

Chapter 1

Additional Estimates 2016–17

Introduction

1.1 On 9 February 2017, 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 2016 [Appropriation Bill (No. 3) 2016–17];
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2016 [Appropriation Bill (No. 4) 2016–17]; and
- Final Budget Outcome 2015–16.¹

1.2 A reporting date of 28 March 2017 was set for the committee's report on the 2016–17 Additional Estimates². On 21 March 2017, the Senate agreed to extend the tabling date to 20 April 2017 to allow the committee to complete its examination of the proposed additional expenditure and outcomes for the Communications and the Arts portfolio.³

Portfolio coverage

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

- Environment and Energy Portfolio; and
- Communications and the Arts Portfolio.⁴

Hearings

1.4 The committee's examination of the Environment and Energy Portfolio took place on Monday, 27 February 2017.

1.5 The committee's examination of the Communications and the Arts Portfolio took place on Tuesday, 28 February 2017. The committee agreed, pursuant to standing order 26(4), to hold a further hearing on Friday, 24 March 2017 to continue examination of the programs and agencies not called on 28 February 2017 as follows:

- Program 1.1: Digital Technologies and Communications Services;

1 *Journals of the Senate*, No. 26, 9 February 2017, pp. 888–889.

2 *Journals of the Senate*, No. 13, 8 November 2016, p. 412.

3 *Journals of the Senate*, No. 32, 21 March 2017, p. 1097.

4 *Journals of the Senate*, No. 2, 31 August 2016, pp. 75–76.

- Program 2.1: Arts and Cultural Development;
- Australia Council;
- Australian Communications and Media Authority;
- National Film and Sound Archive;
- National Library of Australia;
- Office of the Children's eSafety Commissioner; and
- Screen Australia.

1.6 The committee took evidence from Senator the Hon Simon Birmingham, Minister for Education and Training representing the Minister for the Environment; Senator the Hon Anne Ruston, Assistant Minister for Agriculture and Water Resources representing the Minister for the Environment; Senator the Hon Mitch Fifield, Minister for Communications and Minister for the Arts, together with officers from the relevant departments and agencies. The committee thanks the Ministers, departmental secretaries and the officers who appeared before it.

1.7 The following agencies were not required to attend:

Environment and Energy Portfolio

- National Wind Farm Commissioner;
- Snowy Hydro Limited; and
- Sydney Harbour Federation Trust;

Communications and the Arts Portfolio

- Australia Business Arts Foundation Ltd (Creative Partnerships Australia);
- Australian Film, Television and Radio School;
- Australian National Maritime Museum;
- Bundanon Trust;
- Classification Board;
- Classification Review Board;
- National Gallery of Australia;
- National Museum of Australia;
- National Portrait Gallery of Australia; and
- Old Parliament House.

Questions on notice and Hansard transcript

1.8 In accordance with standing order 26(9)(a), the committee set Friday, 28 April 2017, as the date for the return of written answers, or additional information, in response to questions placed on notice during the hearings held on

27 and 28 February 2017. The committee agreed to set 1 May 2017 as the date for the return of answers to questions placed on notice for the hearing held on 24 March 2017.

1.9 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 webpage. 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/ad1617/index

Answers to questions on notice – Supplementary Budget Estimates 2016–17

1.10 The committee's examination of the Department of the Environment and Energy and its agencies for the Supplementary Budget Estimates took place on 17 October and 21 October 2016. The committee set Wednesday, 30 November 2016, as the date for the return of answers to questions on notice.

1.11 The committee's examination of the Communications and the Arts Portfolio took place on 18 October 2016. The committee held a further hearing with NBN Co on 25 November 2016. The committee set Wednesday, 30 November 2016, as the date for the return of answers to questions on notice from the hearing on 18 October 2016. The committee set Friday, 20 January 2017, as the date for the return of answers to questions on notice from its hearing held on 25 November 2016.

Timeliness of answers to questions on notice

1.12 The committee acknowledged its appreciation to the Department of the Environment and Energy for providing answers to its 354 questions taken on notice by the due date.⁵

1.13 The Communications and the Arts portfolio provided 94 of its 158 answers to questions on notice from its hearing on 18 October by the due date of Wednesday 30 November 2016. The remaining 64 answers to questions on notice were provided between December and January 2017. Of the 35 questions taken on notice from the committee's hearing with NBN Co on 25 November 2016, six answers were provided by the due date of 20 January 2017. The remaining answers were provided to the committee between 30 January and 18 February 2017.

Claims of commercial confidentiality

1.14 The committee has examined answers to questions on notice from Supplementary Budget Estimates 2016–17 in relation to claims that information was not provided on the basis that it was commercial-in-confidence. The committee notes

5 Senator Linda Reynolds CSC, *Proof Committee Hansard*, 27 February 2017, p. 5.

that some answers from the Department of Communications and the Arts and agencies in the portfolio contained this claim. While a number of answers included an indication of the potential commercial harm of providing the information, some answers claiming confidentiality did not provide any basis for such a claim.

1.15 The committee again draws the attention of departments and agencies to Senate Procedural Order of Continuing Effect No. 11 of 30 October 2003 relating to claims for the withholding of information on the grounds that it is commercial-in-confidence.⁶ Without the required statement indicating the commercial harm that may result from the disclosure of the information, the committee is unable to consider whether it should require the answer or should not press the question.

Senators' guidance document

1.16 The committee would again like to thank the Department of the Environment and Energy for preparing a 'guidance document' for the Additional Estimates hearings. The guidance document provided a comprehensive overview of the outcome structure of the department and was very helpful to committee members in establishing the correct area in which to ask their questions.

Record of proceedings

1.17 This report does not attempt to analyse the evidence presented during the hearings. However, it does provide a brief list of some of the key issues that were covered by the committee for each portfolio.

Note on references and additional information

1.18 References to the Hansard transcript are to the proof Hansard; page numbers may vary between the proof and official Hansard transcript.

1.19 Copies of the Hansard transcripts, documents tabled at the hearings, and additional information received after the hearings are tabled in the Senate and available on the committee's website.

6 The Senate, *Standing Orders and other orders of the Senate*, August 2015, p. 131.