

# Chapter 1

## Additional Estimates 2013–14

### Introduction

1.1 On 13 February 2014<sup>1</sup>, the Senate referred the following to the Senate Environment and Communications Legislation Committee (the committee):

- Particulars of proposed additional expenditure in respect of the year ending on 30 June 2014 [Appropriation Bill (No. 3) 2013–14];
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2014 [Appropriation Bill (No. 4) 2013–14];
- Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2014 [Appropriation (Parliamentary Departments) Bill (No. 2) 2013–14];
- Final Budget Outcome 2012–13; and
- the advances provided under the annual Appropriation Acts report for 2012–13.

1.2 The committee is required to report to the Senate on 18 March 2014.<sup>2</sup>

### Portfolio coverage

1.3 The committee has responsibility for examining the expenditure and outcomes of the following:

- Environment Portfolio; and
- Communications Portfolio.<sup>3</sup>

### Hearings

1.4 The committee held public hearings on Monday, 24 February 2014 (Environment portfolio) and Tuesday, 25 February 2014 (Communications portfolio). The committee took evidence from Senator the Hon Simon Birmingham, Parliamentary Secretary to the Minister for the Environment, representing the Minister for the Environment; and Senator the Hon Mathias Cormann, Minister for Finance, and Senator the Hon Mitch Fifield, Assistant Minister for Social Services, representing the Minister for Communications, together with officers of relevant

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1 *Journals of the Senate*, No. 14, 13 February 2014, p. 484.

2 *Journals of the Senate*, No. 6, 4 December 2013, p. 224.

3 *Journals of the Senate*, No. 1, 12 November 2013, p. 16.

departments and agencies. The committee expresses its appreciation for the assistance of the Ministers, Departmental Secretaries and the officers who appeared before it.

1.5 The following agencies were not required to attend:

- Sydney Harbour Federation Trust; and
- Telecommunications Universal Service Management Authority.

### **Questions on notice and Hansard transcripts**

1.6 The committee notes that it had set Friday, 17 January 2014, as the date for the return of answers to questions taken on notice during the Supplementary Budget Estimates hearings held in November 2013. However, at that date all answers to questions on notice for both the Environment and the Communications portfolios were outstanding. Many of the late answers were submitted in the weeks and days prior to the Additional Estimates hearings and there were three answers outstanding for the Environment portfolio at the conclusion of the Additional Estimates hearings. Once again the committee reiterates its expectation that answers to questions on notice should be provided to the committee by the due date.

1.7 In accordance with Standing Order 26(9)(a), the committee has set Friday, 11 April 2014, as the date for the return of written answers or additional information in response to questions placed on notice during the 24–25 February 2014 hearings.

1.8 Written answers and information provided to the committee in response to questions on notice arising from the hearings are tabled in the Senate and posted on the committee's web page. Links to the transcripts of these public hearings and to answers and additional information are available on the Internet at:

[http://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates/ecctte/estimates/ad1314/index](http://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/ecctte/estimates/ad1314/index)

### **Public interest immunity claims**

1.9 On 13 May 2009<sup>4</sup>, the Senate passed an order relating to public interest immunity claims. The order sets out the processes to be followed if a witness declines to answer a question. The full text of this order has previously been provided to departments and agencies and was incorporated in the Chair's opening statement on each day of the additional estimates hearings.

### **Senators' guidance document**

1.10 The committee would like to thank the Department of the Environment for providing a 'guidance document' for the additional estimates round. The guidance document provided a comprehensive overview of the department's new outcome

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4 *Journals of the Senate*, No. 68, 13 May 2009, p. 1941.

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structure and was very helpful to committee members in establishing the correct area in which to raise their questions.

### **Conduct of the hearings**

1.11 The committee notes that the estimates process often encompasses robust and vigorous questioning of the minister and officials. However, the rules of debate in the Senate apply to committee proceedings, including those relating to disorderly conduct. During questioning of witnesses from NBN Co, Senator Conroy accused one witness of lying. This brought a rebuke from the chair and several requests from the chair for him to withdraw the remark. Senator Conroy refused and the chair suspended proceedings for a private meeting of the committee. Upon resumption, the chair again invited Senator Conroy to withdraw and he did. It should be remembered by all committee members and other senators that questions should be put to witnesses in an orderly manner and witnesses should be provided with the opportunity to respond adequately. This ensures that the committee operates effectively and that matters can be pursued to the fullest extent.

1.12 During the questioning of NBN Co, Senator Conroy based a range of questions on two documents without providing a copy of the documents to the witnesses. The committee sought the tabling of the document, but it notes that the senator refused to do so. The committee notes that one of the roles of the chair is to ensure that the rights of witnesses are protected. This includes that witnesses are given adequate access to the information on which questions are based. The committee considers that the witnesses were disadvantaged by Senator Conroy's action and therefore reports the refusal to table the documents.