Senator Chris Evans—That is another one that I was not invited to, so I will have to ask the officers if they can help me with that one.

Senator RONALDSON—Possibly because you are not an ex-prime minister, but that may not have been the only reason that people were not invited.

Senator Chris Evans—I am just seeing if the officers can help you. We can actually answer that one for you, if you let the officers speak. I was just indicating that I did not know.

Ms Hazell—The dinner was held at Kirribilli House.

Senator RONALDSON—Who paid for that: the taxpayer or the Prime Minister?

Ms Hazell—The taxpayer paid for it.

Senator RONALDSON—Will you provide me with an itemised cost of everything involved in that evening—food, wine, entertainment, additional staff, security, general hire costs and any further costs associated with the chef?

Senator Chris Evans—We are happy to take that on notice. As you would imagine with a small dinner, a range of those, I think, would not be incurred. It was a small dinner party and not a large function. We will answer the question as best we can.

Senator RONALDSON—Let us see what the costs were like. What other exclusive parties have been held at Kirribilli House or any official residence hosted by the Prime Minister since December 2007?

Senator Chris Evans—I am not sure about 'exclusive', but I can certainly take on notice the list of functions that have been held.

Senator RONALDSON—In relation to the ex-prime ministers function, will you provide me with details of any repairs or breakages that might have followed that. I am not talking about egos; I am talking about glasses, crockery, whatever.

Senator Chris Evans—Certainly. I am not sure that Gough Whitlam is all that rowdy these days, but I will take the question on notice.

Senator FORSHAW—His ego is still intact.

Senator RONALDSON—Given the time, I think I will leave it there.

CHAIR—Are there any further questions before we break?

Senator FIERRAVANTI-WELLS—Are we not now going into the specific outputs and so forth?

CHAIR—We have finished with general questions, have we?

Senator FIFIELD—No, I still have some general questions.

Senator FIERRAVANTI-WELLS—Yes, and then we are going into outputs 1, 2 and 3, I take it.

Senator FORSHAW—Can I just ask: can we get an idea of how many more questions there are in general and when we are going to move on?

CHAIR—We need to have some sort of time frame.

Senator Chris Evans—Can I just indicate: the committee will get full cooperation as normal. I think it would be useful over the dinner break—

Senator ABETZ—As normal!

Senator Chris Evans—Senator Abetz, if you could just control yourself for a second.

Senator ABETZ—There is no normality under this government.

Senator Chris Evans—It would be helpful over the dinner break if non-government senators could indicate to the chair where they want to go with their questioning between then and 11 o'clock so we can ensure the relevant officers are here and those that will not be needed are not here. That is purely for the convenience of the officers. Clearly it is up to the committee where it goes after the dinner break.

Dr Morauta—I think you have got quite a number of the portfolio agencies on stand-by at the moment. Do you want to consider whether you are going to call all of those tonight or not? Because they are still standing by.

Senator FORSHAW—Could I suggest we follow what has always been the practice—that over the dinner break the opposition look at the program and identify those areas they want to pursue.

Senator FIFIELD—I was just going to say that the opposition have already indicated that to the secretariat. I understand that some of the minor parties—

Senator FORSHAW—You may need to revise it.

Senator Chris Evans—Senator Fifield, did we address the issue of the agencies as part of that?

Senator FIFIELD—There are a number of agencies which the opposition do not have questions for, but I understand the minor parties do have some questions for them.

Senator Chris Evans—Maybe we could encourage all senators to have a chat with Senator Polley over the break and then we can try and send those home who will not be called.

Proceedings suspended from 6.30 pm to 7.34 pm

CHAIR—Good evening and welcome. I will hand over to Senator Ronaldson and we will go back to general questions.

Dr Morauta—I am sorry, but could we go back to one question which was asked and for which we have an answer? We can read it into the record and inform the committee.

CHAIR—Thank you.

Mr Lewis—I was asked by Senator Ray earlier whether we had given a report of Mr Brown's report to the defence minister. This was the report on the death of Pilot Officer Craig Mackelmann. The answer is yes, a copy of Mr Brown's report was given to the defence minister on 6 May last year.

Senator RONALDSON—Welcome, Minister. Earlier on we were talking about the Kirribilli New Year's Eve function. Are you able to tell me what date was on the repayment cheque? 'Repayment' is probably an inappropriate word. I mean on the cheque that was provided from the Rudd and Rein account.

Senator Faulkner—Senator, I cannot but I will ask Dr Morauta to assist you.

Ms Hazell—The date on the cheque was 7 February 2008.

Senator RONALDSON—When was the invoice provided to Ms Rein or to Mr Rudd or to both of them?

Ms Hazell—An invoice was provided to the Prime Minister on 31 January 2008.

Senator RONALDSON—Why was there a delay in forwarding that invoice?

Ms Hazell—We needed to make sure we had confirmed all the costs and we had all the invoices from suppliers.

Senator RONALDSON—Minister, I am sure that the delay was unrelated to the fact that this event received considerable publicity?

Senator Faulkner—Senator, I think the official at the table has explained the reason to you for the time difference between the function, which obviously was very late in December, and when the invoice was received in late January.

Senator ROBERT RAY—There was a function at the Lodge for ministers after the Howard government lost. What was the cost and who paid for it?

Dr Morauta—Could you confirm what function it was?

Senator ROBERT RAY—It had a fair bit of publicity. There was a function at the Lodge—a post-election lunch—for outgoing ministers other than Mr Costello and one other, I think, who could not attend. Maybe it was Mr Downer.

Senator Faulkner—I will seek some advice from officials. I was not able to listen to all the questions and answers provided in the committee, but generally questions like that earlier on were taken on notice by Senator Evans. I will ask officials if there is any further information that can be provided. The information, as advised by officials, is that in relation to this particular function there has been an FOI application and details have been released to the applicant.

Senator ROBERT RAY—That is fine, but I am not the FOI and I am not the applicant. I am not bound by that, nor are they protected from giving the information because there has been some FOI application. So let's get on with it if they have got the information.

Ms Hazell—Senator, for a luncheon at the Lodge on 28 November, which I think is the one you are referring to, the total cost was approximately \$1,110.

Senator ROBERT RAY—And who paid for that?

Ms Hazell—The government paid. It came out of the appropriation.

Senator ROBERT RAY—Thank you.

Senator RONALDSON—Over the hour's break, Minister, have your officials been able to ascertain how much the cheque was that Ms Rein signed?

Senator Faulkner—I do not know the answer to your question. I will check for you and see if officials are able to answer. I understand that before the break that question was taken on notice. That is its status.

Senator RONALDSON—Have you been able to ascertain the amount of the invoice over the hour's dinner break?

Senator Faulkner—I can inform you—and I think you are aware of it anyway—that that question was also taken on notice by officials.

Senator RONALDSON—Minister, I am just a bit surprised that we were able to be provided with details of whose name the cheque was in but we are unable to be provided with information about how much it was or the account. Is the cheque sitting in front of the officials? How did they ascertain that, and why didn't they ascertain the amount of the cheque?

Senator Faulkner—I do not believe there is a cheque sitting in front of officials. I suspect that by now it would have been deposited.

Senator RONALDSON—You know what I mean: is there a copy of the cheque?

Senator Faulkner—I understand, consistent with the approach that was taken prior to the dinner break, Senator Evans has taken these questions on notice. That is their status, Senator, and I can say to you that their status has not changed since the dinner break.

Senator RONALDSON—I presume, Minister, that the APS would have been employed that night at the New Year's Eve party? Or were the AFP?

Senator Faulkner—Do you mean the Protective Service, Senator, or the AFP?

Senator RONALDSON—Either/or.

Senator Faulkner—Sure. My understanding is that there is a regular role for such security services at the official establishments, but I would ask officials if they can provide further and better advice.

Ms Hazell—There is a permanent presence of the Australian Federal Police at the official establishments, regardless of whether the Prime Minister and his family are in residence, for some obvious reasons. When the Prime Minister and his family are in residence, there is always a police presence.

Senator Faulkner—Senator Ronaldson, I absolutely respect your right to ask questions about this, but you would appreciate that over very many years the former opposition was very careful about questions that asked about these issues in relation to protection at the official establishments, for obvious reasons. I do not want to impinge on your questioning at all; I know you would be aware of that. I just make that point in relation to these services.

Senator RONALDSON—And, clearly, it was put in the context of not numbers but presence.

Senator Faulkner—I appreciate that.

Senator RONALDSON—I was not inundated with invitations to the former Prime Minister's residence, but I know that when I was invited down there my name was always marked off on an invitation list—a roll, for want of a better word.

Senator ROBERT RAY—Were you marked off under Howard or Costello—which column?

Senator RONALDSON—Well, the Lodge was the purveyor of one and not of the other. Was there a roll of invited guests that evening and were their names ticked off as they entered the official Kirribilli House residence, as I would assume?

Senator Faulkner—Thank you for your questions. I will ask officials if they can provide any information. I can merely say that, even if you had a small number of invitations, Senator, it was certainly more than I received; I can confirm that. But I will ask the officials if there is anything they can add in terms of these procedures for the identification of guests.

Ms Hazell—I think the question is better directed to the Australian Federal Police, as to how they ensure the bona fides of the people coming to functions. That is not something that we have access to in the department.

Senator RONALDSON—Did the PMO send either the APS—I presume it would have been the APS—or the Federal Police a guest list?

Ms Hazell—I have no knowledge of what the PMO may or may not have done in that regard.

Senator RONALDSON—Will you take that on, Minister?

Senator Faulkner—I certainly do not know myself, as you would appreciate, and I am very happy to take that on notice.

Senator RONALDSON—If the answer to this question on notice is yes—I accept that this is commentary, but I cannot for the life of me imagine there would be, nor should there be, a situation where those who are entering or attending any sort of function at the Prime Minister's residence are not going through some sort of check—will you provide a copy of that invitation list in line with the matters that were raised by me and colleagues earlier with Senator Evans?

Senator Faulkner—What I am happy to take is this. Although we do not normally deal with hypothetical questions, I do appreciate your question is a follow-on question from one that has been previously taken on notice and I am certainly happy to provide the second part of that question to the Prime Minister and take that on notice as well.

Senator ROBERT RAY—You might like to give me the list, after eight years of waiting, as to who attended the government box at the Olympic Stadium. That was refused at the time.

Senator Faulkner—Senator Ray, I am not sure whether you are asking for that information or if that is more of a facetious comment from the side.

Senator ROBERT RAY—Well, take it either way.

Senator Faulkner—I suppose I could point out to Senator Ronaldson something that I am sure he appreciates of what has been the practice of previous governments in relation to the provision of this information. But I do suspect, Senator Ronaldson, that you are well aware of the precedents in this regard. However, regardless, I have taken the second part of your question on notice.

Senator RONALDSON—Through you, Madam Chair, to Senator Ray: I am sure Senator Ray would be acutely aware there is a very big difference between a box at the Sydney Olympics and Kirribilli House, which is now subject to a very strict code of ministerial practice. I do not think the analogy is a good one given the discussions earlier.

Senator ROBERT RAY—We just wanted to know which minister got a freebie there.

CHAIR—Senator Ronaldson has the call. Do you have another question?

Senator RONALDSON—I do. Minister, were you at the function?

Senator Faulkner—Which function are you referring to?

Senator RONALDSON—The New Year's Eve function.

Senator Faulkner—I regret to inform you, Senator, that I was not present.

Senator RONALDSON—A voice behind me said, 'Were you asked?'

Senator Faulkner—Senator, you can draw your own conclusions. No, I was not present. The answer is no, I was not present.

Senator FIERRAVANTI-WELLS—Madam Chair, I have a series of questions that would end questions from this side in relation to the Lodge and Kirribilli.

CHAIR—Are these still general questions?

Senator FIERRAVANTI-WELLS—I can ask them later but since we are on Kirribilli and the Lodge I may as well proceed.

Senator Faulkner—I am happy to assist.

Senator FIERRAVANTI-WELLS—Yes, you took such a keen interest in the Lodge and Kirribilli when you were asking questions, Senator Faulkner.

CHAIR—Is that your question?

Senator FIERRAVANTI-WELLS—No, I am just saying that I also take a keen interest.

Senator Faulkner—Chair, I think it is true that I did take an interest in those questions. I can assure you Senator—through you, Chair—that I would have taken a great deal of interest in answers if any had been provided.

Senator FIERRAVANTI-WELLS—This is what I just want to ask. Previously, and I do not know if you heard the questioning before, the officials provided some answers in relation to the staffing arrangements now at Kirribilli and the Lodge and we were told that there are now eight current staff. What is the total cost of that eight staff?

Senator Faulkner—I am informed by officials that we do not have that official information.

Senator FIERRAVANTI-WELLS—Perhaps you could take that on notice.

Senator Faulkner—I will take it on notice.

Senator FIERRAVANTI-WELLS—In particular, could you also take on notice when the position of the child-carer became available and what the cost of that is.

Senator Faulkner—I am happy to take that on notice unless we are able to answer it here. I will now check with the officials if we are able to provide you with any information about when that appointment was. Yes, we. I much prefer to allow an official to answer the question.

Senator FIERRAVANTI-WELLS—Sure, thank you.

Ms Hazell—As to the position of child-carer, the person commenced on Monday, 21 January 2008.

Senator FIERRAVANTI-WELLS—Was the position advertised?

Senator Faulkner—No, it was not advertised.

Senator FIERRAVANTI-WELLS—So it was not advertised, but it is a position that is being paid for by the government so the taxpayers are funding the position of the child carer?

Senator Faulkner—It is a position that is, as you say and to use your terminology, funded by the taxpayers.

Senator FIERRAVANTI-WELLS—If I heard correctly, I think you said that there is a difference in the staffing level and the staffing number, and of course that will translate to an amount. I think the difference is between 7.4 and eight staff members. If I heard correctly, you said this was because there were two extra people at the Lodge. Did I hear you answer correctly?

Ms Hazell—As to the reason why are there was a slight change in staff numbers?

Senator FIERRAVANTI-WELLS—Yes.

Ms Hazell—It was to do with the fact that the family composition is different and there are actually more people in residence.

Senator FIERRAVANTI-WELLS—Who is officially in residence apart from the Prime Minister and his wife?

Senator Faulkner—Effectively, as I understand it, the Prime Minister and Ms Rein have two dependants.

Senator FIERRAVANTI-WELLS—How old are those dependants?

Senator FAULKNER—That information may or may not be available, and it may be able to be provided, but, with respect, can I say to you that one of the Prime Minister's dependants is at school and one is a full-time, dependent student undertaking tertiary studies. I would prefer not to go any further than that, only on the basis that they are not generally the sorts of questions I have ever asked at estimates. But I do think that gives you the broad picture in relation to the Prime Minister's dependants.

Senator FIERRAVANTI-WELLS—The reason I ask is that, at estimates back in May 2007, Senator Chris Evans took a particular interest in the issue of dependent children. He questioned considerably about the then Prime Minister Howard's dependent children—who was staying at the Lodge, who was visiting and who was not. So I do think it is a legitimate question. Perhaps I can refer you to the page of the transcript. You might like to look at the nature of the questions that were asked.

Senator FAULKNER—I recall the questions that were asked. I think the response I have given you should assure you that the Prime Minister and Ms Rein have two dependent children—one undergoing full-time tertiary studies and one, I believe, in junior high school.

Senator FIERRAVANTI-WELLS—The person undertaking tertiary studies is undertaking tertiary studies here in the ACT?

Senator Faulkner—Yes, I believe that is true.

Senator FIERRAVANTI-WELLS—The child carer is obviously for the young person who is under 16.

Senator Faulkner—I know you have raised the issue of the child carer's remuneration package. As you would appreciate, the circumstances we have at the moment are that the Lodge is occupied by a Prime Minister and his wife who have a young family. For the only precedent, effectively, in terms of establishing remuneration packages for such a child carer position, you would have to go back to the time when Mr Keating was Prime Minister. I can assure you that the child carer remuneration package is consistent with what applied for the child carer that was engaged at that time.

Senator FIERRAVANTI-WELLS—In these times of restraint and efficiency, would you not at least give some consideration as to whether, given the financial position of the Prime Minister and his wife, it is appropriate for the taxpayers of Australia to be footing this bill?

Senator Faulkner—I think Australians do accept that, with the very heavy burdens and responsibilities that come with the prime ministership, there are entitlements. That includes, obviously, living in an official establishment that is staffed at taxpayers' expense. This is as it has been for very many decades. I think most Australians understand and accept that. But of course it is also appropriate that government is accountable for such expenditure. You may have a different view. This was applied when Mr Howard lived at Kirribilli House and in the time of former prime ministers Keating, Hawke, Fraser, Whitlam and McMahon—and so we go back. There were similar arrangements. It is a matter of opinion. I think the vast majority of Australians accept this. But I can assure you that the Prime Minister has a very strong commitment to ensuring that these sorts of entitlements are not abused in any way. And I can assure you that they have not been and they will not be.

Senator FIERRAVANTI-WELLS—We will keep a keen eye on those with the same degree of zealotry that you did in these estimates, Senator Faulkner.

Senator ABETZ—Can I ask you why the position was not advertised.

Senator Faulkner—I do not know that officials can provide such an explanation. But I would say to you that, in relation to child care responsibilities, obviously there are particular requirements and pre-requisites, which I am sure you would understand. Unless officials have any more information on this, I am happy to take that issue on notice. But I am sure what I have said to you will represent at least part of the response on this issue.

Senator ABETZ—If you can take that on notice.

Senator Faulkner—I am happy to.

CHAIR—Can I just make an announcement for the benefit of the departments that the following departments are no longer required this evening: the Office of National Assessments and the Office of the Commonwealth Ombudsman. So those officers can leave.

Senator Faulkner—Does that mean no longer required in the estimates hearings?

CHAIR—That is correct.

Senator Faulkner—Thank you.

Senator RONALDSON—What hours is the child carer employed for per week?

Senator Faulkner—We would again have to take that on notice. I suspect they may well be quite irregular hours, but I am not going to speculate on that. We will find that out for you if we are able to.

Senator RONALDSON—Having had three children under 4½ when I first came in here, I am acutely aware of the sanctity of children. But I will put to you, Minister, that clearly I think we all know how old this child is and he is not at an age where a full-time child carer is required. I think we can agree on that, can't we?

Senator Faulkner—I do not know what you mean by a 'full-time child carer' but I think that, in this case, what is deemed appropriate by the Prime Minister's family is the situation that we have in relation to the child carer. I am not going to sit in judgement on that. I do not think it would be appropriate for any of us to do so. You know, as in fact you have just said, in relation to families of politicians, that there is a very great responsibility for a busy Prime Minister. Obviously, there is no exception—

Senator RONALDSON—So you will take on notice the fact that you will provide us with the hours. Is that right?

Senator Faulkner—Yes. But the pressures are very great—and I am sure greater than for others around this table.

Senator RONALDSON—We all have those pressures. I just want to know what the hours are. I do not need a lecture on parental responsibilities in this job.

Senator Faulkner—I am not providing one. I am just saying that you would appreciate that, yes, it is true that we all do have those pressures, but they are obviously very great for a Prime Minister. But I am willing, if information cannot be provided by the witnesses at the table, to take that on notice for you.

Senator FIERRAVANTI-WELLS—As part of that question on notice would you also include the hours of work of the other staff at all the residences. Are there any refurbishments planned at the Lodge or at Kirribilli?

Senator Faulkner—Just a moment.

Senator FIERRAVANTI-WELLS—I am only pursuing matters that took Senator Faulkner's interest so keenly over many years. I want to make sure that I stay on those matters.

Senator Faulkner—Sure. No worries at all. I have certainly been informed that there are currently no planned works for the Lodge.

Senator FIERRAVANTI-WELLS—I cannot let this go without asking questions about the sewing machine, which was the subject of so much interest on the last occasion. I take it that it is still being used and, now that the Lodge is occupied full time, does that mean that it will be used even more? Perhaps we might be purchasing a new sewing machine.

Senator Faulkner—I have no idea. I will see if the officials at the table can assist you on this.

Ms Hazell—As far as I am aware, it is still in use. There are no plans at this stage to buy a new one.

Senator FIERRAVANTI-WELLS—I am sure the silver was all found to be in order—nice and clean, even though Senator Faulkner was complaining about the costs associated with keeping the silver clean on the last occasion.

Senator ROBERT RAY—Are you going ask and then answer more questions—

Senator RONALDSON—I think these historical reflections are very interesting.

Senator FIERRAVANTI-WELLS—I think they are very important.

Senator ROBERT RAY—If you ask a question and answer it, you are not—

Senator FIERRAVANTI-WELLS—I am just making a point.

Senator ROBERT RAY—Your point is that you should be asking questions, not answering them.

Senator FIERRAVANTI-WELLS—I just make the point that there will probably be additional costs associated in cleaning more silver.

CHAIR—Is there a question, Senator?

Senator FORSHAW—You tried to make a point; you actually lost—now get on with it.

Senator FIERRAVANTI-WELLS—What was the cost of wine and beverages since November at the residences?

Senator Faulkner—I will see if officials are able to assist you on that. I am sorry, the officials do not have that information available.

Senator FIERRAVANTI-WELLS—They did have it, obviously. Does that mean that you will have it for the end of the financial year? You were able to provide those figures on the last occasion, given that Senator Faulkner was complaining about the guzzling of alcohol.

Senator Faulkner—I am certainly informed that those figures are normally made available on a financial-year basis.

Senator FIERRAVANTI-WELLS—You see, I am interested in whether the pattern of alcohol consumption has gone up or gone down since this was a matter that took considerable interest on the last occasion.

Senator FORSHAW—I would never have worked that out if you hadn't told me!

Senator FIERRAVANTI-WELLS—Have the suppliers for the Lodge and Kirribilli remained the same?

Senator Faulkner—That was a question and not an editorial comment. I will see if I can provide an answer via the officials on that. This is the issue of the suppliers for the Lodge and Kirribilli House. Has there been any change? I am advised there is no change to the suppliers.

Senator FIERRAVANTI-WELLS—I am not sure if Senator Ronaldson asked this question in this forum, but could you provide details on how many functions have been held at Kirribilli and the Lodge since November 2007?

Senator Faulkner—I am assured by officials that, prior to the dinner break, a very similar if not almost identical question was taken on notice.

Senator FIERRAVANTI-WELLS—Including Christmas functions et cetera. Thank you.

Senator Faulkner—That would fit the definition of after November.

Senator FIERRAVANTI-WELLS—And who was on the guest list of each of those functions? Senator Faulkner, let me take you back to your questioning, where you were very persistent—

Senator Faulkner—Yes, I know.

Senator FIERRAVANTI-WELLS—in asking the then government who was on the guest list, what was drunk, how much was drunk and why the number of guests was so secret. Given that you complained so much about it, I raise it to ask: since you complained so bitterly when you were in opposition, are you going to do something about it now that you are in government?

Senator Faulkner—I am well aware of the sorts of questions I asked for a very long time about the official establishments. I am also very well aware about the lack of answers I received over the 11½-year period.

Senator RONALDSON—So you think there is a precedent being set?

Senator Faulkner—You will be able to make some judgements about the respective performance of the current government compared to the previous government in time. I am very confident that you will be able to acknowledge at this committee that there is a great deal more transparency on these issues than occurred when the Howard government was in.

Senator FIERRAVANTI-WELLS—This could be the beginning of that, because for years and years you did complain about this sort of situation. Given the attitude of the new Rudd government, you might give some consideration to changing those very practices that you so vocally criticised.

Senator Faulkner—I am aware of the sorts of questions that were asked over a long period of time.

Senator FIERRAVANTI-WELLS—So are you going to do something about it?

Senator Faulkner—I am aware that during the life of the Howard government those questions were not answered. I have taken on board that you believe the approach that the Howard government took was wrong.

Senator RONALDSON—That is not right.

Senator FIERRAVANTI-WELLS—That is not what I said. I am asking you, Senator Faulkner, whether, given the stance you have taken in the past, you will now do something about the very things that you complained about.

Senator Faulkner—What you will have to judge the new government on is its response to these sorts of questions. Let's be very frank about this. The previous administration was not forthcoming on these issues at any stage, at any time during the life of that government, but I have taken on board your new interest in these issues and new concerns about such a level of transparency. I understand earlier this afternoon Senator Evans took these questions on notice.

Senator FIERRAVANTI-WELLS—On another of your concerns, you questioned costs of lawn restoration at the Lodge. Given that at the Lodge now we have the new residents, Abby, the golden retriever—I love cats and dogs, mind you—and the pet cat, Jasper, there is probably likely to be added costs for lawn restoration at the Lodge. Is there going to be a budget for that?

Senator Faulkner—Why would you think there would need to be?

Senator FIERRAVANTI-WELLS—Having myself had cats and dogs in the past, and lawns, I just make the observation.

Senator Faulkner—I have seen, I believe, some press speculation about this. I think the Prime Minister, in fact, has commented that the Rudd family has restrained their dog, who apparently has the name Abby, from digging up the garden. He has also described that as a big challenge. I am advised that Abby the dog has not caused any damage to the gardens or grounds.

Senator FIERRAVANTI-WELLS—That is very good to hear.

Senator Faulkner—I knew that you would be pleased to be so informed.

Senator RONALDSON—You are convinced the dog was being honest with you when you made those inquiries?

Senator Faulkner—I certainly would not want to mislead the estimates committee on such a critical issue, but I can assure you that I have a brief in front of me that so records that. I could give you more information about Abby's behaviour, if you would like. Would you like to hear about Abby's brief toilet trips outside, for example?

Senator FIERRAVANTI-WELLS—Does that mean the animals are kept inside or outside?

Senator Faulkner—I can inform you, Senator Fierravanti-Wells, that Abby is free to go outside, but she generally only goes outside when she is accompanied by a member of the family or staff, apart from brief—

Senator FIERRAVANTI-WELLS—So they are kept inside. I am sure that any damage that they might do—

Senator Faulkner—Please, let me finish: apart from a brief toilet trip. So there you are.

Senator FIERRAVANTI-WELLS—So they are indoor pets. I am sure that, if there is any damage that may be done to the Lodge, the Prime Minister and his wife will no doubt pick up the tab for that.

Senator Faulkner—I think that is true. I am also informed, for what it is worth, that the Prime Minister's family's cat, which apparently goes by the name Jasper, is generally an indoor cat.

Senator FIERRAVANTI-WELLS—A well-behaved moggie. Well, we are very pleased to hear that.

Senator RONALDSON—Just so we are clear, Senator: every time these animals go outside they are accompanied by a staff member? Is that what you are telling us?

Senator Faulkner—No, I do not believe that is right, but apparently, from time to time, as you would appreciate, dogs do go outside for the odd toilet stop, as has been described.

Senator RONALDSON—Is it required that staff actually escort these animals outside?

Senator Faulkner—Not that I know of.

Senator RONALDSON—Why are they doing so then?

Senator Faulkner—All I can tell you is that these are indoor pets that from time to time go outside.

Senator RONALDSON—Escorted by a staff member or a member of the family?

Senator Faulkner—No, but if a staff member goes outside—we are not actually locked inside the house—it is possible that the dog might actually go with them.

Senator RONALDSON—No, that is not what you said, Minister, and I invite you to go back to the transcript. You said quite clearly that they were accompanied when they went outside by either a staff member or a member of the family.

Senator Faulkner—That is right. In other words, as I understand it, the dog is not running around digging up the lawn of the Lodge, which is what has been suggested, I know, in the media. I am assured that that is not the case.

Senator RONALDSON—I thought you said before that the dog had been trained not to do this—

Senator Faulkner—I have never mentioned the word ‘training’.

Senator RONALDSON—so is there some other reason why the staff are going out with them?

Senator ABETZ—They are being restrained.

Senator Faulkner—Correct me if I am wrong, Senator—I do not know very much about the dog’s training—

Senator ROBERT RAY—Can we get the newspapers to hold the front page just a little longer?

Senator Faulkner—but I can assure you that I have not mentioned the dog’s training tonight. I know nought about it. I know there is a lot of interest—

Senator RONALDSON—I do not want to know what the dog’s habits are; I want to know if they are being accompanied by a staff member.

Senator Faulkner—in the Liberal Party about the Prime Minister’s dog and the Prime Minister’s cat, but I suspect, to be honest with you, that it is not a major issue beyond this Senate estimates committee.

Senator BOYCE—Senator Faulkner, you mentioned earlier that there were no works planned at the Lodge or at Kirribilli House. I presume you mean works of a capital nature. Does that include all refurbishments and renovations?

Senator Faulkner—I was asked a question not in relation to the Lodge and Kirribilli House; I was in fact asked a question in relation to the Lodge and I answered in relation to the Lodge. I did not actually mention Kirribilli House.

Senator BOYCE—Could you expand then in terms of Kirribilli House.

Senator Faulkner—Yes, I think I can. I think the answer I gave—but I will check this—is also true in relation to Kirribilli House. I am certainly advised that there are currently no planned works for Kirribilli House.

Senator BOYCE—And that includes any renovations and refurbishments?

Senator Faulkner—I do not know what the definition of ‘planned works for Kirribilli House’ is, but I suspect that your understanding and mine of ‘planned works’ would be very similar. I am just using the normal dictionary definition of ‘planned works’. I am certainly informed in the brief I have before me that there are currently no planned works for either the Lodge or Kirribilli House.

Senator ABETZ—Is it normal for positions at the Lodge—like the chef’s position, the butler or whatever else—to be advertised?

Senator Faulkner—I am advised by officials at the table that this is the normal situation.

Senator ABETZ—Can we have confirmed that it was the normal practice for all the appointments at the Lodge that are currently in place, other than the child carer?

Ms Hazell—I can confirm that the positions that have been filled to date at the Lodge, apart from the child carer, were advertised.

Senator ABETZ—What positions have not been filled?

Ms Hazell—You may remember my answer earlier. There is a second house attendant position that has not yet been finalised.

Senator ABETZ—Has that been advertised?

Ms Hazell—Yes, it was advertised.

Senator FORSHAW—Just waiting for you, Eric!

Senator ABETZ—The chances are that I would not have to suffer a pay freeze! So all the positions have been advertised, even those that have not been currently filled?

Ms Hazell—Correct, except for the child carer.

Senator ABETZ—Thank you.

CHAIR—Have we finished with general questions?

Senator ABETZ—Can I ask whether the Prime Minister had any involvement in relation to questions on the citizenship test and whether the Don Bradman question was kept in. There was some media speculation—

Senator Faulkner—Were you going to ask this as a general question or when we get to social policy?

Senator ABETZ—I do not know where the cricket section is in Prime Minister and Cabinet, so I thought I would ask this sole question now.

Senator Faulkner—We will provide an answer to you now or you could ask it under social policy, Senator, whichever you prefer.

Senator ABETZ—Answer it now.

Senator Faulkner—Would you repeat the question, please?

Senator ABETZ—There has been some speculation that in relation to Senator Evans' desire to have the Don Bradman question removed from the citizenship test he was humiliated and overridden by the Prime Minister personally. I want to know what involvement the Prime Minister has had in the citizenship test and whether that speculation is true or untrue?

Senator Faulkner—It is certainly not true that Senator Evans was humiliated. We will establish—

Senator ABETZ—Was he overridden?

Senator Faulkner—whether we have an official to assist you with the processes around this particular issue. I am informed by officials that we do not have an official available who can assist you with this.

Senator ABETZ—Please take it on notice—that is fine.

Senator Faulkner—I am happy to, Senator.

Senator KEMP—I would like to ask Senator Faulkner what involvement he has in the appointment of the future Governor-General?

Senator Faulkner—None, Senator.

Senator KEMP—You were quoted in the press as—

Senator Faulkner—No, I was not, Senator.

Senator KEMP—I understand that in relation to some speculation as to whether Mr Kim Beazley should be Governor-General your name was raised. Was that untrue?

Senator Faulkner—It was untrue. I was not quoted in the press. In fact, I can inform you that neither I nor the other three cabinet ministers whose names appeared in that story were contacted by the journalist prior to that particular article being printed.

Senator KEMP—It is a quite interesting and probably serious matter. Did you write to the newspaper to inform them of that?

Senator Faulkner—I did not actually write to the newspaper because I have done that a number of times when I have been aggrieved. I thought I would wait for the opportunity, which I thought would be forthcoming at Senate estimates. I appreciate you raising it so I could set the record straight.

Senator KEMP—Did you have the chance to speak to the journalist involved and say that his story was untrue?

Senator Faulkner—The key point here is that I did not speak to—

Senator KEMP—I will tell you what the key point is—the question.

Senator Faulkner—Yes, I am answering the question. I say again that I appreciate the opportunity to provide the answer. The key point is that I did not speak to the journalist before the article, neither did any of my other colleagues who are mentioned in the article. I certainly have not spoken since to the journalist concerned.

Senator KEMP—And none of your staff spoke to the journalist involved?

Senator Faulkner—No, Senator. That is not true. Just so we are clear: the journalist did ring a member of my staff a few hours before publication, in the interests of full and complete transparency and accuracy. I happened to be on a plane travelling to Perth and I received a message about it after I landed after midnight eastern summer time in Perth. So it is fair to say that the journalist concerned did contact a member of my staff, who was not able to contact me because I was in a plane.

Senator KEMP—And what did your staff member say to the journalist?

Senator Faulkner—My staff member tried to contact me immediately and did what you would expect any staff member to do in this circumstance—say that they knew nothing about it, were doubtful about it, were very concerned about it and would try to contact me. They undertook to do that and were not able to do that.

Senator KEMP—I listened carefully to what you said and I am rather sorry that you have responded in this fashion.

Senator Faulkner—Why?

Senator KEMP—Because I actually think Kim Beazley would have made an excellent appointment.

Senator Faulkner—But, Senator, that has nothing to do with the issue at hand.

Senator KEMP—It has. I actually think it would be a good appointment. He is a man with great experience in politics. I am not speaking for my party; I am speaking for myself. To be quite frank, I am rather sorry that I do not see more support for him around the table.

Senator Faulkner—Senator, it is not a question of lack of support for Mr Beazley, who I believe has made a very great contribution in this parliament. The question you raised with me went to the accuracy of a newspaper article printed some time ago. I would not want any of my comments to be interpreted or misinterpreted as reflecting on Kim Beazley in any way.

Senator KEMP—In that case can I assume that we are on a joint ticket here?

Senator Faulkner—The Prime Minister has made absolutely clear what his approach will be in relation to the appointment of the next Governor-General and he made that public not long after that particular newspaper article was published. Do not misinterpret my comments in relation to this as in any way reflecting on a person who was a very valued colleague and a friend of mine, Kim Beazley.

[8.22 pm]

CHAIR—There being no further general questions and no questions on outcome 1 and output 1.1, Economic and industry policy, we will move to output group 2, Social policy.

Senator ABETZ—First of all, who is going to be appointed to the Australian Social Inclusion Board? Have they been appointed? Are you calling for applications? What is happening with that? Page 3 refers to the establishment of the Australian Social Inclusion Board, so what is happening there?

Senator Faulkner—I will provide you with information that I can in relation to—

Senator ABETZ—Before you go into a long explanation—

Senator Faulkner—No; I just wanted to answer your question directly—

Senator ABETZ—can I withdraw all those questions—to obviate that—and ask: has the board been appointed?

Senator Faulkner—The answer to that question is no. An advertisement inviting expressions of interest in membership of the board was published in the press on Saturday, 26 January. Applications closed on Friday, 8 February.

Senator ABETZ—Thank you for all that. Has there been any particular role specification drawn up, a duty statement, for these board members? If so, can that be given to the committee? That would be very helpful. We do not need to read it out; we just need a copy of it, thanks.

Senator Faulkner—I am just going to check. It might save time; I might be able to table this for you if it would help.

Senator ABETZ—That is what I was asking for.

Senator Faulkner—Yes, but let me just check that it is appropriate.

Senator ABETZ—Whilst you are reading that, how many people is it anticipated will be appointed to the board? Do we have a certain number?

Senator Faulkner—Yes. The board will consist of a chair and nine members.

Senator ABETZ—A chair and nine members—thank you very much.

Senator Faulkner—Senator, I am happy to table this for your information.

Senator ABETZ—Thank you, that will be very helpful. Can I move to the apology.

Senator Faulkner—We will get a clean copy of it for you.

Senator ABETZ—Of course. I am delighted. When was it decided to make the apology the first item of substantive business for the parliament? When was that decision taken?

Senator Faulkner—I am not sure that I can answer that question. I do not know whether the officials will be able to be precise about this.

Ms Belcher—I do not have a precise date for that.

Senator ABETZ—Let's take that on notice.

Senator Faulkner—We are happy to take that on notice for you.

Senator ABETZ—Who was consulted in relation to the draft? There was wide consultation, as I understand it, with Indigenous communities, as there should have been.

Senator Faulkner—My understanding—

Senator ABETZ—But when was the final version actually decided upon?

Senator Faulkner—Yes. My understanding is effectively the consultations were primarily conducted by the minister for families—

Senator ABETZ—I am not asking who did the consultation.

Senator Faulkner—I thought you were, Senator. I thought that was the first question.

Senator ABETZ—No. I am acknowledging that there was wide consultation; I am not critical of that. What I want to know is: when was the wording settled? We know it must have been settled by 5 pm on Tuesday—

Senator Faulkner—We do know that, because notice was provided in the—

Senator ABETZ—Yes, because it was tabled. But I want to know, before that, when was it actually settled? When did we get the final version? If you have to take that on notice, so be it.

Senator Faulkner—No, Senator, the officials cannot assist me in this so we will need to take that on notice for you.

Senator ABETZ—All right. Who organised the TV screens—the outside broadcasts et cetera of the speeches?

Senator Faulkner—I think that question is definitely best directed to FaHCSIA. Officials will correct me if I am not providing absolutely accurate information here, but my understanding is that FaHCSIA coordinated that activity. But I would like to just confirm that with officials.

Ms Belcher—Yes, that is correct, working in consultation with the parliamentary departments.

Senator ABETZ—All right. Who organised the welcome to country that occurred on the Tuesday, the day the parliament commenced, at nine o'clock? The welcome to country—which I described in the *Hansard* as

delightful, so there are no criticisms there at all. But I did note the media concerns expressed that, potentially, the wrong person had been invited, and that is why a different person was, well—

Senator Faulkner—I did not see that—

Senator ABETZ—I do not want to use the word ‘used’—invited to the apology on the Wednesday: because there was a conflict.

Senator Faulkner—I did not see that media coverage, but I will ask if any of the officials at the table are able to assist you in relation to who had primary responsibility for the organisation of the welcome to country.

Ms Belcher—Again, it was FaHCSIA and the minister’s office.

Senator ABETZ—The article I am referring to was from Friday, 8 February on page 4 of the *Australian*: ‘Tribal rift forces Rudd into a second welcome’. That is the basis—

Senator FAULKNER—So, Senator, perhaps these questions are best directed to FaHCSIA.

Senator ABETZ—The Prime Minister took it upon himself, as a personal responsibility, to personally drive these things but, as soon as there is a bit of a hiccup, he flick passes it off to FaHCSIA. That is fine. We will go to FaHCSIA and find out.

Senator Faulkner—Please do. I don’t think your comments there are fair at all. I think most people felt that this was a tremendous event in the history of the parliament. I certainly did.

Senator ABETZ—I agree, and I supported it.

Senator Faulkner—I think that your interpretation of the Prime Minister’s role is not fair—it is, in fact, very unfair.

Senator ABETZ—That’s fine. Let’s move on.

Senator Faulkner—But I can assure you that the primary organisational responsibility lay with FaHCSIA.

Senator ABETZ—Did the Prime Minister personally sign off on the final draft? Did he have the final say?

Senator Faulkner—Of what?

Senator ABETZ—Of the apology.

Senator Faulkner—It stands to reason that the Prime Minister obviously has authority in these issues.

Senator ABETZ—But did he exercise it?

Senator Faulkner—I am seeking advice from officials, if they can assist me with this.

Ms Belcher—Yes, my dealings with the Prime Minister’s office suggest to me that the Prime Minister signed off on it.

Senator ABETZ—So he was the one that did the final approval. Did he also do the final approval as to which people would be invited in relation to the welcome to country and in relation to the apology that was given the next day, which is the subject of the article in the *Australian* on 18 February?

Ms Belcher—I know that his office briefed him on proposals on who would be invited.

Senator ABETZ—The article tells me—and tell me if it is wrong, it may well be:

The Prime Minister’s office—

not FaHCSIA, but the Prime Minister’s office—

has offered the traditional people of Canberra, the Ngunnawal, the right to open the Sorry Day proceedings next Wednesday to end the bitter rift. Matilda House, who now identifies herself as—

I hope this is right—

a Ngambri woman after claiming in the past to belong to the neighbouring Ngunnawal tribe, had been invited to give the formal welcome when parliament opens.

Now I don’t want to dig into this too much. It is unfortunate, but we should, I think, know who was responsible for these invitations. I am told by this article that it was the Prime Minister’s office. If you are telling me that it was not, I will accept that at face value.

Ms Belcher—As I said, I think the Prime Minister was briefed on such matters. I think invitations were issued by the minister’s office.

Senator ABETZ—The article said:

The Prime Minister's office has offered the traditional people of Canberra, the Ngunnawal ...

Did that occur? Did the Prime Minister's office offer the traditional people of Canberra the right to open the Sorry Day proceedings on the Wednesday to end what was described as 'a bitter rift'? Either his office did or did not offer.

Ms Belcher—Senator, I will have to check on that. It had been my understanding that it was the minister's office, but I can take that on notice.

Senator ABETZ—In that same article we are told:

A motion will be moved in the Territory's—

this is the Northern Territory—

legislative assembly next week "congratulating" Mr Rudd on his apology.

Was the Northern Territory government made aware of the wording of the apology before it was tabled in the federal parliament on 12 February?

Ms Belcher—I don't know that, Senator.

Senator ABETZ—Can you please take that on notice?

Senator Faulkner—We will have to take that on notice, if the officials cannot assist you with that.

Senator ABETZ—Yes, because it would be interesting if the Northern Territory, just in anticipation, having no idea of what the wording was, was willing to congratulate the Prime Minister, or whether they actually knew what they were congratulating him about. That is the purpose of that question. Thank you for taking that on notice.

Senator FORSHAW—So you would assume that the hundreds of thousands of people around the country also must have had prior notice of the wording, because they were organising to congratulate the government and the Prime Minister on the apology as well, including coming to Canberra?

Senator ABETZ—No. They were organising to listen to it.

Senator Faulkner—They were coming to you to congratulate people on your side who genuinely supported it.

Senator ABETZ—The legal advice in relation to the apology and anything that might flow from it. I assume that the government's position has not changed on that—that it will not be releasing the advice?

Senator Faulkner—That is correct, as I understand it.

Senator ABETZ—Can you just assist me. In the past the Commonwealth, I am sure under a different regime, ran a defence in the Lorna Cubillo and Peter Gunner cases and now, having apologised, is it open to the Commonwealth to still run defences in these cases?

Senator Faulkner—Senator, it is not my responsibility to provide to you advice or legal advice on such matters. I think that you understand that the nature of your question is such that it would not be and could not be answered at such a hearing.

Senator ABETZ—But, in this era of new openness and cooperation et cetera, I would have thought that this is a fairly important question as to potential consequences. But, look, it is not going to be answered so that is fine. Let us move on.

Senator Faulkner—It would not be appropriate. I think that you understand, given the nature of the question, that no minister or official would ever attempt to answer such a question either now, in the past or in the future.

Senator ABETZ—Yes, but it was demanded of us in the past. It is just nice to know that you are adopting the same practices and standards of the Howard government. I move on to what was clearly an absolute blot: the absolutely distasteful behaviour of some of the Prime Minister's staff at a gathering in Parliament House as the statements were being made in the parliament. Can we confirm that at least two of the Prime Minister's staff were amongst the guests and representatives in the Great Hall?

Senator Faulkner—This has been a matter that has been reported widely in the media. You would be aware that two members of the Prime Minister's staff, both in the Prime Minister's press office, apologised for certain actions in the Great Hall. We are all aware of that background.

Senator ABETZ—There is some more background that I want to float with you—that is, whether the Prime Minister investigated whether these people were involved in turning their backs, slow clapping and walking out when Dr Nelson started and also whether they were acting as agent provocateurs amongst the Indigenous people who got them to behave in this particular manner?

Senator Faulkner—I have heard no such suggestion. I do know that the two staff members concerned were counselled. I also know that the two staff members concerned apologised formally to the Leader of the Opposition, Dr Nelson. You would be aware that this matter is also being widely canvassed. I believe the apologies made by the two staff members concerned were made public.

Senator ABETZ—What other ministerial staff were involved in that behaviour? Has an inquiry been undertaken in relation to that?

Senator Faulkner—I know of no such inquiry and I know of no such suggestion that any other staff members were involved.

Senator ABETZ—Does the Prime Minister's office have a full-time counsellor?

Senator Faulkner—No, Senator.

Senator ABETZ—Just correct me if I am wrong, but this Mr Lachlan Harris, who was one of the staff members involved in this very distasteful activity—one that casts a real blot on what would otherwise have been a day of celebration for this country—has previously been counselled, allegedly in relation to trying to pull a stunt with a false dawn on Anzac Day to do with Vietnam and the *Sunrise* program. Are you aware of that?

Senator Faulkner—No, I am not—

Senator ABETZ—You are not aware of that?

Senator Faulkner—No, wait a minute. Please let me finish, Senator. I am not aware of any suggestion of the involvement of Mr Harris in that matter. I am simply not aware of it. I can say to you, however, in answer to the first part of your question as to whether the Prime Minister's office has a full-time counsellor, the Prime Minister took the issue seriously. He counselled his two staff members himself.

Senator ABETZ—All right. Did he counsel one of those staff members, Lachlan Harris, in relation to the false dawn Anzac Day service?

Senator Faulkner—Senator, I have absolutely no idea. I doubt that officials would know.

Senator ABETZ—Can I refer you to the—

Senator Faulkner—Wait a minute. As you have asked the question, I am happy to take it on notice. There is no need to provide a reference. You can if you like—that is fine. I will certainly take the question on notice. I do not have any personal knowledge of that other incident.

Senator ABETZ—Was this Mr Lachlan Harris also counselled in relation to trying to fit up school children with politically charged questions whilst Mr Rudd was visiting a school?

Senator Faulkner—I have no such knowledge, Senator.

Senator ABETZ—Was he counselled after that event as well?

Senator Faulkner—As I have indicated to you, Senator, I do not have any such knowledge.

Senator ABETZ—I am sure the Prime Minister does. Would you take all those questions on notice and ask the Prime Minister to answer them all please.

Senator Faulkner—I am happy to take those on notice.

Senator ABETZ—Can I also ask whether this was the same Lachlan Harris who tried to heavy Kerry-Anne Walsh in relation to an article she was about to write about Mr Rudd's background?

Senator Faulkner—I do not know, Senator.

Senator ABETZ—All right. Can you find out—take it on notice and get the Prime Minister to answer whether that is correct. In fact, Mr Ramsey wrote about it saying that:

... Harris had phoned veteran Canberra correspondent Kerry-Anne Walsh, "ranting like a lunatic". Her "insulting" questions were "disgusting" and "impugned Kevin's integrity". "How dare" she ask them. "Are you calling him a liar?"

And he continues et cetera.

Senator Faulkner—Just because Mr Ramsey wrote about it does not make it right, Senator.

Senator ABETZ—Exactly right. That is why I am asking. I am not alleging. You seem surprisingly ill-informed on something of such notoriety.

Senator Faulkner—I do not think that is a fair comment. I certainly am not aware of the detail of the issues or incidents that you raise in your questions. I have indicated to you that I am happy to take the questions on notice. Obviously, if there were officials at the table who could assist in this, we would try to provide answers for you from officials. I do not think you would be surprised to know that these are not matters that officials would be aware of. The best I can do in the circumstances is hear the questions that you ask and honestly provide you with the information that I am not aware of the details of the incidents and that we do not have officials that can assist you with that. I am happy to take the questions on notice for you.

Senator ABETZ—Under whose direction does Mr Harris work?

Senator Faulkner—At the end of the day, Mr Harris is a staff member of the Prime Minister, as you would appreciate.

Senator ABETZ—So the buck stops with the Prime Minister.

Senator Faulkner—I think the Prime Minister is one who has always said in relation to what occurs in his government that the buck stops with him. He has never shirked that responsibility.

Senator ABETZ—Or he has, but we will not go there at the moment.

Senator Faulkner—He has never shirked that—

Senator ABETZ—You can gild the lily, but that it clearly is not the case.

Senator Faulkner—He has never shirked that responsibility.

Senator ABETZ—Does Mr Harris also work under the direction of the Chief of Staff of the Prime Minister?

Senator Faulkner—Of course the Chief of Staff has a role in relation to staff management. Of course he does. But you would appreciate that, at the end of the day, as in any hierarchical office, as you have said and as I have accepted, the buck stops with the Prime Minister. But of course the Chief of Staff has very significant responsibilities in relation to the staff of the Prime Minister's office. You know that and I know that.

Senator ABETZ—And is that Chief of Staff David Epstein who used to run aNiMaLS, the National Media Liaison Service, under the Keating government—just so we understand that we have the right person?

Senator Faulkner—I can confirm for you that the Prime Minister's Chief of Staff is David Epstein.

Senator ABETZ—And did he formerly run the National Media Liaison Service, known as aNiMaLS, under the Keating government?

Senator Faulkner—I can confirm to you that he has had a very distinguished career.

Senator ABETZ—It is either yes or no. I would refer you to the Standards of Ministerial Ethics paragraph 4.4 in relation to the way that you should answer these questions. You know full well that he was in charge of aNiMaLS and this is a deliberate obfuscation by you and the government because you are embarrassed about his past performance.

Senator Faulkner—Hardly. You are now asking questions about Mr Epstein to which you, of course, know the answer, as you have just indicated to us. I assume there is a political point—

Senator ABETZ—No, it is a very disturbing point, in fact.

Senator Faulkner—Let me go further: Mr Epstein has a long and distinguished career in both the public and private sectors and that includes as a long-standing ministerial staffer—

Senator ABETZ—Are we going to tolerate these sorts of answers, Chair, that are not responsive in any way, shape or form?

CHAIR—Senator Faulkner is answering your question.

Senator Faulkner—or trying to—and for a period of time did head up the National Media Liaison Service.

Senator ABETZ—Finally. It would have been so easy to simply say yes five minutes ago. But thank you for that.

Senator Faulkner—I do not know why you are asking the questions if you know the answers to them.

Senator ABETZ—There is a real culture—is there not?—in the Prime Minister’s office with Mr Epstein and Mr Harris. The question I want to ask is: is the Prime Minister satisfied that his counselling of Mr Harris has paid any benefits, in any shape or form, when he can treat an Anzac Day dawn service with the contempt that he did, schoolchildren with the contempt that he did and now the Indigenous community? When does the Prime Minister finally say enough is enough? And of course these are the things we actually know about. It begs the question: how many other behaviours has this Mr Harris been involved in that we do not know about? I would have thought ‘three strikes and you’re out’ may well be a very good policy for the Prime Minister to adopt.

Senator Faulkner—In answer to your question, the Prime Minister has counselled Mr Harris and another staff member—

Senator ABETZ—On three separate occasions for Mr Harris.

Senator Faulkner—In relation to the events that took place on Wednesday morning here in Parliament House. The two staff members concerned formally apologised to Dr Nelson. The content of those apologies—

Senator ABETZ—Yes, but he apologises all the time—to the schoolchildren, to the RSL and now to the Indigenous community.

Senator Faulkner—The content of those apologies I do not know.

Senator ABETZ—The lesson is: don’t get caught but if you do then apologise and move on and do it again as soon as you can.

Senator Faulkner—The content of those apologies has been made public.

Senator ABETZ—Given the repetition of the behaviour, the apologies are quite hollow.

Senator Faulkner—I do not accept the attack you make on the Prime Minister’s staff and the Prime Minister’s Chief of Staff. In fact, I reject that absolutely.

Senator ABETZ—How can you reject that if you do not know anything about the assertions that have been made, which you said you would have to take notice?

Senator Faulkner—I have seen Mr Epstein’s work, at close quarters, for many years.

Senator ABETZ—Including in the National Media Liaison Service.

Senator Faulkner—Including in the National Media Liaison Service for some part of his professional life.

Senator ABETZ—He did not cover himself in glory there, did he?

Senator Faulkner—There are many other functions which I personally believe he has fulfilled very professionally indeed. I can quite clearly say that to you and the committee. I do not accept the tenor of your remarks in relation to the Prime Minister’s staff.

Senator ABETZ—When you get all the answers from the Prime Minister, I am sure you will be embarrassed and reconsider.

Senator Faulkner—I can assure you I will not be embarrassed whatever the Prime Minister’s response to the questions may be.

Senator ABETZ—No matter what the evidence, you will obfuscate.

Senator Faulkner—I can assure you I will not be embarrassed by the Prime Minister’s response to the questions that I have taken on notice. But I can assure you that, in the interests of transparency, we will take those questions on notice and provide you with the appropriate answers.

Senator ABETZ—What is above politics in the Prime Minister’s office? Clearly, the veteran community is not, children are not and the Indigenous community is not. Is there anything that is sacrosanct and above politics for the Prime Minister’s office and, in particular, Mr Harris? This is a pattern of behaviour that is just unacceptable. On top of that, we have the heavying of journalists like Kerry-Anne Walsh, and all we do is apologise and move on to the next event.

Senator Faulkner—I can only assume that that comment—I do not believe it was a question—was absolutely tongue in cheek and that you are demonstrating to the committee your finely-honed sense of humour, given the politicisation of Mr Howard’s office during the life of the Howard government.

Senator ABETZ—If you think using schoolchildren is a joking matter, you are sorely mistaken. If you think pulling a stunt like what occurred on Indigenous sorry day is a joke, you are completely and utterly

mistaken. Many Australians are, quite rightly, offended by the behaviour of the Prime Minister's staff, which has now developed into a pattern of behaviour. Each time the Prime Minister says, 'The buck stops with me,' but does not do anything but counsel this individual and allow him to move on to his next dastardly deed.

Senator Faulkner—Senator Abetz, when you talk about such matters in the way you have just done in your last two comments, I can only remind anyone listening to this and not actually watching the *Four Corners* program or, alternatively, reading this transcript in *Hansard*, of what occurred in relation to the administration of the Prime Minister's office over the 11½ years that the Howard government was in office. I am sure anyone who is able to do that would come to a very different conclusion from the one that you have come to.

Senator ABETZ—That does not answer any of the heinous and quite serious allegations made against Mr Harris.

Senator KEMP—I have listened with great interest to the questions of Senator Abetz and the responses of Senator Faulkner. Let me say that the Prime Minister agrees—and I think everyone agrees—that the behaviour of his staff was simply not appropriate. Senator Faulkner, did the Prime Minister approve the wording of the letter that Mr Harris sent to Dr Brendan Nelson?

Senator Faulkner—Senator, you are right that the Prime Minister accepts, and I think certainly everyone around this table would accept, that the behaviour was not appropriate, so I accept the premise of the question that you have just asked. I cannot confirm with you—I simply do not know—whether the Prime Minister saw the letters of apology that his two staff members had written prior to them being communicated to Dr Nelson, but if it would assist you I am happy to take that on notice and see if we can get a response.

Senator KEMP—I just point out that the letter from Mr Harris has been criticised in the press for actually avoiding the issue that in fact he did turn his back on the TV screen when Dr Brendan Nelson was speaking. I take your assurances and I take your view that this was not appropriate behaviour.

Senator Faulkner—It was not appropriate behaviour, Senator. I do not think anyone that I am aware of has suggested for one moment that it was. That is why, obviously, the Prime Minister counselled his staff members and that is why the staff members apologised unreservedly to Dr Nelson.

Senator KEMP—I accept that in the spirit in which it was given. Could you now check whether there were any other Labor staffers who were in the Great Hall at that period of time and whether any of those staffers acted in a similar fashion? If they did, we would expect the same action that was taken against Mr Harris and the other staff.

Senator Faulkner—There may well have been many staffers, not only government staffers but opposition staffers as well, in the Great Hall at the time. I am not sure that it is a realistic proposition for me to check that out, nor have I heard any suggestion that any other person behaved inappropriately at that time. If there is any specific suggestion, I am happy, obviously, to take it up. As you know, there were a lot of people around this building and outside watching the big screen while both the Prime Minister and the Leader of the Opposition were making their speeches. If there is any suggestion that there was inappropriate behaviour that you wish to communicate to me—even if you wish to communicate to me privately—I certainly would take it up immediately, but I have heard no such suggestion. I think it is almost impossible to be able to chase down the whereabouts of all government staff at the time. Two members of government staff have behaved inappropriately and they have obviously paid a price for that.

Senator KEMP—I hear what you say. I am not after a vast search. However, I would like an assurance that cabinet ministers have assured themselves that other staffers did not join Mr Harris in that behaviour and, if they did, I would like this committee to be informed. What worries us—

Senator Faulkner—I have never heard any such suggestion.

Senator KEMP—I am raising this issue now.

Senator Faulkner—I know. I can assure you I have heard no such suggestion.

Senator KEMP—I am raising it now and I am putting on notice that I would like checks to be made as to whether any other staffers acted in a similar fashion to Mr Harris. I look forward to seeing the responses, because what occurred there was, as everyone understands, one of the black marks on that particular day. There is a feeling in some quarters that people were egged on to turn their backs, and the feeling is that this may have been the result of some of the actions of Labor staffers. We would like to be assured that Mr Harris

and his colleague were the only two who were involved in this activity. Madam Chair, could I put that question on notice. I look forward to the response.

Senator Faulkner—Senator, I can assure you that I have heard no such suggestions.

Senator KEMP—I take some comfort from that, Senator Faulkner, but I would like to say that that question has been placed on notice and I look forward to a response.

Senator FIFIELD—Following on from Senator Kemp's questions: having a look at the text of Mr Harris's letter here, the phraseology he uses is quite odd. On three occasions he refers to 'when I did not remain facing the television screen', 'I apologise for not remaining facing the front of the hall' and to 'my decision not to remain facing the screen'. It is like he is desperately trying to not use the phrase, 'when I turned my back on the screen'. It does strike me as a begrudging apology. Do you have a view?

Senator Faulkner—No, I do not accept that view at all. I believe the apology was genuine. I am very confident that that is the case. I would not be critical of the wording of Mr Harris's apology.

Senator FIFIELD—Do you think that is odd wording?

Senator Faulkner—Not particularly. We all have our own stylistic flourishes and the like, as you know, in these things, but I do not find it odd wording. And I am absolutely confident in the genuineness of Mr Harris's apology to Dr Nelson. I am absolutely certain of that.

Senator FIFIELD—The wording did strike me as a little too cute, but we have probably canvassed the apology from Mr Harris sufficiently already.

Senator Faulkner—'Cute' is not the word I would have used. I do not have the apology in front of me. I read it at the time.

Senator FIFIELD—As in 'too cute'.

Senator Faulkner—I have spoken to Mr Harris about it. I believe he is genuine. I can say that to you clearly and directly. That is why I think I can say this to you as confidently as I have.

Senator FIFIELD—Are questions on the 2020 summit appropriate for output group 2?

Senator Faulkner—Yes.

Senator FIERRAVANTI-WELLS—I have two questions on the apology, if I may. Senator Faulkner, when did the Prime Minister become aware of the actions of the members of his staff?

Senator Faulkner—I do not know.

Senator FIERRAVANTI-WELLS—Could you take that on notice?

Senator Faulkner—I think this was something, as I understand from the events of last Wednesday, that was reported by a media outlet. I think it is very likely that the Prime Minister would have become aware some time after that. That is my understanding of it. If that is not correct, I will provide further and better advice to you. The reason I have said that to you is that I have certainly read press reports that this was reported in the media.

Senator FIERRAVANTI-WELLS—Were there other people in the Prime Minister's office who were aware of this incident before it actually happened?

Senator Faulkner—I have no idea; none at all.

Senator FIERRAVANTI-WELLS—Did I understand correctly that, in an answer to a question from Senator Abetz, there was no formal investigation undertaken through the Prime Minister's office?

Senator Faulkner—What I have been able to inform the committee is that the Prime Minister counselled his two staff members involved. An apology from each of those staff members was sent to Dr Nelson. That apology was made public.

Senator FIERRAVANTI-WELLS—But in the absence of an investigation you cannot rule out that there were other people in the Prime Minister's office who knew that this was going to happen.

Senator Faulkner—I have said on a number of occasions, and let me say again: I have heard no suggestions before the hearing this evening or at the hearing this evening that there was any other similar behaviour from any other person associated with the government. I have heard no such suggestion, and I have invited Senator Kemp, who was canvassing this with me, to provide to me if he wishes any further or better information privately. I think he has indicated that there is no such information. I cannot provide any other

information to you than that. I do not want to get too repetitive here, but I did indicate that clearly in response to Senator Kemp.

Senator FIERRAVANTI-WELLS—I take what you say. My concern is whether this was a premeditated act, and that is the reason why I am asking. In the absence of an investigation—

Senator Faulkner—Premeditated or not, I do not know. All I know is that it was very inappropriate and the two people who engaged in the act apologised for it.

Senator FIFIELD—Minister, you would be aware that the Australia 2020 summit, scheduled for the weekend of 19 and 20 April, coincides with the Jewish festival of Passover.

Senator Faulkner—I am aware that that is the case.

Senator FIFIELD—You would also be aware that, because of the nature of that festival and the activities which some members of the Jewish community take part in, that would preclude their attendance if they were invited to attend the 2020 summit.

Senator Faulkner—Although I have not had any formal communications in relation to that particular matter, I certainly understand the point that you make.

Senator FIFIELD—Who chose the dates for the 2020 summit?

Senator Faulkner—That I do not know. I will see whether officials are aware of the choice of dates. Primarily, obviously, the Prime Minister's office would have been briefed on the details surrounding the 2020 summit. We do not know the answer to your question, so I think the best I can do there is to take it on notice for you and provide an answer.

Senator FIFIELD—Was whoever chose the dates aware at that time that the dates selected coincided with the festival of Passover?

Senator Faulkner—Because I cannot answer your previous question, it stands to reason, with respect, that I cannot answer that question. I will also seek to provide an answer for you.

Senator FIFIELD—I recall reading comments from a spokesman for the Prime Minister in the paper, who said that the coincidence with the festival of Passover was an inadvertent one, or words to that effect. If it is the case that it was inadvertent, why wouldn't a different set of dates be chosen?

Senator Faulkner—I do not know about the logistical arrangements, but obviously the arrangements for the holding of the summit had progressed. But I certainly saw some comment—I did not realise it had been attributed to the Prime Minister—about the inadvertence of the particular choice of date.

Senator FIFIELD—I think it was by a spokesman for the—

Senator Faulkner—But the summit is going ahead on that date. There were a range of advertisements in national newspapers and the like for the summit.

Senator FIFIELD—Would you agree that it is regrettable that members of Australia's Jewish community who may have been invited or may be invited to attend will be precluded because of the selection of dates?

Senator Faulkner—I think the decision to hold the summit on the date of a very significant religious festival was, as you know, inadvertent and, in a perfect world, it would have been better—I think anyone would acknowledge—for that not to have occurred. But the summit is going ahead at that time, as you appreciate, and the work of the department, which is quite significant to support the commitment to hold the summit, has been ongoing for quite some considerable time.

Senator FIFIELD—Minister, I also understand there are going to be some special arrangements put in place so that members of the Jewish community can still have input, even though they will be unable to attend.

Senator Faulkner—I will ask officials to report on that if they can. Officials inform me they are not aware of it. I am sorry; I cannot provide you with that detail.

Senator FIFIELD—That is extremely disappointing, given that, if we take at face value the inadvertence of the selection of the dates for the summit coinciding with Passover and at the time the inadvertence was referred to by the Prime Minister's spokesman, the comment was made that special arrangements would be put in place. The summit is not that far off.

Senator Faulkner—I would certainly like to provide you with that detail if I could. I am simply unable to. The information is not available to me, and officials at the table, I am afraid, do not have it. Obviously, we will try to get this information to you at the earliest available time.

Senator FIFIELD—That would be appreciated.

Senator Faulkner—I will get some early advice to you.

Senator FIFIELD—Thank you. Also, in relation to the summit, I understand—and you will correct me if I am wrong, Minister—that there is no provision for funding to assist participants coming to Canberra or for their accommodation in Canberra. Is that correct?

Senator Faulkner—In broad terms, that is correct. However, I will ask officials to provide some more detail to you on the funding arrangements for the summit.

Ms McRae—I am the Assistant Secretary of the 2020 Summit Secretariat. Special circumstances funding will be available on application.

Senator FIFIELD—Any attendee at the summit is able to apply? What sort of criteria do you take into account for special circumstances—distance from Canberra, age, disability?

Ms McRae—The criteria are yet to be developed and run past the steering committee.

Senator FIFIELD—When are the criteria likely to be determined?

Ms McRae—Probably within the next two weeks.

Senator FIFIELD—Is there a budget for that program to assist people to get to Canberra? Is there a dollar value or will it be demand driven: if people meet the criteria then the cost will flow from that?

Ms McRae—The budget is not yet settled, and we would have to see what the demand looks like, plus get a view from the steering committee about what they consider to be the criteria required to demonstrate special circumstances.

Senator FIFIELD—So you will not cover costs for a certain percentage of attendees; it will be determined on the basis of people meeting the criteria? Is that correct?

Ms McRae—Yes, there is no percentage envisaged.

Proceedings suspended from 9.15 pm to 9.32 pm

Senator FIFIELD—I would like to ask about the arrangements for invitations for the 2020 Summit. Do they fall into two categories? Is there one lot of invitees who are approached directly and another who are chosen after having applied?

Senator Faulkner—I will ask officials to provide an answer to you as to whether there are effectively two categories of invitees, which is what you are asking me.

Dr Morauta—As you know, there is a public advertisement for people to nominate, but I am pretty certain there is also a third party nomination form available which allows other people to nominate people. Those two processes are going on side by side, if you like.

Senator FIFIELD—Everyone who is invited will have either nominated themselves through responding to the advertisement or will have been nominated by someone else through that third party process. Is that correct?

Dr Morauta—That is our understanding of it.

Senator FIFIELD—There will be no direct approaches from government to an individual saying, 'We think you could make a terrific contribution'?

Dr Morauta—Are we talking about participants in the conference?

Senator FIFIELD—Correct.

Dr Morauta—No. That is our understanding of it.

Senator FIFIELD—Are there any criteria for excluding particular people such as former members of parliament? We do not want a summit with too many members of parliament. Are there any categories which are specifically excluded or which have a quota?

Ms McRae—The selection of participants for the conference will be undertaken by a steering committee consisting of 10 non-government people, chaired by Professor Glyn Davis. We do not have the selection criteria that they will use.

Senator FIFIELD—So it is to be determined. When will that selection criteria be determined by that group?

Ms McRae—As nominations close on 25 February, I would expect that the steering committee will be in a position to give us some idea of the criteria they wish to use within weeks.

Senator FIFIELD—What will be the venue for the summit? Will it be Parliament House?

Ms McRae—The venue will be Parliament House.

Senator FIFIELD—Will the parliamentary chambers be used for any part of the summit?

Ms McRae—I am yet to be advised by the steering committee of the actual program, but it is not our intention at the moment to look to the chambers.

Senator FIFIELD—What is the total budget for the summit?

Dr Morauta—We are still developing that. We have not completely scoped the project yet, so we are still finalising that.

Senator FIFIELD—I have heard that Professor Davis of the summit panel—the 10 members of the steering committee who will be guiding the selection criteria and other administrative matters—is not being remunerated for his task. Is that correct?

Dr Morauta—As I said, we have not completed the budget yet.

Senator FIFIELD—It is something that I read in a newspaper article, but I just wanted to check whether it was indeed correct that Professor Davis is not being remunerated.

Senator Faulkner—On advice from officials at the table, we will have to take that particular issue on notice.

Senator FIFIELD—Will it be the same for the other 10 members of the steering committee? Will they be remunerated?

Dr Morauta—I really need to take it on notice.

Senator FIFIELD—So at the moment we do not know whether the chairman of the process will be remunerated, we do not know if the steering committee members will be remunerated, we do not know what the criteria will be for inviting people, we do not know what the budget for the summit will be and we do not know how members of Australia's Jewish community, who have been excluded through the date selection, will be able to contribute. Is that a fair summary?

Senator Faulkner—Obviously it is fair to say that, in short order, these matters are going to be clarified and you will be provided with answers to your questions on notice.

Senator ALLISON—I want to ask about the 10 topics that were chosen for the summit. Was there a rationale behind those choices?

Senator Faulkner—I am certain that there was a rationale. I will assist you as best I can in relation to this. The idea of the 2020 Summit obviously is to harness the best ideas across the nation and to apply those ideas to the 10 core challenges that have been identified by government in order to secure our long-term future through to 2020. So, in broad terms, that is the rationale for the 10 summit areas.

Senator ALLISON—Some of the topics are quite broad, such as sustainability, which I guess could mean anything to anyone, but there are also some missing elements under these topics, like education. Can you explain why it is that education or even skills training did not warrant a subject of their own?

Senator Faulkner—The first identified of the critical areas is future directions for the Australian economy, including education, skills, training, science and innovation as part of the nation's productivity agenda.

Senator ALLISON—So education is included under economy?

Senator Faulkner—The critical area 1 is as I have outlined to you in answer to your previous question.

Senator ALLISON—But the only item under that is the availability, as I understand it, of quality teachers. Is that because that is the only issue in, say, schools education, which the government sees as an issue?

Senator Faulkner—Let me provide for you the information that I have. Certainly it is true that one point to be examined by the Australia 2020 Summit will be how we ensure that our children have the highest quality teachers, whether in early childhood, school, TAFE or university, including dealing with the crisis in maths and science related disciplines across the education system. Another key point is how Australia attracts and retains the most talented, creative and highly skilled people, including researchers and scientists, entrepreneurs and professional and skilled workers. Another is how we foster innovation in the workplace, encouraging the

transfer of ideas across businesses and economies. You may be aware that the information that has been made available for the Australia 2020 Summit includes these words:

In implementing the government's human capital agenda, the objective is to build a world-class education system that can transform our workforce into the best educated and most highly trained in the world. This in turn is aimed at boosting long-term workforce participation and productivity. This program has begun with the immediate priorities of expanding training places to tackle the skills crisis, as well as providing a universal early childhood education, a rigorous national school curriculum, improved information technology and trades training infrastructure for the 3.3 million young Australians who are at school.

Senator ALLISON—If we stick with schools for a moment, is there anything that would be off limits for discussion at this conference?

Senator Faulkner—It is a very tough question to answer. You would appreciate that at these sessions there is a government chair and then a co-chair. I think the broad approach is to be inclusive, not exclusive. The aim of the summit is to try and tackle long-term challenges and look for long-term responses. My understanding has always been that creative and lateral thinking is very much to be encouraged, and will be very much encouraged, at the summit.

Senator ALLISON—Can I give you an example of a long-term challenge—it has been long term for a while—and that is funding arrangements for non-government schools. Will that be a subject that is countenanced at the summit?

Senator Faulkner—I cannot say specifically what those present are going to raise directly, but it seems to me that it would not be inappropriate for those attending and debating these sorts of long-term options at the summit to raise those issues. The idea is to be inclusive of issues and ideas, not exclusive. I am certainly not able to give you any further or better information on that, Senator, and I doubt that officials are able to. What I can outline to you—and I hope I have—is the broad approach and the spirit in which the summit is being conducted.

Senator ALLISON—Are the government's election commitments able to be discussed, or are they so non-negotiable that there is no point in debating them? For instance, could questions be raised about the proposal to provide computers to all year 9 to year 12 students and the worth of that?

Senator Faulkner—The government is very committed to progressing its election commitments in that area. I am not sure that chairs are going to be prescriptive about these sorts of things. My expectation is that you will get a free-flowing discussion on a whole raft of issues in the 10 areas of interest to the participants. I am not sure that I can give you any better advice on this. The questions that you ask are, to be honest, verging on the hypothetical. I think I have given you the best advice I can in relation to the way the summit might work and the approach of the government, which, as I say, is to be inclusive and to look at very much a future agenda, a forward agenda, the generation of ideas and creative thinking about the critical issues that have been identified.

Senator ALLISON—I agree that the questions I am putting to you are hypothetical, but for many people there is a question mark about what is likely to be an outcome from this. There has been plenty of commentary. Will this be another talkfest where the real issues will not be broached? That is my reason for asking you those questions. A couple of other areas that I thought would have been of interest to many people would be immigration and our treatment of refugees in recent years. Would that be included in any one of those topics?

Senator Faulkner—I would have to look specifically at that, which I am sure officials will quickly do while I broadly respond to your question. The idea of the summit, as has been said I think by the Prime Minister, is to harness and harvest ideas that develop from the community and to shape them into concrete policy ideas. The Prime Minister has been very clear in saying that he does not believe that the government itself has a monopoly on policy wisdom. We have been really clear about saying that. As I say, trying to harness the ideas, energy and talents of others in the community is of critical importance.

I might say to you, in relation to an area of the summit, one of the 10 key areas—this is the one that you previously identified—is 'Population, sustainability, climate change and water'. You might note that the proposal is for the summit to examine how we plan future population growth at national and regional levels given the constraints of water shortages and sustainability.

Senator ALLISON—Of course it is one thing to come up with ideas but quite another to develop policy as a result of those ideas. Do you anticipate that those who come will already be able to present you with research

that backs up their proposals or will the government then hand all that over to the Public Service and say, 'Off you go. Figure out if this is workable or not'? Lots of people have ideas, but it does not necessarily mean they are good ones.

Senator Faulkner—Of course, but I think what the government is trying to do here is ensure that at this particular forum we look past short-termism, if you like, to really try to confront these very significant challenges that Australia has for the future. That is conceptually what lies behind the summit. That is, I think, what the Prime Minister has made very clear in his public statements about the importance and significance of the summit itself.

Senator ALLISON—That is interesting. I will press you on that point because I think this is central. It seems to me that ideas are quite different from where we are heading, where we want to be in 20 years time or in 50 years time. Surely ideas are about how you get to a particular point. Will the summit be guided by Australia wanting to reduce emissions or wanting to reduce consumption of water domestically or whatever by a certain time frame—and here are some of the ideas that you might get there with?

Senator Faulkner—As I have said to you before, I think the words that were originally used by the Prime Minister about the summit, about it being about harnessing and harvesting ideas, are a very good summation of it—a very good summary of the approach that the government is taking. It is obviously particularly interested in those ideas that are capable of being shaped into concrete policy actions. That is a clear imperative, as I understand it, of the summit. I am doing my best to faithfully recount to you what my understanding here is of the government's approach. No doubt the officials at the table will dig me in the ribs if I have strayed at all, but I think that is a pretty fair summary of where we find ourselves.

Senator ALLISON—What of the role of the Prime Minister himself in the summit? What will that be?

Senator Faulkner—I beg your pardon?

Senator ALLISON—The role of the Prime Minister in the summit—what will it be?

Senator Faulkner—This is being very much driven by the Prime Minister—that is what I would say to you in the first instance. It is effectively an idea that he has generated and developed. I can only say to you, in terms of a more formal role, that he is going to co-chair the summit with Professor Glyn Davis from Melbourne University. It is an absolutely critical role that the Prime Minister is going to have, one that is integral to the summit in both a process sense, as co-chair, and also in terms of providing drive and energy and enthusiasm for the summit to work as we would want it to work.

Senator ALLISON—Will ministers be there for those areas related to their portfolios?

Senator Faulkner—Yes, the plan is for members of the executive to co-chair the 10 key summit areas. Certainly there is an expectation that other cabinet ministers will attend.

Senator ALLISON—And departmental secretaries or other staff from departments?

Senator Faulkner—I am not sure of that, but I will ask officials whether they can assist, where the planning has got to that point.

Ms McRae—My understanding is that Australian government departmental heads will attend.

Senator ALLISON—They will be one of the 100 in each of the 10 areas?

Ms McRae—My understanding is that they will form part of the 1,000.

Senator ALLISON—Will there be a communique at the end of the process?

Senator Faulkner—I think 'communique' is not the terminology that I would use, but I do understand that there is a plan for options papers to be produced in each of the 10 areas. This would be more substantive in nature than just a summit communique.

Senator ALLISON—Does an options paper suggest that you might have contrary ideas—that you might have disparate approaches? Surely 100 people are not all going to agree.

Senator Faulkner—It suggests more to me that there may well be different views as to priorities, as opposed to conflicting ideas. I am giving you there more of a personal view. Perhaps officials can assist you with that.

Dr Morauta—The wording of the press release talks about producing, 'following the summit, options for consideration by government'. I do not think there is a comment there particularly about the relationship between them.

Senator ALLISON—Will it be a public document?

Senator Faulkner—As I understand so.

Senator ALLISON—Will it be produced at the time of the end of the summit, or will it take some time to pull together after that?

Senator Faulkner—Can we assist Senator Allison with timing?

Dr Morauta—Not immediately after the summit, but not too long after it.

Senator Faulkner—Does that assist? That is perhaps the best we can do on that question.

Senator ALLISON—Perhaps a matter of days?

Dr Morauta—No, I think it is probably more likely—the chairs will have to work it up so I am really not sure—to take a week or two.

Senator ALLISON—For the final version, will they go back to the 100 people who were involved?

Dr Morauta—I do not think the detail has been worked out yet.

Senator Faulkner—Senator, I cannot advise you on that and officials cannot assist you either. Some of these processes obviously will become clear as the steering committee, when it is in place, starts to work through these sorts of logistical issues. The broadbrush is as we have presented to you but specifically, with regard to the last question you asked, we are not in a position to answer at this early stage.

Senator IAN MACDONALD—Senator Fierravanti-Wells has allowed me to butt in a little. Minister, it goes without saying that you would accept that the best and brightest minds do not just come from Sydney, Melbourne, Canberra and places in between. You would accept that.

Senator Faulkner—I do accept that.

Senator IAN MACDONALD—The press release said that people would pay their own way to get there.

Senator Faulkner—I think we have just heard some evidence—

Senator IAN MACDONALD—That is what the press release said.

Senator Faulkner—It was not so much ‘pay their own way to get there’.

Senator IAN MACDONALD—There would be no expenses given for attendance, which means they would pay their own way to get there.

Senator Faulkner—Ms McRae I think gave an answer on this a little earlier in the hearing. Perhaps I could ask her to go through those processes again.

Senator IAN MACDONALD—Quickly, if it has been done before.

Ms McRae—There is an expectation that those who can pay their own way to Canberra and accommodation in Canberra to attend the summit do so. However, special circumstances payments may be applied for by those who consider that there are circumstances which indicate that they are unable to afford to make those payments themselves.

Senator IAN MACDONALD—Who will make those assessments?

Ms McRae—The steering committee.

Senator IAN MACDONALD—And we do not know who the steering committee is yet.

Ms McRae—Not as yet, but it will be chaired by Professor Davis.

Senator IAN MACDONALD—There are lots of people in more remote parts of Australia who fit the category of best and brightest. Getting to Canberra is a very expensive cash outlay, just in travelling there. It will require someone coming from Karumba, Halls Creek or Torres Strait, of course, having to take an extra two days out of their working schedule just to get there—regardless of how long the conference is. The costs of doing all that can become quite considerable. If people are, as Mr Rudd’s press release stated originally, to pay their own way then that would exclude those people from the more remote parts of Australia. I take it from you, Minister, that those people would be favourably looked upon, whether or not they were well off or not well off?

Senator Faulkner—You have made the point, which I certainly accept, that not all wisdom is Sydney, Melbourne or Canberra centric. That is the point that you made to me and I accept that point.

Senator IAN MACDONALD—The real point is that, if you are going to involve the rest of Australia, you will have to pay those for whom getting to Canberra is a very expensive exercise. University professors, public servants, heads of business or heads of unions can get there at the expense of their organisations, but individuals, who can still be quite bright and best, who live in remote parts of Australia—and that does not prevent them from being bright and best—will not be able to attend unless there is some real assistance payable in the normal way of witnesses and attendees at government and parliamentary hearings.

Senator Faulkner—I appreciate the point that you make, Senator Macdonald. That, I believe, is why, in the nomination form for the 2020 summit, as Ms McRae has said, the steering committee will look at special circumstances applications. Some of the circumstances that you have raised in your question, undoubtedly, in my view, would be the sorts of issues that would be looked at in terms of special circumstances. That is my understanding of it in the broad at this stage. I do not think that I can give you much more information on this, except that it is being made clear that special circumstances applications will be considered—and you have outlined one or two examples of special circumstances.

Senator IAN MACDONALD—Thank you for that. I saw the advertisement with that in it, but it was directly contrary to Mr Rudd's press release, which, unfortunately, I have left in the next room. I can slip out and get it for you if that would be useful. It said that there would be no assistance; everyone would have to pay their own way. It sounded good in the first flush of election victory but obviously it had not been thought through very clearly.

Senator Faulkner—I do not know what was in the press release. I take your word for it. I take what you said absolutely at face value and the situation as we have outlined to the committee in relation to special circumstances payments.

Senator IAN MACDONALD—Thank you for that. I certainly look forward to making sure that all Australians have the opportunity of making a contribution.

Senator ALLISON—Can you provide the names of the 10 members of the steering committee?

Senator Faulkner—Not at this stage, Senator.

Senator ALLISON—Is that because they have not been selected?

Senator Faulkner—I believe so, Senator, but I will check with the officials. They are in the process of being selected, Senator.

Senator ALLISON—Will this be made public?

Senator Faulkner—Of course, Senator. Officials advise me that this is likely to be finalised within the next fortnight or so.

Senator FIERRAVANTI-WELLS—Who is selecting the 10-member, independent non-government steering committee?

Senator Faulkner—That responsibility primarily lies with the two co-chairs of the summit: Professor Davis and the Prime Minister.

Senator FIERRAVANTI-WELLS—Was this the Prime Minister's idea?

Senator Faulkner—Earlier in the hearing I set out—

Senator FIERRAVANTI-WELLS—Sorry, I apologise if—

Senator Faulkner—That is fine. I was just going to say that in broad terms, as I said earlier, he would provide a lot of the energy, ideas and enthusiasm for the Australia 2020 summit. I know that he feels this way, because I have heard him directly speak about the summit with a great deal of enthusiasm, as I said.

Senator FIERRAVANTI-WELLS—I apologise if this has been asked, but when was the date actually set?

Senator Faulkner—The date has been announced. It is the 19th and 20th of April.

Senator FIERRAVANTI-WELLS—I appreciate that, but my question goes to when it was actually set. Was it set by the Prime Minister's office at some period? I am leading into another question, which is: was this discussed with Prime Minister and Cabinet before the date was set? If there was some discussion, when did those discussions take place, or did PM&C one day just open up the newspaper and there it was, announced?

Senator Faulkner—Senator, your colleague Senator Fifield has asked a similar question about this, and I have taken a range of issues in relation to the dates on notice.

Senator FIERRAVANTI-WELLS—On the dates? What about the question about—

Senator Faulkner—We have not been able to provide information on this tonight, but I can assure you that the question is on notice.

Senator FIERRAVANTI-WELLS—That is fine, I accept that. What about the question about whether it was discussed with Prime Minister and Cabinet before the announcement was made, or at what point was there some discussion with Prime Minister and Cabinet, or did they open the newspaper and read about it then?

Senator Faulkner—Certainly the department has provided a briefing to the Prime Minister's office I think in general terms about the staging of the summit. That is my understanding, Senator, and it has been confirmed by officials.

Senator FIERRAVANTI-WELLS—When was that done?

Senator Faulkner—Are you asking for the date of a departmental briefing to the Prime Minister?

Senator FIERRAVANTI-WELLS—I am asking for a time when it was done.

Senator Faulkner—That is the date of the briefing. I am doubtful whether officials will have that information available to them. Because it is a date, I am obviously happy to take it on notice. Dr Morauta makes the point that that date is obviously in advance of the public announcement of 3 February, which I am sure you would have appreciated, but the best thing I can do is to take your question on notice and provide you with a precise date of the departmental brief from PM&C to the Prime Minister on the issue.

Senator FIERRAVANTI-WELLS—Thank you. In terms of the invitation, the interest in participation and the nomination form, it talks about interest in participating or nominating somebody who could make an important contribution. What practical measures are being taken to involve young people and, as Senator Macdonald mentioned, people from rural and regional areas?

Senator Faulkner—There are a series of practical measures in relation to young people. I might ask Dr Morauta to outline those measures to you.

Dr Morauta—I think the broad approach has been to advertise it broadly in the newspapers. I do not know whether we have with us the details of which newspapers it was advertised in, but I think that was a pretty broadcast message. I think the idea was that it would be generally advertised. I think that people would be encouraging people in different groups—rural groups or others—to apply.

Senator FIERRAVANTI-WELLS—Perhaps you might provide us with some details on notice about the diffusion of the message, if I can put it that way. In terms of the cost—we have talked about the cost of assistance—will that be met through the Department of the Prime Minister and Cabinet or will that be dissipated through other departments?

Dr Morauta—We are assuming that would be an appropriation to the Department of the Prime Minister and Cabinet.

Senator FIERRAVANTI-WELLS—My apologies if the question has been asked: is there an estimated cost yet or is it that, at this stage, we do not know?

Dr Morauta—It is still being developed. We have answered that question already.

Senator FIERRAVANTI-WELLS—I have one final question. I think you said that the departmental secretaries would be included in the 1,000 people. Is that the case?

Senator Faulkner—That question has been asked.

Senator FIERRAVANTI-WELLS—And we have asked the question about the breakdown of the 1,000?

Senator Faulkner—I do not know about the breakdown, but Ms McRae did provide advice in relation to departmental secretaries.

Senator FIERRAVANTI-WELLS—So we know that departmental secretaries will be included. Do we know any other category of people that will be included?

Senator Faulkner—I have indicated that I am expecting that a range of government ministers will be attending. I can say to you that the government is also going to invite the Leader of the Opposition, Dr Nelson, to participate in the summit. State premiers, chief ministers and their opposition counterparts will also be invited.

Senator FIERRAVANTI-WELLS—So when we talk about general members of the public we are really going down to probably 900 or so by the time you take all of those people.

Senator Faulkner—The way I add that up, it does not get you down to 900.

Senator FIERRAVANTI-WELLS—But you take my point.

Senator Faulkner—I understand the point that you make that there will be some people attending by virtue of the office that they hold.

Senator FIERRAVANTI-WELLS—Thank you. I think Senator Abetz asked some questions on boards. You will probably take this on notice. Since you have come into government, has some thought been given to or will you be undertaking a stocktake of the number of quangos—quasi non-governmental organisations?

Senator Faulkner—Quasi-autonomous non-government organisations.

Senator FIERRAVANTI-WELLS—Yes, quangos. Are you proposing to do a stocktake of the numbers there?

Senator Faulkner—I do not know of any proposal to take a stocktake of quangos, as you describe them. I certainly hope that within the bowels of PM&C or other places there would be a very good understanding and knowledge of all those bodies that fit that definition. I do not know that we need to conduct a stocktake. I hope that not only this government but previous governments would have a fair understanding of those.

Senator FIERRAVANTI-WELLS—I ask about boards where there have been other appointments. Is there some intention to just sort of renew appointments as they come along or perhaps revisit the existence of some of those boards? Perhaps there are plans to look at boards and board appointments generally, as they come along within each department, or perhaps you will fill vacancies as they come along within each department. Can that be taken on notice?

Senator Faulkner—Those are the procedures that have applied and are applying.

Senator FIERRAVANTI-WELLS—Perhaps you might take the question on notice for the departments—certainly for your department—and I will ask the minister for finance as well.

Senator Faulkner—I am not clear on the question.

Senator FIERRAVANTI-WELLS—What I am asking is: are you going to undertake a review of board appointments and a review of persons currently sitting on boards that may have been nominated by the previous government and undertake policy of removal of them?

Senator Faulkner—No.

CHAIR—If there are no further questions and no questions on outputs 2.1 and 2.2, we will move to output group 3, International and National Security Policy.

Senator TROOD—Minister, there is a figure of \$114,000 in the additional estimates in relation to a review of homeland and border security. I take it that that figure is there to undertake a review in relation to the government's proposal to have a department of homeland security, which is now a proposition which is being reconsidered. Is that accurate?

Senator Faulkner—My understanding of the situation is that the government has indicated that it intends to take a fresh look at border and security arrangements in Australia. You may be aware that a review of homeland and border security arrangements is being established. The plan is for that review to provide advice to the government by the middle of this year. There is review team being set up in the Department of the Prime Minister and Cabinet which is going to draw on expertise from across Australian government agencies that have an involvement or responsibility for homeland security and border issues.

Senator TROOD—And that is this figure of \$114,000—is that correct?

Senator Faulkner—What I understand to be the situation is that a final budget has not been set, but the preliminary budget does indicate that the actual cost of the review will be in the order of \$170,000. You are right to say that the department has obtained \$114,000 in additional funding through the additional estimates process for costs associated with the review.

Senator TROOD—You indicated that a review team is being established or has been established—is that correct?

Senator Faulkner—You can expect a public announcement to be made shortly about who will be leading the review.

Senator TROOD—So the intention is that there will be a public announcement of who will be leading the review. Do I take it from that that you also mean to say that the members of the review team will be announced publicly as well?

Senator Faulkner—My expectation is that the person leading the review and the terms of reference for the review will be announced shortly. I do expect there to be a team, as I said, working to the leader of the review. I do not know if Mr Lewis can provide any better or further information on that, but I think that is certainly the broad picture.

Mr Lewis—That is an accurate description of where we are at.

Senator TROOD—Can you clarify for me at this stage whether or not the members of the review team will be external to the government, or is it intended that they will be internal?

Mr Lewis—A combination of both.

Senator TROOD—Have you yet settled on the size of the review team?

Mr Lewis—Yes, I think we are at about six. It would have to be approximate. There could be a bit of movement around the edges of that as to exactly what sort of representation we need, particularly from within government. But at this stage, in the order of six.

Senator TROOD—Are you settled on the proportion of the six that will come from within government or those from outside? For example, is it the intention that the chair of the review team might come from outside the government or inside government?

Mr Lewis—At this stage, two of the approximately six I anticipate to come from outside of government.

Senator TROOD—It has not been finalised as to which the two of those number will be—one of whom will be the chair of the review?

Mr Lewis—The government will make an announcement quite soon, and that would be made clear at that time.

Senator TROOD—The terms of reference for the review will be settled and they will be made public—is that the intention?

Senator Faulkner—Yes.

Senator TROOD—As for the time that the review might actually take, I notice that there is only one allocation and it does not run into the next financial year, so I assume that you are hoping that this review will be completed by 30 June, or somewhere near that. Do you have an earlier date in mind?

Senator Faulkner—It is always a tough question. Are you able to provide any advice on that, Mr Lewis, in terms of when we might think it will be completed?

Mr Lewis—We expect the review to be complete by the end of the financial year, 30 June.

Senator TROOD—I want to ask some questions about the reference in the additional estimates to the Office of National Security. There is a figure there for the establishment of the office of \$579,000. Is this your area as well, Mr Lewis?

Senator Faulkner—Mr Lewis is very expert on these matters, I can assure you.

Senator TROOD—I know that to be the case from other things, but I am not sure whether or not this is within his area of considerable expertise.

Senator Faulkner—We will certainly help you. Just shoot away with your questions.

Senator TROOD—There is a figure of \$579,000, at least in relation to the additional estimates for this year. That is in addition to the \$87 million that was appropriated in the budget for the general area of the group 3 output, as I understand it. This is an additional figure in relation to the \$87 million that is already appropriate for this output area—is that correct?

Mr Lewis—That is correct. There is a dedicated allocation for the creation of the Office of National Security that runs to that sum that you quoted of \$579,000 in this financial year.

Senator TROOD—Has the office been established?

Mr Lewis—Yes, it was established on 20 December.

Senator TROOD—How many officers are in that office?

Mr Lewis—Approximately 52.

Senator TROOD—Where have the 52 come from?

Mr Lewis—The overwhelming majority come from the previously established National Security Division of the department.

Senator TROOD—Overwhelming—that suggests to me that there are others coming from elsewhere. Can you give me the numbers of the current members of the office?

Mr Lewis—The additional funding will bring in six additional staff. The remainder have come from the National Security Division, as it was.

Senator TROOD—I see. Where do the six additional staff come from?

Mr Lewis—They are new staff.

Senator TROOD—So they are not from other departments or portfolio areas. They are to be recruited specifically to the office—is that correct?

Mr Lewis—The human beings, I cannot say. It is unclear. We are in a recruiting process. Some may come from other departments. There will be a process to get these people. Some will be transferred, perhaps at level.

Senator Faulkner interjecting—

Senator TROOD—Is that something you wish to share, Minister?

Senator Faulkner—It was an aside. I hope you appreciate my droll comment that there was no suggestion that there were any non-human beings.

Senator TROOD—I see. I think that is a very useful contribution to estimates.

Senator Faulkner—Thank you. That is why it was sotto voce. It is like most of my contributions. I try to be as useful as I can at this hour of the night, as you appreciate.

Senator TROOD—I think we all regard your contributions as being constructive.

Senator Faulkner—I am not sure that is very generous. I think that might have been tongue-in-cheek.

Senator TROOD—Mr Lewis, who is the head of the Office of National Security?

Mr Lewis—Mr Campbell.

Senator TROOD—Was he the previous head of the division of national security?

Mr Lewis—That is correct.

Senator TROOD—So the intention, as I take it from your answers to my questions, is that the National Security Division will disappear at some juncture and it will be replaced by the Office of National Security, or indeed that has already happened. Is that in your mind?

Mr Lewis—That has already happened.

Senator MINCHIN—What is the title of the head of this new office? What is Mr Campbell called?

Mr Lewis—The head of the Office of National Security.

Senator MINCHIN—He is not called the national security adviser or anything as grand as that?

Mr Lewis—No.

Senator MINCHIN—He is just called the head of that office.

Mr Lewis—That is correct.

Senator MINCHIN—What sort of status does he have? Is it a status equivalent to the old divisional head, is it a separate, enlarged or enhanced status, or is equivalent to something else that would enable us to get a grip on it?

Mr Lewis—It is a most esteemed status. He is a first assistant secretary.

Senator MINCHIN—That is a promotion, I think.

Mr Lewis—No, that is the same level as the head of National Security Division was, so it is a straight transfer.

Senator TROOD—Is he intended to be the permanent head of the office?

Mr Lewis—Yes.

Senator TROOD—So he has just moved across and he will remain there as long as he and the government chooses. I will turn to the functions of the office. The responsibilities of the National Security Division were

wide ranging, of course, but there was a great deal of attention given to counterterrorism activity, as I understand it. Is that still the intention, or is there a wider brief that has been given to the office which was not necessarily the brief of the National Security Division?

Mr Lewis—There is a wider brief for the office in its new configuration. Counterterrorism remains, of course, one of the central issues, but there is a wider brief.

Senator TROOD—Perhaps you could explain that to us.

Mr Lewis—The current role or the purpose of the Office of National Security is to develop, provide advice on, coordinate and integrate comprehensive whole-of-government national security policy and to provide strategic oversight of its implementation.

Senator TROOD—Which of those functions were not the functions of the previous division?

Mr Lewis—There are a number of functions which have appeared additional to what was being done in the past—firstly, international security stabilisation and capability building.

Senator TROOD—Perhaps you could elaborate for us precisely what that is.

Mr Lewis—The issue of how to stabilise failed states, failing states or fragile states; how to develop capacity within those states for them to eventually, and hopefully quickly, stand on their own two feet.

Senator TROOD—Does that mean, for example, that the conduct of our RAMSI activities would be largely coordinated from this office?

Mr Lewis—No, we do not have any operational responsibilities; this is purely policy. Clearly, organisations such as RAMSI and various deployed forces are controlled operationally through their respective departments.

Senator TROOD—I see. So it is not the intention that the office will have an operational command responsibility.

Mr Lewis—Not at all. That is not the intention.

Senator TROOD—But it will have a whole-of-government coordination responsibility. Is that correct?

Mr Lewis—That is correct.

Senator TROOD—And that is the specific thing that has been added to the office that was not, for the most part, within the previous division?

Mr Lewis—No, there are several other issues that have been added.

Senator TROOD—Perhaps you could elaborate for us.

Mr Lewis—We have economic resources and trade security, and impacts of climate change and environmental issues on security. And I think it is true to say that the Office of National Security will be more directly engaged in the implementation of national security policy than it had been under the previous arrangements with the national security division.

Senator TROOD—Will the Office of National Security serve the cabinet committee on national security?

Mr Lewis—The Department of the Prime Minister and Cabinet provides support to all of the cabinet processes. To the extent that the subcommittee on national security impacts the work of the Office of National Security then yes, there is a direct support function of the Office of National Security to the Prime Minister in his role as the chair of the National Security Committee of Cabinet.

Senator TROOD—But the National Security Committee of Cabinet could well be served by other divisions within the Prime Minister's office—not solely by the Office of National Security.

Mr Lewis—The cabinet division, for example, is another division that is centrally involved because it actually runs all of the processes.

Senator TROOD—Are there any officers from other portfolios who are seconded or intended to be seconded to the Office of National Security—anybody, for example, from Defence, AFP or DFAT? Or are they assigned officers from Prime Minister and Cabinet?

Mr Lewis—No. There is, there has been and there will continue to be secondment arrangements to the Office of National Security.

Senator TROOD—Could you perhaps clarify for us how the office is structured? Is it structured into branches or sections—what functional areas are there within the office?

Mr Lewis—Yes, the office is structured into four branches: the Defence and Intelligence branch; the Border Protection and Law Enforcement branch; the National Security Science and Technology unit; and the Infrastructure, Resources and Security branch.

Senator TROOD—Have those functions all come from the previous national security division?

Mr Lewis—No, as I mentioned before with respect to those functions that have come across, there is a new branch and a renaming and reconfiguration of one of the existing branches that has taken place.

Senator TROOD—Perhaps you would be good enough, Mr Lewis, to provide the committee with specific advice whereby in writing you might give the detail of the previous elements of the national security division and the ways in which they have been renamed. Would that be possible?

Mr Lewis—Yes.

Senator TROOD—That would just make it abundantly clear which parts of the old division are surviving and which parts of it are essentially surviving but might have, for example, a different nomenclature—and which are the new functions.

Mr Lewis—We can provide such a thing.

Senator TROOD—Is the establishment of 52 officers intended to be the upper level of the number of officers or are you anticipating as we move forward that there will be an increase in the number of officers? I see that in financial year 2010-11 the figure is \$1.2 million. That could be just natural increases in cost; it might reflect some broader intention to increase the size of the office. Can you clarify that position for us at the moment?

Mr Lewis—Yes. There is no intention at this point for any increase beyond the approximate figure of 52 officers.

Senator FIERRAVANTI-WELLS—With the committee's indulgence I will just go back and ask a couple of questions, if I can, about invitations to young people to attend the summit. Very briefly, I understand that another summit is being held in April pertaining to young people. Are you aware of that, Senator Faulkner?

Senator Faulkner—I am advised by officials that there have been discussions relating to the possibility of such an event.

Senator FIERRAVANTI-WELLS—It is just that I have become aware that an announcement was made today, I believe, that there will be 100 15- to 24-year-olds gathered in Canberra on 12 and 13 April to discuss the issues laid down for the government's Australia 2020 Summit, with a view to establishing an ongoing Australian youth forum. I am reading from something from the news wire. Senator Evans appears to have made some comments that this summit will be chaired by Minister Kate Ellis, the 2004 Young Australian of the Year. I wonder how that fits into what I was told earlier and who would be likely to pick up the tab for this. More importantly, are we then going to see other lead-up summits to the main summit. So I ask the question in the context of whether this is an example of a sort of pre-summit we are going to have where we are going to target other, specific areas—for example, this one pertains to youth.

Senator Faulkner—It will help, obviously, if we can, but it does appear that we do not have much information. It may well be directed better to the—

Senator FIERRAVANTI-WELLS—I mention it given the comments that were made earlier. It is probably a case of one hand not knowing what the other is doing. This announcement was apparently made today, so perhaps you might take it on board in the question on notice that I asked before.

Senator Faulkner—You may care to progress any questions in relation to that through Ms Ellis's department.

Senator FIERRAVANTI-WELLS—I do, but I ask this question globally—that is: are there going to be other lead-up summits, if I can put it that way, in addition to what clearly is a summit for young people? Are we going to look at regional and rural summits or something like that? That is the context in which I ask the question.

CHAIR—Are there any questions for output 3.1, International policy? No. Are there any questions for output 3.2, National security policy?

Senator FAULKNER—I think that much of Senator Trood's questioning was in output 3.2.

CHAIR—Are there any questions for output 3.2, APEC task force? No.

[10.40 pm]

CHAIR—We move to output 4, Support services for government operations.

Senator RONALDSON—I want to ask you about the DLO allocation in your ministerial office. How many have been allocated to your ministerial office?

Senator Faulkner—My personal ministerial office?

Senator RONALDSON—Yes.

Senator Faulkner—Two. The standard allocation for cabinet ministers is two DLOs. In the case of my ministerial office I have one from the Department of Finance and Deregulation, obviously, and I have one from the Department of Prime Minister and Cabinet. So that you are aware, I currently have an additional staffer in advance of finalising my MOPS—a ministerial entitlement on loan from the Department of Finance and Deregulation. I mention that because you have asked about my personal ministerial office. That is not a permanent arrangement. I will have two permanent DLOs: one from PM&C—which, in fact, is not a DLO—and one from the Department of Finance and Deregulation. Just so that you are aware, that is the standard cabinet minister's allocation.

Senator RONALDSON—Are you able to say whether, across the cabinet and outer ministry, there are more DLOs than had been allocated under the previous government?

Senator Faulkner—Would you repeat the question?

Senator RONALDSON—Are you able to provide me with information as to whether, across the cabinet and outer ministry, there are more DLOs allocated to those offices than were allocated under the previous government?

Senator Faulkner—No, I am not able to say that to you. I will provide to you the information that I am aware of, which I hope can assist you in relation to this. These figures are as of 15 February 2008. I can inform you that there were 64 DLOs working in ministerial offices. For the record, that is two over the standard allocation of 62. I am sure you will be able to work that out. You may be interested to know that in May 2007 there were 69 DLOs working in the offices of the ministers of the previous government.

Senator RONALDSON—When was that?

Senator Faulkner—The figures I have are for May 2007, to provide you with a comparative figure.

Senator RONALDSON—You gave some indication in that answer that there was some sort of official allocation. Is there anything in writing that officially allocates DLOs?

Senator Faulkner—Yes. There is a standard allocation. No doubt officials at the table will correct me if I am wrong, but I understand it to be two DLOs for a cabinet minister, one DLO for a non-cabinet minister and one DLO for a parliamentary secretary. That is the standard allocation.

Senator RONALDSON—Perhaps we could clarify that now with departmental officers to save that being taken on notice.

Senator Faulkner—Sorry, can you say that again?

Senator RONALDSON—You expressed some concern about whether that was correct and you are going to ask the departmental officers whether that was indeed right.

Senator Faulkner—I got the nod there from Ms Belcher, so I am very confident it is correct now.

Senator FORSHAW—You have a very good understanding.

Senator Faulkner—Thank you, Senator.

Senator RONALDSON—Did any of the DLOs currently allocated to your office work in the capacity of DLOs in any ministerial office under the previous government?

Senator Faulkner—In my own office?

Senator RONALDSON—Yes.

Senator Faulkner—Not that I am aware of, but to be honest I do not know the answer to that question.

Senator RONALDSON—Are you happy to take that on notice?

Senator Faulkner—I am. Are you relating your questions to my own personal ministerial office?

Senator RONALDSON—Yes.

Senator Faulkner—There is probably someone listening who may be able to provide that information for us. I will certainly take it on notice. If I can provide you with an answer tonight, I will.

Senator RONALDSON—Thank you. Have any of the DLOs assigned to your office written policy advice, papers or opinion pieces formally or informally for Labor members or senators prior to last year's federal election?

Senator Faulkner—Not that I know of. Not at all. I think you might be barking up the wrong tree here.

Senator RONALDSON—I will make a decision about what tree it is and where I am going to bark.

Senator Faulkner—Yes, I am just saying—

Senator RONALDSON—But your answer to that question is no, is it?

Senator Faulkner—I am very confident that that is not the case. The departmental officials who work in my office, I can assure you, are absolutely impeccable in the way they conduct themselves and their responsibilities.

Senator RONALDSON—Has PM&C replaced its departmental media liaison person?

Senator Faulkner—We will have to ask PM&C. I have no idea even if such a person exists. Neither I nor officials at the table are quite clear about it. Please explain a little further what you mean.

Senator RONALDSON—Was there a departmental media liaison person working within PM&C?

Senator Faulkner—Can officials assist? I have no idea, Senator.

Senator RONALDSON—If the answer is no, the answer is no.

Senator Faulkner—It sounds like the answer is no.

Senator MINCHIN—Senator Faulkner, is it your government's policy to formally have fewer DLOs in your government than the previous government?

Senator Faulkner—I do not think that is a formal policy in that sense, but if a minister requires an allocation above the standard allocation—and you would be aware that from time to time these sorts of requests are made, particularly if there is a specific responsibility for an agency or because of the nature of the ministerial responsibility of the minister—the policy of the government is effectively to insist that that minister be able to make and sustain a case for such an allocation.

Senator MINCHIN—So in pointing out that there were 64 now and there were 69 in May last year—that just happens to be the situation at the moment—you were not seeking to make the point that your government has fewer than ours and intends to keep it that way?

Senator Faulkner—I am just providing the information that is contained in a brief. I have also indicated that the 64 DLOs is above the standard allocation of 62. I have tried to be—

Senator MINCHIN—Yes, I know—

Senator Faulkner—It is called transparency. We are just trying to give you an appropriate level of—

Senator MINCHIN—There were press reports just after the election suggesting that your government's objective was to reduce the number of DLOs. I was just wondering whether in fact that was policy or it was much more a standard allocation which could be varied and you were not seeking to be—

Senator Faulkner—My understanding, if this assists you, and this comes not in terms of my ministerial responsibility, is that effectively the standard allocation has not changed since I was sitting on the same side of the table as you are. That is my understanding. Let me check with officials that that is the case—that the standard allocation has not changed.

Ms Belcher—No, it certainly has not changed in the time I can recall.

Senator Faulkner—I think we can make very clear that the standard allocation, in terms of DLO, applies now under the current government as it applied under the previous government. You asked for a policy, and I think I have outlined fairly to you that we do require a minister to put a strong case if additional DLOs are required.

Senator MINCHIN—I think that is also a carryover.

Senator Faulkner—I do not know about that, but I accept that.

Senator RONALDSON—Does each department have a media liaison officer who would work with the minister's office in relation to the preparation of press releases?

Senator Faulkner—Does each department? We are not here representing—

Senator RONALDSON—Well, PM&C.

Senator Faulkner—This is important: we are here at the estimates of PM&C, so let us now focus on PM&C. I will ask officials if they can assist you. I do not know the answer to that question, I am sorry, but officials might be able to help.

Ms Belcher—No, Prime Minister and Cabinet does not have such a person.

Senator RONALDSON—So press releases from the Prime Minister are dealt with solely within the PMO, are they?

Ms Belcher—There would be occasions when the department might draft a media release and send it up to the office. There is no central person. For example, I, in the past, have drafted media releases about the appointment of a secretary and sent it up to the Prime Minister's office for changing, for issuing. Another part of the department might do a press release on another matter.

Senator RONALDSON—So there is no coordination of that role?

Ms Belcher—No. And then some media releases would be drafted entirely within the Prime Minister's office.

Senator FIFIELD—Would the COAG Reform Council come under output 4?

Dr Morauta—No, it does not.

Senator Faulkner—We will try and assist you, Senator. If it does not come under output 4 we will see if we can help you.

Ms Belcher—May I add to the answer I gave just now on media liaison officers. I am told that on occasions—when, for example, our ceremonial and hospitality area is managing a major visit—a media liaison officer might be engaged on a short-term contract.

Senator RONALDSON—Is that external?

Ms Belcher—Yes, that is right.

Senator RONALDSON—Has that contract been with the one company or the one person, do we know, for any period of time?

Ms Belcher—Just one moment; I will check.

Senator RONALDSON—Thank you.

Senator Faulkner—Perhaps I can also, while we are at it, provide an answer to a question that was asked earlier in relation to remuneration for Professor Glyn Davis and the 10 steering committee members. I understand that no such remuneration is proposed.

Senator FIFIELD—I am looking at the wrong output group. For future reference, which output group is it?

Dr Morauta—I think it would be under output group 1, where the coordination of COAG arrangements within PM&C lies. If you have some questions we could take them on notice; the officer concerned has gone home.

Senator Faulkner—We will certainly try and help you if we can, Senator Fifield.

Senator FIFIELD—Thank you very much. I appreciate that. The former Premier Mr Geoff Gallop—is he a member of the COAG Reform Council?

Dr Morauta—I think that is right, yes.

Senator Faulkner—Dr Geoff Gallop, actually.

Senator FIFIELD—Thank you. What remuneration does Dr Gallop receive in that capacity?

Dr Morauta—I do not have that information here. We will have to take it on notice.

Senator FIFIELD—Is it correct that the COAG Reform Council does not presently have any full-time staff?

Senator Faulkner—I am very sorry, but as you would appreciate this is an output that has long past been dealt with and the relevant officials are not here. It is really difficult for us to help you. We are happy to take these issues on notice for you, but I am sorry it is the best we can do.

Senator FIFIELD—That is fine. One more to be placed on notice, if I could: which building in Sydney is currently being rented for the purpose of the COAG Reform Council?

Senator Faulkner—That one we may be able to help you on out of corporate services. We will see if we can find that. If we move to other questions, we will come back to you.

Senator FIFIELD—And just additional questions for taking on notice: how long has that premises been rented and has it yet been occupied by any staff?

Senator Faulkner—It is possible we may be able to assist you with those. If we can, we will; otherwise we will definitely take them on notice for you.

Senator RONALDSON—Minister, just while we are talking about output sections in the future, what output section will the caucus committee training and support unit come under?

Senator Faulkner—I am very happy to speak about that, but I think you will find that broadly most appropriately dealt with under Department of Finance and Deregulation in ministerial and parliamentary services. It is not I think relevant to the PM&C portfolio. It is best dealt within ministerial and parliamentary services.

Senator RONALDSON—Will they be available tomorrow?

Senator Faulkner—Yes, I am sure. They will be very happy to answer any questions you have in relation to that. The government is very keen to provide full transparency in relation to that unit and, of course, also compare this with the situation that applied during the life of the previous government, which I will flag with the committee that I will be doing.

Senator MINCHIN—I do not want to go over old ground, but have any questions been asked about government communications?

Senator Faulkner—No, they have not.

Senator MINCHIN—I just want to refer to the additional estimates themselves, which I note refer to the abolition of the Government Communications Unit and the transfer of the aggregate media buying function of the department of finance. You have billed, as savings from the abolition of that unit, about \$2 million a year over the forward estimates. Does that mean that PM&C will no longer have anything to do with government communications, that is all being transferred to Finance, but that there will be no central coordination of government communications campaigns? I do not want to get into a harangue about those, but all governments do undertake legitimate government communications campaigns, which go beyond just buying the media space. I am just wondering whether that is a real savings or whether there will have to be, as I would have thought, some sort of unit established somewhere to plan, coordinate and implement government communications campaigns. Will there be either the—or the equivalent of—the old Ministerial Committee on Government Communications? If so, has that been established? Who is chairing it? Really I would like to get, in a neutral fashion, your description of the structure for the management of government communications under these new arrangements.

Senator Faulkner—The broad answer to most of the parts of your question is no. It is true that the government has abolished the Ministerial Committee on Government Communications in accordance with an election commitment that was made. It is true that the government abolished the Government Communications Unit in the Department of Prime Minister and Cabinet. That also was an election commitment that the government made. However, I can inform you that the centralised media buying function, if you like—I think you and I would know it as the central advertising system—has been retained, but that has been transferred in terms of its management responsibility to the Department of Finance and Deregulation from Prime Minister and Cabinet, where you would be aware it was previously situated. I think that goes to the substantive issues that you have raised, except for one: is there an ongoing role for PM&C? I think that was the other element of the question that you asked. I can say to you in broad terms, yes, there is. The functions that have been transferred to the Department of Finance and Deregulation will be the ministerial responsibility of my colleague Mr Tanner. I however will retain in Prime Minister and Cabinet the broad responsibility to ensure, if you like, advertising policy issues going to questions of appropriate content and processes, and oversight of those processes and the like—so a clear delineation, if you like, between those issues that remain in PM&C

and the contract management/central advertising system, which now lie within the Department of Finance and Deregulation.

Senator MINCHIN—Will you have a unit to support you within PM&C in the functions you have just described?

Senator Faulkner—It will not require a unit within PM&C, but there will be an adequate level of support from the agency for those functions that are retained in the department.

Senator MINCHIN—I am just trying to determine that this is a real saving of \$2 million that you are billing and that we are not going to see it build up somewhere else.

Senator Faulkner—I think you will also find that there will be some very major savings; in fact, the Minister for Finance has already announced an initial round of savings of \$34.3 million from some of the campaign advertising that had been previously announced by the former government and I believe you will see significant additional savings.

Senator MINCHIN—But I am just trying to see how this will be met. The health department does a lot of health campaigns—anti-smoking and all that sort of stuff.

Senator Faulkner—Yes.

Senator MINCHIN—They used to come to the Government Communications Unit, the Ministerial Committee on Government Communications and have their tenders properly approved and all that sort of stuff. Is that now being devolved back to departments to manage entirely—with some policy oversight from you but otherwise they will be managing their own campaigns?

Senator Faulkner—No. The new arrangements are as I have outlined. I can also indicate to you, just given the time constraints, that in the near future I will be making a detailed announcement and statement about the new advertising arrangements that will apply. I commend that to you; but, if you like, I will ensure that you are notified when that is going to be made. It will outline some of the new processes in detail.

Senator MINCHIN—That is fine; thank you.

Senator Faulkner—That I hope will take place as soon as possible—but in the weeks and months ahead.

CHAIR—I just advise that tomorrow morning, before the department of finance, we will commence with the Australian Public Service Commission, then proceed to the Australian National Audit Office and then the Institute of Family Studies. So I will be looking for—

Senator Faulkner—Chair, is there an indication from senators—and I certainly understand if there is not—of the sort of time that is likely to be involved with the examination of those PM&C agencies?

Senator FIFIELD—I think for the Audit Office probably about 15 minutes of questions; for the Public Service Commission 15 minutes; and I do not think there is anything from our side for the Australian Institute of Family Studies.

Senator Faulkner—I appreciate that; thank you very much.

Dr Morauta—Are you saying that PM&C is finished now?

CHAIR—Apart from those departments that we have just outlined—from the agencies, yes.

Committee adjourned at 11.05 pm