

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the COAG Legislation Amendment Bill 2021

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Schedule 3 of COAG Legislation Amendment Bill 2021 - date drafting instructions issued

Senator: Ayres

Question reference number: 0002

Type of question: Hansard, F&PA page 46, 27 September 2021

Date set by the committee for the return of answer: 01 October 2021

Number of pages: 2

Question:

Senator AYRES: Can you tell me on what date drafting instructions were first issued for the bill?

Ms Steel: I don't know if I've got the date for the drafting instructions to hand. We did engage with the Office of Parliamentary Counsel from November to January to help research and identify the references in legislation, and, from about mid-February, we did work with legislation liaison officers in a range of departments. I believe the drafting largely occurred in February and March, but the specific date when we formally asked for the drafting I might need to take on notice, or I can try to get an answer very quickly from colleagues for you.

Senator AYRES: We'll wait for your answer of course, but is it fair to infer from that that it's somewhere in that November-to-January period that the drafting instructions would have first been issued?

Ms Steel: It might have been informal at that stage. I'll just have to check if that was when we formally asked for drafting instructions.

Senator AYRES: But at the very latest it would have been February?

Ms Steel: At the latest, February; that's correct.

Senator AYRES: Did those drafting instructions include instructions relating to national cabinet that are reflected in schedule 3 of the bill?

Ms Steel: I believe we initially worked through the COAG legislative amendments; schedule 3 was slightly separate in terms of the process.

Senator AYRES: Yes. On what date were drafting instructions in relation to schedule 3 issued?

Mr Reid: I'm not sure that I have the precise date of that. I will try and get it for you while we're in the hearing.

Senator PATRICK: Was it before or after the decision?

Senator AYRES: Thank you, Senator Patrick. I always take a bit longer to get to my punchlines. It's just my long country drawl, really. I want to know whether it was before or after the decision in Senator Patrick's matter.

Mr Reid: I understand, Senator. I'll get that for you.

Answer:

Drafting instructions for Schedules 1 and 2 were issued on 17 February 2021. These instructions related to COAG and COAG Council amendments only.

Drafting instructions for Schedule 3 were issued on 25 February 2021.

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the COAG Legislation Amendment Bill 2021

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Senator Patrick's action – money spent

Senator: Ayres and Patrick

Question reference number: 0004

Type of question: Hansard, F&PA page 46, 48-49, 27 September 2021

Date set by the committee for the return of answer: 01 October 2021

Number of pages: 1

Question:

Senator AYRES: Can you tell me how much taxpayers' money was spent defending Senator Patrick's action?

Mr Reid: I do have that information. I don't know that I have it in the folder in front of me. I can certainly get that in the next 10 or 15 minutes.

...

Senator AYRES: I think, while I'm reflecting on this, you did say you would, on notice, tell me how much taxpayers' money has been spent in the Patrick matter.

Mr Reid: Senator, I can confirm we haven't yet received all of the invoices in relation to that matter.

Senator PATRICK: Just a supplementary. You might not have received all of the invoices. Have you received any of the invoices, and what is the total of any of the invoices you've received?

Mr Reid: Point in time now, Senator?

Senator AYRES: Yes.

Mr Reid: I'll take that on notice.

Answer:

As at 1 October 2021, the Department of the Prime Minister and Cabinet has spent \$107,939.95 (GST exclusive) on this matter.

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Inquiry into the COAG Legislation Amendment Bill 2021

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Tribunal – research undertaken

Senator: Patrick

Question reference number: 0012

Type of question: Hansard, F&PA page 52, 27 September 2021

Date set by the committee for the return of answer: 01 October 2021

Number of pages: 1

Question:

Senator PATRICK: Okay. So what research did you undertake in relation to the evidence you presented to the tribunal? What sources did you consult? Can you identify those sources?

Ms McGregor: We can identify the sources. I'll have to just take it on notice; I wouldn't want to get it wrong. But that was a source that we are able to identify, yes.

Answer:

The Department of the Prime Minister and Cabinet provided evidence that referenced a number of sources, including:

- Cabinet Handbooks, including 13th Edition, 14th Edition and 1976 Edition
- Transcript: Prime Minister's Press conference dated 29 May 2020
- Transcript: Prime Minister's Press conference dated 4 September 2020
- The Parliamentary Government of the Commonwealth of Australia, Crisp, L.F. 1961 – 3rd Edition
- The Review of COAG Councils and Ministerial Forums, Conran, P. 2020