



OFFICE OF THE PRIME MINISTER
CANBERRA

10 MAY 2010

Senator Mary Jo Fisher
Chair
Senate Standing Committee on Environment, Communications and the Arts
Parliament House
CANBERRA ACT 2600

Dear Senator Fisher

I refer to your letter of 5 May 2010 inviting the Prime Minister to appear and give evidence to the Senate Standing Committee on Environment, Communications and the Arts' inquiry into the Government's former Energy Efficient Home Package. I understand that you have also written in similar terms to other Ministers.

The matters in respect of which the Committee is seeking further information have been the subject of exhaustive questions, explanations and statements by departmental officials appearing before the committee, not to mention by both the Prime Minister and Mr Garrett in the House of Representatives, Senator Arbib in the Senate and by Mr Combet in public in more recent times.

Given the seriousness with which the Government takes matters raised in respect of its former Energy Efficient Home Package, the Government commissioned Dr Allan Hawke to conduct his own independent inquiry into the program. The Hawke Report was subsequently tabled in the Senate and released to the public on 22 April 2010. The Government has since acted on the recommendations of Dr Hawke. At the same time, the Government has invited the Auditor General to conduct an inquiry into the Energy Efficient Home Package. The Government is fully cooperating with the Auditor General in the preparation of his report.

In respect of the Senate committee's requests for documents, while many documents have been disclosed in response to these requests, there are, of course, some which quite properly have not been disclosed because to do so would breach Cabinet confidentiality. The protection of documents subject to Cabinet confidentiality has been adhered to by successive governments of all persuasions, including the former Howard Government.

Yours sincerely

Alister Jordan
Chief of Staff



THE HON GREG COMBET AM MP

Minister for Defence Materiel and Science
Minister Assisting the Minister for Climate Change and Energy Efficiency



Senator Mary Jo Fisher
Chair
Standing Committee on Environment, Communications and the Arts
PO Box 6100
Parliament House
CANBERRA ACT 2600

07 MAY 2010

Dear Senator Fisher

I refer to your letter of 5 May 2010 requesting me to appear and give evidence to the Senate Standing Committee on Environment, Communications and the Arts' inquiry into Energy Efficient Homes Package (ceiling insulation).

I am not aware that the Senate has the power to require the attendance of a member of the House of Representatives to appear before one of its committees.

It is also my view that the matters in respect of which the committee is seeking further information have been the subject of exhaustive answers to questions, explanations and statements by the Prime Minister, Mr Garrett and me in the House of Representatives, Senator Arbib in the Senate, not to mention answers to questions by departmental officials appearing before the committee.

You would be aware that the Government commissioned Dr Allan Hawke to conduct an independent inquiry into the program. His report was released to the public on 22 April 2010, and the Government has already begun to implement Dr Hawke's recommendations. At the Government's invitation, the Auditor General is also conducting an inquiry into the Energy Efficient Homes Package. I understand that the Auditor General's audit is well underway, and that the report is due to be made available to Government at the end of September 2010.

With respect to the Senate committee's requests for documents, you would appreciate that there are some documents which have not been disclosed because to do so would quite improperly breach Cabinet confidentiality. Successive former governments of all persuasions have observed the same practice with respect to Cabinet confidentiality.

With respect to the advices for which legal professional privilege was claimed, I am of the view that disclosure of those advices may prejudice the Commonwealth's legal position.

I would suggest that the appropriate forum in which any additional questions might be asked is question time.

Yours sincerely

Greg Combet AM MP



The Hon Peter Garrett AM MP

Minister for Environment Protection, Heritage and the Arts

10 May 2010

Senator Mary Jo Fisher
Chair
Senate Standing Committee on Environment, Communications and the Arts
Parliament House
CANBERRA ACT 2600

Dear Senator Fisher

I refer to your letter of 5 May 2010 inviting me to appear and give evidence to the Senate Standing Committee on Environment, Communications and the Arts' inquiry into the Government's former Energy Efficient Home Package. I understand that you have also written in similar terms to other ministers.

As you would be aware, the Senate has no power to require the attendance of a Member of the House of Representatives to appear before a Senate committee. As you would also be aware, this has consistently been the position taken by successive Governments, including the Howard Government.

You would also be aware that the matters in respect of which the Committee is seeking further information have been the subject of exhaustive examination both by departmental officials appearing before the committee, as well as the Prime Minister, Minister Combet and myself in the House of Representatives and Senator Arbib in the Senate.

Additionally, given the seriousness with which the Government takes matters raised in respect of its former Insulation program, the Government commissioned Dr Allan Hawke to conduct his own independent inquiry into the scheme. The Hawke report was subsequently released to the public on 22 April 2010. The Government has since acted on the recommendations of Dr Hawke. At the same time, the Government has invited the Auditor General to conduct an inquiry into the Energy Efficient Home Package. The Government is fully cooperating with the Auditor General in the preparation of his report.

In respect of the Senate committee's requests for documents, while many documents have been disclosed in response to these requests, there are, of course, some documents which quite properly have not been disclosed because to do so

would breach Cabinet confidentiality. The protection of documents subject to Cabinet confidentiality has been adhered to by successive former governments of all persuasions.

Should the committee wish to ask further questions of the Government in relation to these matters, then the appropriate forum in which those questions should be asked is to the responsible Ministers in Question Time.

Yours sincerely

Peter Garrett AM MP



SENATOR THE HON MARK ARBIB

Minister for Employment Participation

Minister Assisting the Prime Minister for Government Service Delivery

Senator Mary Jo Fisher

Chair

Environment, Communications and the Arts References Committee

PO Box 6100

Parliament House

CANBERRA ACT 2600

17 May 2010

Dear Senator Fisher

I refer to your letter of 5 May 2010 inviting me to appear and give evidence to the Senate Standing Committee on Environment, Communications and the Arts' inquiry into the Government's former Energy Efficient Home Package.

You would be aware that the matters in respect of which the committee is seeking further information have been the subject of exhaustive questions, explanations and statements by departmental officials appearing before the committee on several occasions.

Past practice and procedure of the Senate has not seen the calling of Ministers before inquiries. These matters are invariably dealt with through Senate Estimates hearings or question time. I note that Senators, including yourself, have also had the opportunity to directly ask me questions during the 17 sessions of question time held in the Senate this year. In the last week, however, I was asked only one question on the matter. The opportunity to question me of course continues with the resumption of the Senate.

In addition, Senate Estimates hearings will be held over the coming fortnight. At those hearings all Senate Ministers, including I, and a range of departmental officials will be available for questioning from Senators in an open, transparent and accountable manner.

Given the seriousness with which the Government takes matters raised in respect of its former Energy Efficient Home Package, the Government commissioned Dr Allan Hawke to conduct his own independent inquiry into the program. The Hawke report was subsequently released to the public on

22 April 2010. The Government has since acted on the recommendations of Dr Hawke. At the same time, the Government has invited the Auditor General to conduct an inquiry into the Energy Efficient Home Package. The Government is fully cooperating with the Auditor General in the preparation of his report.

In respect of the committee's requests for documents, while many documents have been provided by the Department in response to these requests, there are of course some which quite properly have not been disclosed because to do so would breach Cabinet confidentiality. The protection of documents subject to Cabinet confidentiality has been adhered to by successive governments of all persuasions.

Your letter also indicates you would like a progress report on actions since late March, in particular regarding payments to installers under the Home Insulation Program. To assist the committee, I can advise these are matters which are more appropriately asked of Minister Combet, as the Minister responsible for the program, in the House of Representatives.

Should the committee or any Senator wish to ask further questions of me, then the appropriate forum in which those questions can be asked is question time or during the upcoming Senate Estimates hearings.

Yours sincerely,

Senator Mark Arbib