



THE SENATE

STANDING COMMITTEE ON ENVIRONMENT, COMMUNICATIONS AND THE ARTS

5 May 2010

The Hon Kevin Rudd MP
Prime Minister
Suite MG.8
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Inquiry into Energy Efficient Homes Package

I refer to the committee's inquiry into the Energy Efficient Homes Package (ceiling insulation).

On 26 February and 25 March 2010 the committee heard evidence from officers of the Department of the Prime Minister and Cabinet concerning the role of the Office of the Coordinator General in overseeing the Home Insulation Program.

The committee notes 39 responses which the Department provided.

However, the committee considers a number of the responses to be unsatisfactory. For example, some responses cite Cabinet confidentiality in an attempt to justify the non-provision of basic information about the number and dates of reports to Cabinet or Cabinet Committees (see Questions on Notice 22 and 32). A full list of responses the committee considers to be unsatisfactory is enclosed.

The committee has resolved to invite you to appear before it to provide further information in these areas where the committee considers unsatisfactory responses have been provided, and to provide a progress report on actions since the committee's last hearing of 25 March relating to the closure of the Home Insulation Program, and in particular payments to installers.

To facilitate your appearance before the committee, the committee intends to extend its reporting date to 22 June 2010.

I look forward to your early response.

Yours sincerely

Senator Mary Jo Fisher
Chair

PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3526 Fax: (02) 6277 5818
Email: eca.sen@aph.gov.au Internet: http://www.aph.gov.au/senate/committee/eca_ctte/index.htm



THE SENATE

STANDING COMMITTEE ON ENVIRONMENT, COMMUNICATIONS AND THE ARTS

5 May 2010

Senator the Hon Mark Arbib
Minister Assisting the Prime Minister for Government Service Delivery
Suite MG.61
Parliament House
CANBERRA ACT 2600

Dear Minister

Inquiry into Energy Efficient Homes Package

I refer to the committee's inquiry into the Energy Efficient Homes Package (ceiling insulation).

On 26 February and 25 March 2010 the committee heard evidence from officers of the Department of the Prime Minister and Cabinet concerning the role of the Office of the Coordinator General in overseeing the Home Insulation Program.

The committee notes 39 responses which the Department provided.

However, the committee considers a number of the responses to be unsatisfactory. For example, some responses cite Cabinet confidentiality in an attempt to justify the non-provision of basic information about the number and dates of reports to Cabinet or Cabinet Committees (see Questions on Notice 22 and 32). A full list of responses the committee considers to be unsatisfactory is enclosed.

The committee has resolved to invite you to appear before it to provide further information in these areas where the committee considers unsatisfactory responses have been provided, and to provide a progress report on actions since the committee's last hearing of 25 March relating to the closure of the Home Insulation Program, and in particular payments to installers.

To facilitate your appearance before the committee, the committee intends to extend its reporting date to 22 June 2010.

I look forward to your early response.

Yours sincerely

Senator Mary Jo Fisher
Chair



THE SENATE

STANDING COMMITTEE ON ENVIRONMENT, COMMUNICATIONS AND THE ARTS

5 May 2010

The Hon Greg Combet AM MP
Minister Assisting the Minister for Climate Change and Energy Efficiency
Suite M1 49
Parliament House
CANBERRA ACT 2600

Dear Minister

Inquiry into Energy Efficient Homes Package (ceiling insulation)

I refer to 47 outstanding responses to Questions on Notice from the Environment, Communications and the Arts References Committee's inquiry into the Energy Efficient Homes Program. The relevant questions were directed to the Department of Environment, Water, Heritage and the Arts, or to the Department of Climate Change and Energy Efficiency. I enclose a list of the questions to which responses are now well past due (to close of business 4 May 2010).

The committee notes 86 responses which the departments have provided to date.

However, the committee remains concerned at:

- the delay in providing the remaining answers.
- the inadequacy of a number of responses.

The inadequacy of and delay in providing responses is preventing the committee from finalising its inquiry.

The committee has resolved to invite you to appear before it, in respect of:

- actions since the committee's last hearing of 25 March relating to the closure of the Home Insulation Program, and in particular payments to installers.
- the remaining unanswered questions on notice, to:
 - explain why those questions have not been answered in the timeframes agreed by the committee;
 - indicate by when those questions will be answered, and/or
 - answer those questions;
- those responses in which legal professional privilege is claimed, to explain the reasons for which privilege is claimed. Merely citing '*legal professional privilege*' does not provide the committee with sufficient explanation as to the grounds for the refusing to answer a question. In this regard I draw to your attention relevant advice from the Clerk of the Senate (attached):

It has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides a ground for a refusal of information in a parliamentary forum... It must be established that there is some particular harm to be apprehended by the disclosure of the information, such as prejudice to pending legal proceedings or to the Commonwealth's position in those proceedings...

To facilitate your appearance before the committee, the committee intends to extend its reporting date to 22 June 2010.

I look forward to your early response.

Yours sincerely

Senator Mary Jo Fisher
Chair



THE SENATE

STANDING COMMITTEE ON ENVIRONMENT, COMMUNICATIONS AND THE ARTS

5 May 2010

The Hon Peter Garrett AM MP
Minister for Environment Protection, Heritage and the Arts
Suite M1.40
Parliament House
CANBERRA ACT 2600

Dear Minister

Inquiry into Energy Efficient Homes Package (ceiling insulation)

I refer to 47 outstanding responses to Questions on Notice from the Environment, Communications and the Arts References Committee's inquiry into the Energy Efficient Homes Program. The relevant questions were directed to the Department of Environment, Water, Heritage and the Arts, or to the Department of Climate Change and Energy Efficiency. I enclose a list of the questions to which responses are now well past due (to close of business 4 May 2010).

The committee notes 86 responses which the departments have provided to date.

However, the committee remains concerned at:

- the delay in providing the remaining answers.
- the inadequacy of a number of responses.

The inadequacy of and delay in providing responses is preventing the committee from finalising its inquiry.

The committee has resolved to invite you to appear before it, in respect of:

- actions since the committee's last hearing of 25 March relating to the closure of the Home Insulation Program, and in particular payments to installers.
- the remaining unanswered questions on notice, to:
 - explain why those questions have not been answered in the timeframes agreed by the committee;
 - indicate by when those questions will be answered, and/or
 - answer those questions;
- those responses in which legal professional privilege is claimed, to explain the reasons for which privilege is claimed. Merely citing '*legal professional privilege*' does not provide the committee with sufficient explanation as to the grounds for the refusing to answer a question. In this regard I draw to your attention relevant advice from the Clerk of the Senate (attached):

It has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides a ground for a refusal of information in a parliamentary forum... It must be established that there is some particular harm to be apprehended by the disclosure of the information, such as prejudice to pending legal proceedings or to the Commonwealth's position in those proceedings...

To facilitate your appearance before the committee, the committee intends to extend its reporting date to 22 June 2010.

I look forward to your early response.

Yours sincerely

Senator Mary Jo Fisher
Chair