



**THE SENATE
FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE**

23 February 2022

Mr Simon Atkinson
Secretary
Department of Infrastructure, Transport, Regional Development and
Communications
GPO Box 594
CANBERRA ACT 2601

Dear Mr Atkinson,

**Inquiry into the Urban Congestion Fund – provision of answers to questions taken
on notice**

I write to you as Chair of the Senate Finance and Public Administration References Committee (committee). As you would be aware, the committee late last year completed an inquiry into the administration and expenditure of funding under the Urban Congestion Fund (UCF).

As part of this inquiry, representatives from the Department of Infrastructure, Transport, Regional Development and Communications (the Department) appeared at a public hearing on 11 November 2021. The committee set Friday, 19 November 2021 as the response date for any questions taken on notice (QoNs) at the hearing, and any subsequent written QoNs from committee members.

Noting delays in the issuing of the Proof *Hansard* from that hearing, the return date for QoN answers was later extended by the committee, to Tuesday, 23 November 2021. These return dates reflected the committee's then-imminent reporting date for the inquiry of 2 December 2021.

Return of QoN answers

Despite the additional time provided, the Department did not lodge its responses to QoNs by the date set by the committee.

On 25 November, the Department advised the committee that some answers should be provided the following day, with the bulk of the responses to be provided 'mid next week'. On 1 December, the advice from the Department indicated that the responses were being 'worked on' and would be sent to the committee 'as soon as possible'.

The Department did not provide its responses before the committee tabled its final report on 2 December, and instead provided responses as follows:

- 15 responses on 8 December 2021;
- two responses on 10 December 2021;
- three responses on 15 December 2021; and
- five responses on 23 December 2021.

Committee views

The committee is disappointed at the Department's failure to adhere to the dates set by the committee, and its failure to conduct its work in accordance with the requirements of the Senate.

The Department's approach to the QoN process is indicative of its approach more broadly to its engagement with the committee, throughout the inquiry.¹ The committee again expresses its dissatisfaction with the Department, and especially the lack of urgency shown by the Department in providing the committee with the information it had requested.

The committee draws your attention to the Senate's privilege resolutions, which provide that a witness before the Senate—or its committees—shall not without reasonable excuse, refuse to answer any relevant question put to the witness *when required to do so*.²

The Department has at no stage provided any reasonable explanation as to why the answers were not provided by the due date. As noted in the committee's report for this inquiry, it therefore remains open to the committee to conclude that the Department was either deliberately uncooperative during the inquiry, or does not have adequate administrative structures in place to meet its obligations to the Parliament.

The committee encourages the Department to reacquaint itself with its obligations to the Senate, and its committees. The committee also notes that it remains open to any senator to raise these matters in the Senate, should they wish to do so, and to seek further explanations from the Department.

Yours sincerely

Senator Tim Ayres
Chair

¹ See Finance and Public Administration References Committee, [*Report: Administration and expenditure of funds under the Urban Congestion Fund*](#), December 2021, paras. 1.51 to 1.55.

² Privilege resolution 6(12); emphasis added.