

From: s22
Sent: Wednesday, 24 November 2021 8:41 PM
To: s22
Cc: Mckenzie, Angie
Subject: FW: Patrick motion passed the Senate - Notices and Votes - Wednesday 24 November 2021 [SEC=OFFICIAL]
Attachments: Notices and postponements - Wednesday 24 November 2021.pdf; FW: Notices and Votes - Tuesday 23 November 2021 [SEC=OFFICIAL]

OFFICIAL

s22 – FYI below also.

From: s22
Sent: Wednesday, 24 November 2021 8:40 PM
To: Mckenzie, Angie; s22
Cc: National Cabinet; s22
Subject: Patrick motion passed the Senate - Notices and Votes - Wednesday 24 November 2021 [SEC=OFFICIAL]

OFFICIAL

Hi Angie, s22

FYI – the Patrick motion passed today, as flagged last night.

General Business Notices of Motion

Motion Number	Senator	Motion	Outcome
1277	Senator Patrick	Order for the production of documents: - Documents over which a Public Interest Immunity claim relating to National Cabinet was made	Agreed to (Senate divided: Ayes 24; Noes 20)

s22

s22 | Director
s22

Making Flexibility Work - If you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Senate Parliamentary Liaison Office <SenatePLO@pmc.gov.au>
Sent: Wednesday, 24 November 2021 8:26 PM

To: s22

Gartmann, Petra <Petra.Gartmann@pmc.gov.au>; s22
Higgins, Charles <Charles.Higgins@pmc.gov.au>; s22

Reid, John <John.Reid@pmc.gov.au>;

Rush, Peter <Peter.Rush@pmc.gov.au>; s22

Cc: Senate Parliamentary Liaison Office <SenatePLO@pmc.gov.au>; House of Reps Parliamentary Liaison Office
<HousePLO@pmc.gov.au>

Subject: Notices and Votes - Wednesday 24 November 2021 [SEC=OFFICIAL]

OFFICIAL
OFFICIAL

Good evening

Please find attached notices lodged in the Senate today, Wednesday 24 November 2021. A summary of these notices are below—particular points of interest highlighted.

Senator	Motion
Senator Patrick and Senator Waters	Referral to committee: - Pairing arrangements to the Procedure Committee for inquiry and report by 2 December 2021.

s22

	s22
Senators Patrick, McAllister, Waters and Griff	Rearrangement motion: - Debate on the Australian Federal Integrity Commission Bill 2021 be called on Tuesday 30 November 2021 after authorisations for committees to meet and take precedence over all other business, with the question to be put at 2:00pm.

s22

The **votes on motions today** are below:

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General Business Notices of Motion

Motion Number	Senator	Motion	Outcome
s22			
1277	Senator Patrick	Order for the production of documents: - Documents over which a Public Interest Immunity claim relating to National Cabinet was made	Agreed to (Senate divided: Ayes 24; Noes 20)

Kind regards, Rachael

Rachael Clarke

Assistant Secretary | Parliamentary Liaison Officer for the Senate
Department of the Prime Minister and Cabinet
SG 119, Parliament House, Canberra

s22

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. rachael.clarke@pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.



Notices and Postponements

TO: Government Whip
Opposition Whip
The Nationals Whip
Australian Greens Whip
Centre Alliance Whip
Pauline Hanson's One Nation Whip
Senator Lambie
Senator Patrick
Manager of Government Business
Manager of Opposition Business
Leader of the Government in the Senate
Leader of the Opposition in the Senate
Leader of the Australian Greens
Leader of Pauline Hanson's One Nation
Senate Parliamentary Liaison Officer
Clerk / Deputy Clerk of the Senate
Clerk Assistant (Procedure)
Hansard

The following notices and postponements were lodged in the Senate today, **Wednesday, 24 November 2021**. The text of the notices may be subject to editing.

Tim Bryant
Clerk Assistant (Table)

Ext. 3020

Senator Patrick Larissa Waters

Notice of motion—Reference

We give notice that, on the next day of sitting, we shall move—That

1. The Senate notes that:
 - a. The legislative power of the Commonwealth is vested in a Federal Parliament;
 - b. This power is exercised through a vote in each chamber of the parliament;
 - c. a Senator can influence the outcome of a vote by sitting on the 'yes' or 'no' side of the Senate chamber, by having themselves paired, or by being absent from the vote;
 - d. pairing, which is not publicly recorded, masks if a senator is paired as a 'yes' or 'no' and this situation is exacerbated with other parties and independents who have no-one present in the chamber for the vote or if a senator decided to abstain (including a senator who decides to abstain in contrast to their party's vote or a senator who had indicated publicly they will vote in a particular way and then changes their mind); and
 - e. only Government and Opposition parties are aware of pairing arrangements, with votes being taken without other parties and independent Senators being informed or appraised of how individual Senators are paired;
 - f. every Australian has the right to see how each of their Senate representatives has influenced the outcome of a vote.
2. All parties and independent senators be included in the existing whips pairing sheet arrangements.
3. This matter be referred to the Procedure Committee for inquiry and report by 2 December 2021.

s22

Senator Patrick

Larissa Waters

TB. ①
LODGED

From: s22
Sent: Tuesday, 23 November 2021 10:09 PM
To: Mckenzie, Angie
Cc: s22, s22
Subject: FW: Notices and Votes - Tuesday 23 November 2021 [SEC=OFFICIAL]
Attachments: Notices and postponements - Tuesday 23 November 2021.pdf; Notices and postponements - Monday 22 November 2021.pdf

OFFICIAL

Sorry Angie – tying together the thread of our conversation just now, from Rachel's reports, it looks to me as though motion 1264 was resolved today as below:

General Business Notices of Motion

Motion Number	Senator	Motion	Outcome
1264	Senator Patrick	Public interest immunity claims relating to National Cabinet	Agreed to (Senate divided: Ayes 23; Noes 17)

The motion then filed today (presumably for resolution tomorrow?) off the back of the above:

Senator	Motion
Senator Patrick	Order for the production of documents: - Documents over which a Public Interest Immunity claim relating to National Cabinet was made to be tabled by the relevant Ministers, by no later than 9:00am on Tuesday 30 November 2021 (note timing in original motion was amended from December to November).

s22 | Director
p. s22

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From: Senate Parliamentary Liaison Office <SenatePLO@pmc.gov.au>
Sent: Tuesday, 23 November 2021 8:45 PM
To: s22

Gartmann, Petra <Petra.Gartmann@pmc.gov.au>; s22

s22

Higgins, Charles <Charles.Higgins@pmc.gov.au>; s22

; Reid,
John <John.Reid@pmc.gov.au>; Rush, Peter <Peter.Rush@pmc.gov.au> s22

Cc: Senate Parliamentary Liaison Office <SenatePLO@pmc.gov.au>; House of Reps Parliamentary Liaison Office
<HousePLO@pmc.gov.au>

Subject: Notices and Votes - Tuesday 23 November 2021 [SEC=OFFICIAL]

OFFICIAL

Good evening

Please find attached notices lodged in the Senate today, Tuesday 23 November 2021. A summary of these notices are below—particular points of interest highlighted.

Senator	Motion
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s22

Senator Patrick	Order for the production of documents: - Documents over which a Public Interest Immunity claim relating to National Cabinet was made to be tabled by the relevant Ministers, by no later than 9:00am on Tuesday 30 November 2021 (note timing in original motion was amended from December to November).
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The votes on motions today are below:

s22

General Business Notices of Motion

Motion Number	Senator	Motion	Outcome
1264	Senator Patrick	Public interest immunity claims relating to National Cabinet	Agreed to (Senate divided: Ayes 23; Noes 17)

s22

Kind regards, Rachael

Rachael Clarke

Assistant Secretary | Parliamentary Liaison Officer for the Senate

Department of the Prime Minister and Cabinet

SG 119, Parliament House, Canberra

s22

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. rachael.clarke@pmc.gov.au w. pmc.gov.au



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Notices and Postponements

TO: Government Whip
Opposition Whip
The Nationals Whip
Australian Greens Whip
Centre Alliance Whip
Pauline Hanson's One Nation Whip
Senator Lambie
Senator Patrick
Manager of Government Business
Manager of Opposition Business
Leader of the Government in the Senate
Leader of the Opposition in the Senate
Leader of the Australian Greens
Leader of Pauline Hanson's One Nation
Senate Parliamentary Liaison Officer
Clerk / Deputy Clerk of the Senate
Clerk Assistant (Procedure)
Hansard

The following additional notice was lodged in the Senate, **Tuesday, 23 November 2021**. The text of the notices may be subject to editing.

Tim Bryant
Clerk Assistant (Table)

Ext. 3020

Senator Patrick

Notice of motion— National Cabinet — OPD (at giving of notices)

Senator Patrick

I give notice that, on the next day of sitting, I shall move—

That, noting the Senate resolution of 23 November 2021 relating to National Cabinet and public interest immunity claims, there be laid on the table by the relevant Ministers, by no later than 9.00am Tuesday on 30 December 2021, the documents required by any Senate order, committee resolution or question on notice to which a claim of public interest immunity was made on the unacceptable ground that material related to the National Cabinet is subject to Cabinet confidentiality, including material required under:

- (i) Senate Order relating to Doherty Institute modelling (No. 1208);
- (ii) Senate Orders adopting the recommendations of the Second interim report of the Covid-19–Select Committee; and
- (iii) questions on notice asked in the Senate or in the course of a committee inquiry.

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Senator Patrick

Word count (starting from the word 'That') 120

TB. 9
LODGED



Notices and Postponements

TO: Government Whip
Opposition Whip
The Nationals Whip
Australian Greens Whip
Centre Alliance Whip
Pauline Hanson's One Nation Whip
Senator Lambie
Senator Patrick
Manager of Government Business
Manager of Opposition Business
Leader of the Government in the Senate
Leader of the Opposition in the Senate
Leader of the Australian Greens
Leader of Pauline Hanson's One Nation
Senate Parliamentary Liaison Officer
Clerk / Deputy Clerk of the Senate
Clerk Assistant (Procedure)
Hansard

The following notices and postponements were lodged in the Senate today, **Monday, 22 November 2021**. The text of the notices may be subject to editing.

Tim Bryant
Clerk Assistant (Table)

Ext. 3020

Senator Patrick

Notice of Motion – General business (at the giving of notices)

I give notice that, on the next day of sitting, I shall move—

(1) That the Senate—

(a) notes the decision of the Hon Justice White in *Patrick and Secretary, Department of Prime Minister and Cabinet* that National Cabinet is not a committee of the Commonwealth Cabinet within the statutory expression in the *FOI Act* and none of the National Cabinet related documents sought were an official record of a committee of the Cabinet;

(b) rejects the claims of the Department of the Prime Minister and Cabinet at Senate estimates that it is appropriate for the government to maintain the position that the National Cabinet is a committee of Cabinet despite Justice White's decision;

(c) concurs with the views of eminent constitutional experts and others who, in evidence to the Finance and Public Administration Legislation Committee inquiry into the COAG Legislation Amendment Bill 2021, rejected categorically the claim that National Cabinet is body of cabinet; and

(d) condemns the government for introducing legislation in an attempt to override the AAT decision so that it can continue to avoid scrutiny of its decisions and actions;

(e) will not countenance or accept public interest immunity claims made on the grounds that material related to the National Cabinet ordered by the Senate, or sought by a Senate committee, would reveal cabinet deliberations.

s22



TR ①

LODGED

Senator Patrick

Notice of motion— Public interest immunity claims - National Cabinet (at giving of notices)

I give notice that, on the next day of sitting, I shall move—That the Senate—

- (a) has rejected public interest immunity claims made on the grounds of cabinet confidentiality with respect to documents or information related to the “National Cabinet”;
- (b) will not countenance public interest immunity claims made on the grounds that provision of a document or information related to the National Cabinet ordered by the Senate, or sought by a Senate committee or a senator, would reveal cabinet deliberations;
- (c) directs the chairs of committees to draw this resolution to the attention of witnesses who seek to raise claims on this unacceptable ground;
- (d) requires those witnesses:
 - (i) to provide the documents or information, or
 - (ii) to articulate a public interest immunity claim on a ground which may be acceptable to the Senate and to specify the harm to the public interest that could result from the disclosure; and
- (e) resolves that an explanation for non-compliance with a Senate order for the production of documents that relies on this unacceptable ground is not a satisfactory explanation including for the purposes of standing order 164(3).

s22



78. ②
LODGED

From: s22
Sent: Wednesday, 24 November 2021 2:07 PM
To: Mckenzie, Angie
Cc: s22
Subject: RE: Notices and Votes - Tuesday 23 November 2021 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

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Thanks. Free whenever you are, except a meeting with NSD at 2:30pm.

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From: Mckenzie, Angie
Sent: Wednesday, 24 November 2021 2:02 PM
To: s22
Cc: s22
Subject: RE: Notices and Votes - Tuesday 23 November 2021 [SEC=OFFICIAL]

OFFICIAL

Thanks s22

Just to let you know that I have spoken to s22 on this and have an update.

Thanks

Angie McKenzie
Assistant Secretary
Legal Integrity and National Cabinet | Cabinet Division
p. s22

Duplicate

