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THE SATURDAY PAPER

NEWS

In a week of senate estimates marked by obfuscation, one official revealed the cost of teaching bureaucrats to interact humanely with farmers facing drought. By *Karen Middleton*.

Morrison government paid empathy consultant \$190,000

Prime Minister Scott Morrison's government has paid consultants for advice on how to empathise with drought-stricken communities across three states.

Officials revealed during senate estimates committee hearings this week that the Department of Infrastructure's Inland Rail project had contracted consultants to advise how to best show unhappy landowners in northern Victoria, central New South Wales and southern Queensland that the government cares.

In contrast to the "unfunded empathy" the prime minister railed against when declining to increase the Newstart payment earlier this year, this came with a taxpayer-funded price tag of \$190,000. It was an unusual voluntary disclosure during the hearings, which seek to examine government spending but which more commonly feature obfuscation.

The Infrastructure officials confirmed consultants Futureye were part of a "social licence strategy" to help government empathise with landowners along the controversial rail line being built from Melbourne to Brisbane.

Senior Inland Rail project officer Dr Garth Taylor acknowledged such a strategy was unusual, explaining Futureye measured community sentiment and advised on how to win over critics.

Queensland Labor senator Murray Watt asked how it had helped.

"Three key areas come to mind," Taylor said. "One is around empathy, around getting the right tone of voice to deal with landowners along the way

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... We start with getting the tone of voice right and getting the narrative right, and that leads to empathy. I think that along the way, with the landowners we've been dealing with, there has been an appreciation that there has been a more empathic approach taken since the social licence initiative."

Watt asked: "Is it common for the government to have to engage consultants to help it develop empathy?"

"I think it's common to take advice along the way where you find that you need to take advice," Taylor replied.

"THE GOVERNMENT IS STONEWALLING IN ESTIMATES JUST AS THEY REFUSE TO ANSWER JOURNALISTS' QUESTIONS," SAID PENNY WONG. "WORSE STILL, THEY ARE PRESSURING PUBLIC SERVANTS TO NOT ANSWER."

Futureye's original limited-tender contract was for \$80,000, but it expanded to a total value of \$190,000.

Deputy secretary Luke Yeaman tried to head off further discussion of empathy. "There are other things, as part of the strategy, that have gone to our communications and the way we approach stakeholders," he said. "Those other things have also been captured."

But Watt persisted, asking the Agriculture minister and deputy Nationals leader, Bridget McKenzie: "How many other consultancies have been awarded in this department to help the government develop empathy?"

McKenzie tried to laugh off the question. "I find the department incredibly empathetic when we are dealing with a raft of stakeholders, particularly in the drought space," she said.

Watt replied: "Not in this case, though, hey?"

The minister's tone changed.

"To suggest that the department is having to take multiple research projects to help them develop empathy is quite ridiculous," she said.

Watt replied: "Just this one?"

Later in parliament, Nationals leader Michael McCormack defended both strategy and contract. "It is important to have empathy for rural communities," he said, before accusing Labor of wasting much larger sums when it was in office.

Through an inquiry process in which public servants are schooled to say as little as possible, disclosures such as Taylor's during this week's estimates are more the exception than the rule.

Labor's senate leader, Penny Wong, told colleagues in Tuesday's Labor caucus meeting that stonewalling had reached new heights.

Across the four senate committees sitting, officials and ministers took hundreds of questions on notice – permissible if they don't have an accurate answer to hand, but also a way to avoid answering on the spot. Written answers are then provided later, away from the television cameras.

“Public servants are taking many more questions on notice than has ever occurred,” Wong told her colleagues. “... Unless there is a political cost to this, the accountability function of estimates will diminish. The government is stonewalling in estimates just as they refuse to answer journalists’ questions. Worse still, they are pressuring public servants to not answer. We have to call it out.”

Finance Minister Mathias Cormann deferred answering a series of questions from Wong about former foreign minister and high commissioner to Britain Alexander Downer’s role in sparking the United States’ Mueller inquiry into alleged collusion between Donald Trump’s 2016 presidential election campaign and Russia.

Cormann did the same with questions about media reports that a campaigner for the so-called QAnon conspiracy theory – adherents to which believe there is a “deep state” plot against President Trump – is a friend of Prime Minister Morrison and that his wife works on Morrison’s staff.

When Wong challenged Cormann, he said the opposition could use freedom of information (FOI) laws to get information instead. “We are operating under the same laws, the same conventions and the same standing orders as you did in government, and we are answering questions in precisely the same manner,” he said.

Frustration was evident in other hearings, too.

Greens senator Sarah Hanson-Young asked Environment Department officials about plans to offset greenhouse gas emissions through what was described as “technology improvements and other sources of abatement”.

Asked to explain, departmental first assistant secretary Helen Bennett said: “It’s basically improvements in the technology.”

Hanson-Young noted that the 92 million tonnes attributed to unspecified technologies equalled a third of planned abatement. She asked Bennett to at least name some of them.

“We can take that on notice, I think,” Bennett said.

“You’re not serious,” Hanson-Young responded.

“It is a general concept of technological improvements that will happen over time,” Bennett replied.

Labor’s Kristina Keneally similarly challenged Treasury’s estimates of population increases, which have been used to boost economic growth forecasts.

As media organisations across the country this week published redacted front pages to underscore impediments to the free flow of information – particularly national security laws that threaten journalists and whistleblowers with jail – the opposition, Greens and some crossbenchers demanded better protections.

They condemned the June police raids on the home of News Corp journalist Annika Smethurst and the Sydney headquarters of the ABC in which files and emails were seized using a search warrant that named journalist Dan Oakes and producer Sam Clark.

Media organisations want to be able to contest such warrants. They also want better protections for whistleblowers, public-interest exemptions for journalists from some national security laws and reform to the laws governing FOI and defamation.

In parliament, the prime minister accused Labor of having tried to “muzzle the press” when in government.

“If it comes to a position in this country where prime ministers and politicians decide who gets prosecuted and who doesn’t get prosecuted without taking the appropriate advice and without seeing the appropriate proviso which are required under legislation, if we get to the point where the leader of the opposition wants to – arbitrarily and outside the law – decide

who gets prosecuted and who doesn't, then that's not a country that I think Australians would want to live in," he said.

His comments contrasted with Attorney-General Christian Porter's recent directive that prosecuting journalists required his permission.

It is still not clear whether Smethurst, Oakes and Clark will face charges over their reporting, which was allegedly based on Defence and security-related leaks. But the Australian Federal Police confirmed in evidence to the watchdog parliamentary joint committee on intelligence and security, which is examining the impact of security laws on media freedom, that it resolved quickly not to pursue another leak to *The Australian* earlier this year.

It said inquiries into that leak, relating to proposed medevac legislation, were abandoned because up to 200 people had access to the original information. This was despite only 11 people having had direct access to the final version of the document believed to have leaked.

It was also despite establishing that the only direct email contact between Home Affairs and the journalist, Simon Benson, had involved a staff member from Home Affairs Minister Peter Dutton's office.

Labor has accused the government of encouraging the pursuit of only damaging leaks.

Sarah McNaughton, SC, the Commonwealth director of public prosecutions, also revealed this week she changed her legal position on another issue after a meeting with officials from the Attorney-General's Department.

Appearing before estimates on Tuesday, McNaughton, who as a statutory officer makes independent decisions about prosecutions, confirmed the meeting prompted her to change her advice on the Australian Capital Territory's new cannabis legislation. Enacted in September, the law legalises growing and using small amounts of cannabis in the ACT, while it remains an offence under Commonwealth law.

Before the legislation passed, the ACT government had asked McNaughton to confirm the law would act as a defence against a Commonwealth charge, given the criminal code provides for state and territory law to do so. On September 17, McNaughton replied that it would.

She suggested the existence of the ACT law would make it less likely someone would even be charged under the Commonwealth law. But a few days later, she revoked that advice. In the interim, Porter and Dutton spoke out against the cannabis legalisation.

"This office has since given the matter some further consideration," McNaughton wrote in a second letter on September 22. "It is now apparent that the issues you raise are attended by legal complexities that we had not initially appreciated in formulating our response. On that basis, I have concluded that it would not be appropriate to provide a view on the proposed legislation. I apologise for any inconvenience caused."

The next day, federal departmental deputy secretary Sarah Chidgey also wrote to the ACT. She said the territory law could only excuse a Commonwealth offence if it explicitly stated an intent to do so, which the ACT law does not.

Asked on Tuesday about her change of heart, McNaughton revealed her new view was based on a previous case that had been drawn to her attention during her meeting with the Attorney-General's Department. She said the case had nothing to do with drugs but instead related to the need for the kind of explicit declaration described in Chidgey's letter, and she now agreed with the department.

All week, the government continued to reject suggestions it was leaning on public servants and was contemptuous of Australians' right to information.

Ministers and officials also criticised the standard of some journalism, with the tax commissioner condemning reportage relating to Tax Office operations.

The condemnation of the way the government handles access to

information and communicates with the media and the public coincided with complaints from drought-ravaged farmers that it had demonstrated little empathy.

Back in the infrastructure estimates hearing, Bridget McKenzie was asked if she believed the government needed a social licence strategy for its drought policy as well. “No,” she replied curtly. “I don’t.”

But reports of a coming new drought strategy suggested the message of discontent had been received, loud and clear. And it got that one free. ●

*This article was first published in the print edition of The Saturday Paper on Oct 26, 2019 as “Morrison government paid empathy consultant \$190,000”.
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