

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Declarations of Interests for members of the National COVID-19 Coordination Commission

Senator: Patterson

Question reference number: 0003

Type of question: Hansard, page 4, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 2

Question:

Senator PATERSON: Mr Gaetjens, I'll go to you first because I understand your time is limited this morning. I've just got a couple of questions about the National COVID-19 Coordination Commission. Obviously, it's a fairly high-powered collection of individuals. They are all people who have other things that they do in their lives: they run businesses, they sit on boards and they work for other organisations. Given that this offers opportunities for conflicts to arise, what mechanisms does the commission have in place to manage those conflicts?

Mr Gaetjens: It's not just mechanisms that the Commission has in place; they have been subject to the process that PM&C applies to getting declarations of interest. Stephanie Foster will have the details on that, but suffice to say they have gone through a rigorous declaration-of-interests process. I don't know whether you want to say anything on this, Peter. But they have been declared, I'm pretty sure. You can check this later with Ms Foster, but I'm pretty sure that they have indicated that they will not use information that they gain from this process to personally benefit them.

Answer:

The National COVID-19 Coordination Commission (the Commission) is an advisory, not a decision-making, body. Nevertheless, members of the Commission have an opportunity in their official duties to influence government decisions. Accordingly, the Commission has implemented robust arrangements to ensure potential conflicts of interest are managed.

The following arrangements have been put in place to avoid the potential for conflict, actual or perceived, between Commission members' private interests and their official duties as advisers to government.

Each member has provided a written declaration to the Department of the Prime Minister and Cabinet (the Department), in confidence, recording their private interests, and those of their immediate family members.

These declarations have been shared with all members of the Commission to ensure maximum transparency and to ensure that all members are alive to any significant private interests, which could give rise to a conflict, or the appearance of a conflict, with their official duties as a member of the Commission.

On the basis of the Commission members' declarations, the Department has identified any significant interests which may give rise to potential conflicts of interest, and has reminded members to remain alert to discussions to ensure that where a potential conflict might arise, appropriate arrangements can be put in place, such as recusal of specific deliberations.

Each Commission member has provided an undertaking to not use any information that they gain in the course of their official duties as a member of the Commission for personal gain.

Commission members have also undertaken that they will not exercise control of investment decisions in relation to their private interests in Australia (i.e. refrain from buying, selling or other trading of Australian investments) while a member of the Commission.

Each Commission meeting commences with a declaration of any relevant potential conflicts by each member.

Commission members can also declare any potential conflicts, if and when they arise, to the Chair (or the CEO, Mr Peter Harris, in the Chair's absence).

Where a potential conflict might arise, appropriate arrangements will be put in place, such as recusal of the affected Commission member from specific deliberations.

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Addition to membership of the COVID-19 Commission

Senator: Siewert

Question reference number: 0004

Type of question: Hansard, page 6, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 1.

Question:

Senator SIEWERT: Mr Gaetjens, can I please ask about the COVID commission? For the full membership of the commission, has anybody been added since the commission was first announced?

Mr Gaetjens: I am not aware of that. Given the economic packages that have been announced, I think the head of Treasury—I will come back on this and check.

Answer:

No additional Commissioners have been appointed since the National COVID-19 Coordination Commission was first announced.

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Membership and the formal structure of the National COVID-19 Coordination Commission subcommittees and working groups

Senator: Siewert

Question reference number: 0006

Type of question: Hansard, page 6, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 2

Question:

Mr Gaetjens: the NCCC working groups, the industrial relations working group, the manufacturing task force and the charity, philanthropy and fundraising advisory group. So I think what is happening is the commissioners themselves—and correct me if I'm wrong, Mr Harris—are setting up, through their own networks, groups of people who can assist them to bring information into the commission itself.

Mr Harris: Yes.

Senator SIEWERT: Could you please, on notice, provide the membership and the formal structure of those subcommittees and the membership of each of those committees.

Mr Gaetjens: Yes.

Answer:

Three working groups have been established as advisory bodies under the National COVID-19 Coordination Commission (NCCC), and are supported by relevant Commissioners.

The Industrial Relations Working Group

To contribute to the development of COVID-19 safe working approaches, trouble-shoot industrial disputes and support critical services to manage the impact of COVID-19 and provide advice to Mr Greg Combet in his capacity as an NCCC Commissioner.

Members:

- The Hon Greg Combet AM (Chair)
- The Hon Jennifer Acton
- Professor Michael Kidd AM
- Ms Bianca Wellington

The Manufacturing Taskforce

To deal with urgent issues arising from the pandemic for manufacturing and ensure the short term stability and sustainability of the industry, Andrew Liveris and the Manufacturing Taskforce were asked by Commissioners Catherine Tanna and Greg Combet to advise the NCCC on strategies to encourage the growth of Australian manufacturing.

Members:

- | | |
|--------------------------------|----------------------|
| - Mr Andrew Liveris AO (Chair) | - Dr Jens Goennemann |
| - Mr Innes Willox | - Mr Paul Bastian |
| - Mr Ben Eade | - Mr Dan Walton |
| - Mr James Fazzino | - Mr Scott Wyatt |

Charity, Philanthropy and Fundraising Advisory Group

In concert with Commissioner Jane Halton, to lessen the social and economic impacts of COVID-19 on vulnerable Australians and support the not-for-profit sector to continue to deliver vital services to the community.

Members:

- | | |
|--------------------------|--------------------|
| - Mr Tony Stuart (Chair) | - Dr Martin Lavery |
| - Ms Judy Slatyer | - Dr Lisa O'Brien |
| - Mrs Nicola Forrest | - Ms Claire Robbs |
| - Ms Stephanie Harvey | |

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Decisions of National Cabinet

Senator: Keneally

Question reference number: 0008

Type of question: Hansard, page 9-10, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 2

Question:

Senator KENEALLY: Thank you very much. I'd like to go back to some of the content that Senator Gallagher was covering off and the structure of national cabinet. The PM&C submission says:

... the National Cabinet is constituted as a Cabinet Office Policy Committee ...

According to the government directory, this committee has just one permanent member, the Prime Minister, and its decisions require endorsement by cabinet. So do the decisions of national cabinet, subsequent to being taken, need to go back to the full cabinet of the Commonwealth government?

Mr Gaetjens: Can I take that on notice? I would just, again, like to consider, if you like, where inside the cabinet territory endorsement of prior decisions comes.

Senator KENEALLY: You can't answer that?

Mr Gaetjens: It's a process that is actually handled by the cabinet secretary, not by PM&C, and I just wanted to make sure that I get the process absolutely right.

Senator KENEALLY: Okay. Is there a handbook for the national cabinet?

Mr Gaetjens: As it is constituted as a cabinet office policy committee, I think the section of the handbook that relates to that committee would apply.

Senator KENEALLY: Can that be tabled today, please?

Mr Gaetjens: It's publicly available on the department's website.

Senator KENEALLY: So, if it's publicly available and those are the procedures, wouldn't you be able to answer this very basic question: if that's how it's structured, do the decisions of the national cabinet need to go back to the full cabinet of the Commonwealth government for endorsement?

Mr Gaetjens: I'm not going to question what's in the *Cabinet Handbook*. What I'm going to do is work out, in a process sense, how I can answer the question.

Senator KENEALLY: It seems that they don't, because the Prime Minister holds press conferences immediately after national cabinet and announces their decisions.

Mr Gaetjens: That is not inconsistent with what you just said.

Senator KENEALLY: But it would be, because doesn't the handbook say that they need to go back to the full cabinet for endorsement?

Mr Gaetjens: Well, I'm not saying they don't go back to full cabinet.

Senator KENEALLY: At what point does full cabinet convene between a national cabinet meeting and the Prime Minister holding a media conference, say, at 9.30 at night, which he has done?

Mr Gaetjens: I don't necessarily think that is a logical conclusion that is necessary.

Senator KENEALLY: I'm really trying to understand the process here. It seems to me there's an inconsistency. I look forward to your answer, on notice.

Answer:

The Cabinet Handbook provides guidance on when it is appropriate for decisions of Cabinet Committees to be referred to Cabinet for endorsement. That guidance applies to decisions of the National Cabinet.

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Cabinet Office Policy Committee

Senator: Keneally

Question reference number: 0009

Type of question: Hansard, page 10, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 1

Question:

Senator KENEALLY: Let me provide an example. The government meets every week. Senior ministers of the government, including the Prime Minister, meet every week with senior members of the opposition through secure teleconference facilities. Is that a meeting of the Cabinet Office Policy Committee?

Mr Gaetjens: Not that I'm aware of.

Senator KENEALLY: It's not?

Mr Gaetjens: Not that I'm aware of.

Senator KENEALLY: Could you take that on notice, please?

Mr Gaetjens: I can.

Answer:

No.

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ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Seasonal Workers in the Northern Territory

Senator: Davey

Question reference number: 0010

Type of question: Hansard, page 12, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 2

Question:

Senator DAVEY: Just one final question on the road out. I think the Northern Territory has had zero new cases for a while now, so they're looking quite strong, but they're also facing unique pressures. Their mango harvest is coming up. They rely on seasonal workers to get their mango harvest done. Have there been conversations yet in national cabinet about how they're going to address those sort of unique issues, particularly in regions where we are looking at a flat curve rather than flattening the curve?

Mr Gaetjens: There have been discussions on the national coordination mechanism. I think it is now public—if I can, I would take it on notice, just to make sure of that. I'm sure under the department of agriculture there has been released a policy position with respect to processes that apply so that if people—again, processes were discussed, certainly by officials, that allow seasonal workers and, in fact, workers from capital cities to move to the regions. There was again a consideration of the health concerns with respect to people moving. If I could, I wouldn't mind taking that on notice, to provide you very quickly with what I think is already a public document as to the approaches that can be taken to getting labour to regional areas and agricultural harvesting.

Answer:

On 4 April 2020, the Government announced temporary changes to visa arrangements to help farmers access labour. Visa holders within the Pacific Labour Scheme, the Seasonal Worker Program, and Working Holiday Maker program can continue to work in agriculture and food processing until the COVID-19 pandemic has passed. These changes were accompanied by more stringent social isolation and appropriate accommodation requirements.

State and territory governments are responsible for managing self-isolation, social distancing, hygiene and appropriate accommodation requirements, consistent with principles agreed through the National Cabinet.

On 24 April 2020, the National Cabinet agreed to the National COVID-19 Safe Workplace Principles. Safe Work Australia has developed nationally-consistent, industry-specific work

health and safety guidance on COVID-19, accessible on the Safe Work Australia website. This includes agriculture-specific guidance.

Senate Select Committee on COVID-19

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Topic: Disclosure of declarations of conflict of interest

Senator: Patrick

Question reference number: 0020

Type of question: Hansard, page 35, 13 May 2020

Date set by the committee for the return of answer: 27 May 2020

Number of pages: 1

Question:

Senator PATRICK: Alright. Thank you very much. You said that you've sought declarations in relation to conflict of interest—and I apologise because I have been in and out of the chamber. Are you providing the committee with those declarations in respect of conflict of interest. Has that been asked?

CHAIR: I'm not sure that has been asked. Where there has been a declaration made, we have asked for information about that. So we know that there has been one case where a declaration has been made, and we have asked for details of that.

Senator PATRICK: Sure. But I would have thought you would have asked for declarations for everyone.

Mr Harris: No. Again, I've been a little time out of the system, but these, by definition, involve people's private interests. So I'm assuming that the Senate, at some time in the past, has considered this and not decided that you would simply table private interests of individuals—

Senator PATRICK: When people are conducting business, paid for by the government, and there is a personal conflict between that activity, then absolutely that should be disclosed. In fact, one of the ways of resolving a conflict of interest is simply to disclose. That goes a long way to doing that.

Mr Harris: That's true, but we don't necessarily put that out in the public interest.

Senator PATRICK: I'm asking that you provide it to the committee.

Answer:

The arrangements for managing the potential for conflicts of interest relating to members of the National COVID-19 Coordination Commission (the Commission) are detailed in the answer to Question on Notice 0003.

Commission members' declarations are provided in confidence and contain sensitive personal information related to themselves and members of their immediate families, the disclosure of which may unreasonably infringe the privacy of the individuals concerned.