



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION
COMMITTEE

Estimates

(Public)

MONDAY, 24 FEBRUARY 2025

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FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Monday, 24 February 2025

Members in attendance: Senators Cash, Colbeck, Duniam, Hume, Liddle, McGrath, O'Sullivan, Barbara Pocock, David Pocock, Pratt, Sheldon, Shoebridge, Stewart and Waters

PARLIAMENTARY DEPARTMENTS**In Attendance**

Senator Lines, President of the Senate

Parliament

Dr Gordon de Brouwer, Parliamentary Service Commissioner

Department of Parliamentary Services

Ms Jaala Hinchcliffe, Acting Secretary

Ms Nicola Hinder PSM, Acting Deputy Secretary

Mr Steven Fox, Parliamentary Librarian

Dr Andrew Banfield, Acting Assistant Secretary, Research

Ms Heather Walsh, Assistant Secretary, Library Collections and Systems

Dr Dianne Heriot, Head of Design Integrity and Collections

Mr Jason Lucas, Acting First Assistant Secretary, Corporate Services

Ms Nicole Short, Assistant Secretary, Commercial Operations

Ms Kate Cook, Acting Assistant Secretary, Corporate Operations

Ms Denise Catt, Acting Assistant Secretary, Parliamentary Engagement

Mr Vance Khan, First Assistant Secretary, Security Division

Mr James O'Brien, Assistant Secretary, Security Operations

Mr James Lawson, Chief Information Officer

Mr Nathan Sutton, Acting Assistant Secretary, Digital Customer Services

Mr Rohan Whitmore, Acting Assistant Secretary, Chief Information Security Officer

Ms Thao Le, First Assistant Secretary, Finance and Property Services and Chief Financial Officer

Mr Paul Pak-Poy, Acting Assistant Secretary, Property Services

Ms Lauren MacInnes, Assistant Secretary, Planning and Quality

Mr Sam Hatherly, Acting Assistant Secretary, Finance

Ms Rachel Lloyd, Assistant Secretary Procurement and Contract Management Taskforce

Department of the Senate

Mr Richard Pye, Clerk of the Senate

Ms Jackie Morris, Deputy Clerk

Mr John Begley, Usher of the Black Rod

Ms Toni Matulick, Clerk Assistant (Procedure)

Ms Rachel Callinan, Clerk Assistant (Committees)

Mr Tim Bryant, Clerk Assistant (Table)

Ms Fiona O'Loughlin, Chief Financial Officer

Parliamentary Budget Office

Ms Sam Reinhardt, Parliamentary Budget Officer

Ms Karen Whitham, First Assistant Parliamentary Budget Officer

Mr Gareth Tunks, Chief Operating Officer

Dr John Clark, Assistant Parliamentary Budget Officer

Mr Lewis Conn, Assistant Parliamentary Budget Officer

Committee met at 09:00

CHAIR (Senator Pratt): I declare open this hearing of the Senate Finance and Public Administration Legislation Committee into the 2024-25 additional estimates. We begin today by acknowledging the traditional custodians of the land on which we meet and pay respects to their elders past and present. That respect is extended to Aboriginal and Torres Strait Islander peoples here today.

Ms J Hinchcliffe: Sure. I'll take that on notice.

Senator BARBARA POCOCK: Thank you.

CHAIR: Senator Shoebridge.

Senator SHOEBRIDGE: I have some questions that perhaps Mr Fox might be best placed to answer. In 2021 DPS was sued by journalist Marcus Reubenstein. It was a vicarious liability claim in relation to a series of publications that were made by a senior researcher, Dr Geoffrey Wade, while he was working and on the company dime. Do you remember that legal action against DPS?

Mr Fox: I was not in the role in that period. I have been in that role for about 18 months, so it precedes my time as parliamentary librarian.

Senator SHOEBRIDGE: Do you remember the litigation against DPS?

Mr Fox: No, I do not.

Senator SHOEBRIDGE: Does anyone have any institutional memory of the proceedings?

Ms J Hinchcliffe: I suspect that there's no-one here that was here at the time, but we can answer the questions that we can answer and take others on notice.

Senator SHOEBRIDGE: In answers to an earlier round of estimates, it was clear that the then departmental secretary, Mr Stefanic, attended the mediation for those proceedings, and either he or another senior officer was a signatory to a final deed of settlement which saw the Commonwealth make a significant payment as a result of the actions of Dr Wade. Would you produce to this committee the deed of settlement that was entered into?

Ms J Hinchcliffe: I'll take that on notice and consider whether we're able to, under the terms of the deed.

Senator SHOEBRIDGE: I'm not asking about the terms of the deed.

Ms J Hinchcliffe: I'll take the matter on notice.

Senator SHOEBRIDGE: Ms Hinchcliffe, you would know that the terms of the deed could not override parliamentary privilege. You'd know that, wouldn't you?

Ms J Hinchcliffe: I appreciate that and I know that you also wouldn't want me to do something that was not legally possible for me to do, so I'll take it on notice, see what the terms are and then I'll come back to you.

Senator SHOEBRIDGE: I'm pushing back on your suggestion that if there's something in the deed that says 'confidentiality' that obviously wouldn't answer the enquiry—to be clear that we're on the same page.

Ms J Hinchcliffe: I take your point.

CHAIR: Ms Hinchcliffe understands the powers of this committee but also that she has the ability to make a public interest immunity claim, should it be in the public interest.

Senator SHOEBRIDGE: I understand that. So that we can be clear, was the amount paid in settlement by the Commonwealth to Mr Reubenstein \$110,000 or some other amount? If it was another amount, can you please identify that amount?

Ms J Hinchcliffe: I'll take all of that on notice for you.

Senator SHOEBRIDGE: If the amount paid under the deed was a set figure and you can provide us with that, were there any other payments made by the Commonwealth, including to their legal costs and what, if any, legal costs were incurred?

Ms J Hinchcliffe: I'll take all of that on notice for you.

Senator SHOEBRIDGE: Were there any restrictions, or was there any action taken, against Dr Wade for costing the Commonwealth more than \$100,000 because of the actions he undertook while he was working for the Commonwealth? Was any action taken against Dr Wade?

Ms J Hinchcliffe: I'll have to take that on notice.

Senator SHOEBRIDGE: When did you say you commenced, Mr Fox?

Mr Fox: On 18 September 2023.

Senator SHOEBRIDGE: In November 2023, a series of questions were put to DPS by an independent media outlet asking if they were aware that Dr Wade was engaging in further social media commentary during work hours on X under the pseudonym Matsalleh Merah? You were the parliamentary librarian at the time. Do you remember those enquiries being directed?

Mr Fox: I recall the enquiries, but they were made to the secretary at the time, Mr Stefanic.

Senator SHOEBRIDGE: Was any investigation done as to whether or not Dr Wade was, during work hours, using that X account?

Mr Fox: I'll need to take that on notice because that was handled by the office of the secretary at the time. Mr Stefanic was the officer who had the questions directed at him.

Senator SHOEBRIDGE: Can you clarify whether or not, between Mr Stefanic and Dr Wade, you as a parliamentary librarian—are you in the intermediate management chain?

Mr Fox: Yes, I am.

Senator SHOEBRIDGE: Are you saying you weren't in any way involved in that?

Mr Fox: I was not.

Senator SHOEBRIDGE: That would seem peculiar, wouldn't it, that the secretary engages directly with somebody in your employ in the Parliamentary Library, and you're totally unaware of it?

Mr Fox: That was the arrangement that was—I'm speculating here—possible because of the previous issues that were around that you've been asking questions about.

Senator SHOEBRIDGE: Why are you speculating its relation to previous issues? Did you have some knowledge?

Mr Fox: Because I can't speak for Mr Stefanic's reason for handling that matter, apart from the fact that questions were directed at him.

Senator SHOEBRIDGE: That X account did engage in quite aggressive political commentary, aggressive political attacks, and it was happening during work hours. Was any action taken against Dr Wade in relation to, again, doing that?

Ms Hinder: I'm the acting deputy secretary and the chief operating officer, so I have the HR portfolio within my remit. I'm very happy to take that question on notice. I understand that there was some consideration. I'm not aware what that consideration was or what it actually found, but I'm very willing to take that on notice and come back to you.

Senator SHOEBRIDGE: Was there an investigation following that questioning in November of 2023?

Ms Hinder: To be absolutely confident about my response, I'd like to take that on notice. I am aware that HR has had some involvement, but what that involvement was, and what that constituted, I'd like to be able to confirm.

Senator SHOEBRIDGE: We're left in a somewhat uncomfortable situation where we have the whole of the senior management team of the department here and nobody can even answer whether or not an HR investigation was undertaken in relation to a senior researcher for questions that were asked in November of 2023. Given the number of people we have here—and I could name them all—no-one can shed any light on this?

The President: That's a little unfair because the officers have indicated to you they were not the officers at the time. They are doing their best to assist and they have taken it on notice.

Senator SHOEBRIDGE: That's not true. Mr Fox was the parliamentary librarian at the time.

The President: And he's indicated to you that the matter was handled by the former secretary. Ms Hinchcliffe has taken the matter on notice, as has Ms Hinder. It is unfair to make that accusation—that somehow they have knowledge of this event.

Senator SHOEBRIDGE: I didn't make that accusation. You're making that accusation.

The President: I think that's what you're implying.

Senator SHOEBRIDGE: If you wish to make that accusation, you're entitled to.

The President: They have indicated they were not the officers at the time.

Senator SHOEBRIDGE: I didn't make that accusation, and you mischaracterised their evidence.

The President: You mischaracterised it.

Senator SHOEBRIDGE: You've put words in my mouth and you've mischaracterised my evidence. It's unhelpful when you do that.

The President: And you're being unhelpful by making the sweeping generalisation that somehow these officers should know something that happened before they were there.

Senator SHOEBRIDGE: To be clear, I don't know if you heard Mr Fox's evidence. Did you hear Mr Fox's evidence that he was the parliamentary librarian—

The President: I did indeed, and he said it was handled by the former secretary—

Senator SHOEBRIDGE: Would you let me finish my question. Did you hear Mr Fox's evidence that he was the parliamentary librarian and had managerial oversight of Dr Wade at the time the questions were directed?

The President: I heard the whole of his evidence, which was that the former secretary dealt with this matter.

Senator SHOEBRIDGE: Was any disciplinary action taken against Dr Wade as a result of, again, his inappropriate use of X?

Ms Hinder: I'm very happy to include that as part of my response when I come back to you.

Senator SHOEBRIDGE: Has Dr Wade informed the department that he's commenced his own litigation against a series of media outlets? Has he informed you of that fact?

Ms Hinder: We are aware that private proceedings have been launched.

Senator SHOEBRIDGE: Has Dr Wade informed you that it's likely to involve significant engagement about his work and his activities at work, which may well involve yet more Commonwealth resources? Has he informed you of that?

Ms Hinder: At the moment, my understanding is that the private legal matter has just commenced. We have not yet had an understanding as to what, if any, departmental involvement or information might be required, but we are very aware that there is a private matter that has been launched.

Senator SHOEBRIDGE: There's an obligation, isn't there, on people working for the DPS to be mindful of potential conflicts of interest and to advise their employer of potential conflicts of interest. Has Dr Wade advised the DPS that these proceedings may amount to a conflict of interest as they will inevitably traverse his work as a parliamentary librarian?

Ms Hinder: As the acting secretary has indicated, we are paying very close attention to conflicts of interest across the department at the moment. I personally have not sighted Dr Wade's conflict, but I'll do so and then come back to the committee.

Senator SHOEBRIDGE: You say 'his conflict', so has he—

Ms Hinder: If there is a potential conflict that has been identified by Dr Wade.

Senator SHOEBRIDGE: So you're not aware if he has—just to be clear. Is that true?

Ms Hinder: What I'm saying is I have not sighted his conflict. I'm not saying whether or not he has or has not declared one.

Senator SHOEBRIDGE: Alright. There is an obligation though, isn't there, to notify your employer of it as soon as you're aware of a potential conflict.

Ms Hinder: There's an obligation on all DPS staff to be mindful of their personal and work interactions and to declare possible or potential conflicts as they arise.

Senator SHOEBRIDGE: On notice, can you provide any such notice of conflict to the committee, if one has been made, and indicate on what date any such conflict was made.

Ms Hinder: I'm happy to take that on notice.

Senator SHOEBRIDGE: Just so it is absolutely unambiguous, can whoever is in a position in DPS to answer this advise if there was an investigation of the X account Matsalleh Merah matter and whether or not Dr Wade confirmed he was the author of or the owner of such an account.

Ms Hinder: Again, I'm happy to take that on notice.

Senator SHOEBRIDGE: If there was an investigation of the Twitter account, what conclusions, if any, were made in relation to that investigation?

Ms Hinder: Again, I'm happy to take that on notice.

Senator SHOEBRIDGE: I understand it was deleted a few days after the queries were made to DPS. If the investigation hit a blank wall because it was deleted, were any actions taken against Dr Wade for deleting an obviously necessary source of information for an investigation by HR?

Ms Hinder: Again, I'll take that on notice.

Senator SHOEBRIDGE: Thank you.

CHAIR: Senator Hume.

Senator HUME: I have some questions regarding some questions on notice from the last Senate estimates. Acting Secretary, you said something that was very dear to my heart. You said: