

ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

QUESTIONS ON NOTICE – ADDITIONAL ESTIMATES – 21-22 FEBRUARY 2011

SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES PORTFOLIO

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
1	1: BOM	Macdonald	Staff hours during cyclone	<p>Senator IAN MACDONALD—I have in the past asked questions about staffing at these regional stations on the basis that in times of calamity—unless you have got one, two or three people who are spare, and accepting that people can be away on holidays—staff are required to work far more than an eight-hour shift. Can you provide me with details of how long your staff at Townsville and Cairns were continuously on the job during the cyclone period?</p> <p>Dr Canterford—I will take that on notice. We do have figures on staff hours of duty that we have been collecting post the event.</p>	100 (21/2/11)	23/05/11	23/06/11
2	1: BOM	Humphries	Modernisation and extension fund	<p>Senator HUMPHRIES—I have a few follow-up questions and I accept you might need to take some of these on notice. Dr Ayers, you mentioned that there was a multi-million dollar program, as you put it, to replace or upgrade our weather monitoring network. Can you tell us more about that program? How much exactly is that program and over what period?</p> <p>Dr Ayers—It is a modernisation and extension fund. It is \$80 million over five years.</p> <p>...</p> <p>Senator HUMPHRIES—Five years. When did that five years start?</p> <p>Dr Ayers—The budget is phased. Next year it will be \$10 million. Next year will be the last year. This is the fourth year.</p> <p>Senator HUMPHRIES—So it is about halfway through at the moment.</p> <p>Dr Ayers—A little over halfway through.</p> <p>Senator HUMPHRIES—You can take those exact dates on notice of you want. ...</p> <p>...</p> <p>Senator HUMPHRIES—Could you take on notice the provision to the committee of how that first 2½- years worth of spending under this program has actually been outlaid—exactly what we have spent our \$40- odd million dollars on to date.</p> <p>Dr Ayers—Yes, we can provide that information on notice.</p>	107 (21/2/11)	23/05/11	23/06/11
3	1: BOM	Humphries	Monitoring of water levels	<p>Senator HUMPHRIES—You mentioned before that there are committees at state level which determine where weather monitoring equipment ought to be placed. If a decision was made by a committee in, say, New South Wales that the Hunter valley needs more measuring equipment to ensure we have better ideas of the flow of water down it, who would supply the equipment needed to upgrade the level of information available about the Hunter valley river system?</p> <p>Dr Ayers—I do not have enough knowledge of the detail to be able to answer that particular question. It is a hypothetical. I would be happy to take that on notice.</p>	107 (21/2/11)	23/05/11	23/06/11

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				<p>Senator HUMPHRIES—It is not hypothetical in the sense that I am asking who actually takes responsibility for monitoring water levels in Australia. You obviously deploy some equipment. State agencies deploy some equipment. Who actually determines what needs to be done in a particular catchment?</p> <p>Dr Canterford—Can I just add that there is a difference between flood monitoring and water resources monitoring. The modernisation funding, as I am aware, is essentially for water resourcing monitoring, as Dr Ayers just mentioned. There is a different process for flood monitoring. They can overlap, obviously, but the flood warning consultative committees are mainly looking at real-time measurement of river heights in particular, whereas the modernisation fund is to assist in the water accounting—</p> <p>Dr Ayers—This is about water accounting and water information.</p> <p>Senator HUMPHRIES—Do you mean the measurement of the total volume of water in a dam or a river system or something like that—that kind of information?</p> <p>Dr Ayers—It is to contribute information from which to build water accounts.</p> <p>Senator HUMPHRIES—Okay. ...</p>			
4	1: BOM	Humphries	Gauges damaged by floods	<p>Senator HUMPHRIES—How many water gauges of one sort or another were destroyed or damaged in the flooding we have seen in the last couple of months? I am talking about the ones that you operate.</p> <p>Dr Ayers—I may take that on notice because there are a range of different things that happened that were not to do with damage but involved communications systems, and so the absence of reporting is not necessarily that gauges were damaged. The communications systems in the regions concerned were affected. I do not have a number that went out because they were damaged or because of communications; they are points of detail that I do not have with me.</p> <p>Senator HUMPHRIES—Will you take on notice how many gauges were incapacitated for reasons to do with your control of those devices? I do not mean that you damaged them; I mean that the devices themselves were damaged or the communications systems that relate the information were, but you operate them. How much within your estate, as it were, was damaged or destroyed by the flood?</p> <p>Dr Ayers—We will take that on notice.</p>	108 (21/2/11)	23/05/11	23/06/11
5	1: BOM	Fisher	Storm warnings	<p>Senator FISHER—When a storm warning is cancelled, on average, how long does it take for the warning to be removed from your website? You can answer that on notice, unless it is very quick.</p> <p>Dr Ayers—I do not have that point of detail, unless Dr Canterford has.</p> <p>Senator FISHER—An answer on notice is fine, Gentlemen.</p>	108 (21/2/11)	23/05/11	23/06/11
6	1: BOM	Fisher	Staff in Queensland	<ol style="list-style-type: none"> How many Bureau of Meteorology staff are employed across Queensland? What is the breakdown of Bureau staff across the State? Is there a dedicated field office in Toowoomba? If not, why not? Were any additional Bureau staff transferred to Queensland in January to assist 	Written	23/05/11	23/06/11

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				local staff in monitoring the severe weather which hit the state? If yes, when and how many?			
7	1: BOM	Fisher	Warning systems on BOM website	Has any community feedback been provided to the Bureau of Meteorology about the user friendliness of warning systems used by the Bureau on its website? If yes, how is the feedback being actioned?	Written	23/05/11	23/06/11
8	1: BOM	Macdonald	Climate science	[Extract http://www.climate-science-watch.org/2011/02/19/house-votes-244-179-to-kill-u-s-funding-of-ipcc/] “Luetkemeyer: Scientists manipulated climate data, suppressed legitimate arguments in peer-reviewed journals, and researchers were asked to destroy emails, so that a small number of climate alarmists could continue to advance their environmental agenda. “Since then, more than 700 acclaimed international scientists have challenged the claims made by the IPCC, in this comprehensive 740-page report. These 700 scientists represent some of the most respected institutions at home and around the world, including the U.S. Departments of Energy and Defense, U.S. Air Force and Navy, and even the Environmental Protection Agency. “For example, famed Princeton University physicist Dr. Robert Austin, who has published 170 scientific papers and was elected a member of the U.S. National Academy of Sciences. Dr. Austin told a congressional committee that, unfortunately, climate has become a political science. It is tragic the some perhaps well-meaning but politically motivated scientists who should know better have whipped up a global frenzy about a phenomenon which is statistically questionable at best.” Can you critique the above paragraphs?	Written	23/05/11	23/06/11
9	1: GBRMPA	Ludlam	Talisman Sabre exercises – cost	Senator LUDLAM —Do you folk have a cost or an impact on your budget that you can identify for hosting the Talisman Sabre exercises, whether it be in assessment or monitoring or clean up? Dr Reichelt —For Australia’s hosting of them? Senator LUDLAM —Yes. Do they impact on your portfolio? Dr Reichelt —We allocate some resources to work with the defence teams and evaluate their reports. I could estimate the amount of effort we put into that. I would not have it with me right now. Senator LUDLAM —That is okay. I will ask you to take that on notice, if you could. If you would itemise what those costs would be to you I would appreciate that. ...	110 (21/2/11)	23/05/11	23/06/11
10	1: GBRMPA	Ludlam	Talisman Sabre exercises– impact	Senator LUDLAM —I might rip some of those questions in on notice, because there is quite a few. We have spoken a couple of times in the past about the use of sonar during Talisman Sabre and its impacts on marine mammals. Do you do measurement of or do you have any role in assessing the use of active sonar technology during the exercises? Dr Reichelt —Not to our knowledge. Mr McGinnity —I do not know the answer. Senator LUDLAM —I will ask you to take that on notice as well—and if it is not you	111 (21/2/11)	23/05/11	23/06/11

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				<p>if you would tell us who does. That would be appreciated. The United States military is immune to a lot of environmental regulation in the US. We do assess it. There is a PER undertaken to assess the exercises in the area. But I am wondering what would happen if to your knowledge an impact were ever found to be unacceptable. Would the exercises go ahead? Is there any way for regulators to prevent these exercises from continuing if the environmental impacts are not acceptable?</p> <p>Dr Reichelt—That goes to an area that I am not familiar with right here. I will ask Peter if he has a reply.</p> <p>Mr McGinnity—No. That is a legal question. Normally the matters are resolved without having to go to a legal solution.</p> <p>Dr Reichelt—No. We could give you a breakdown of the processes afterwards.</p>			
11	1: GBRMPA	Ludlam	Talisman Sabre exercises—showbags	<p>Senator LUDLAM—In the last round of estimates I was asking about the show bags that are being handed out. There was a list provided of what was in them, but we did not get one. I am wondering if we can be provided the materials that are being given to the members of the public relating to the exercise. They are all in the public domain. It is just difficult to get hold of them in here.</p> <p>Dr Reichelt—That would be easy to do as long as they are still in print. I imagine that they would be—the zone plans and other things that are in the list.</p> <p>Senator LUDLAM—I would very much appreciate it, thanks.</p>	111 (21/2/11)	23/05/11 + 10 att'ts	23/06/11
12	1.1: AGLC	Abetz	Importation of fox scats into Tasmania	<p>Senator ABETZ— ... I will move onto the importation of fox scats into Tasmania. Does the federal department have any involvement in that?</p> <p>Mr Flanigan—I do not believe we have any involvement in this portfolio. This is recollecting previous discussions?</p> <p>Senator ABETZ—Yes. As I understand it, federally we fund the program substantially and there is now the question being asked as to whether the importation of fox scats could potentially reintroduce hydatids into Tasmania, which is a matter of very real concern. If you could take that on notice—</p> <p>Mr Flanigan—So it is particularly a question about the hydatids?</p> <p>Senator ABETZ—Yes, because the state government thought it would be a good idea to import 600 of these scats to try to help dogs find the foxes that people are starting to believe do not actually exist. We are spending many millions of dollars on trying to eradicate this fox that does or does not exist—I will not go there. But to import 600 of the fox scats with the potential of reintroducing hydatids into Tasmania was, to my way of thinking, not a clever idea. I just want to know whether there was any federal involvement or regulation in relation to that or, as I suspect, if it was all the Tasmanian government's good idea. You guys, I assume, would then be off the hook, but I just want that confirmed.</p> <p>Mr Flanigan—I will check with my colleagues in DAFF.</p>	116 (21/2/11)	23/05/11	23/06/11
13	1.1: AGLC	Siewert	Green Corridors Policy	<ol style="list-style-type: none"> Has there been any progress in implementing this policy? What liaison and consultation has been undertaken with existing initiatives? 	Written	24/05/11	23/06/11

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				<p>3. What consultation is planned for the coming year?</p> <p>4. Is the \$10 million allocated in the policy 'new funds' or is it a reallocation of NRM expenditure already committed to specific regions?</p> <p>5. Has the pilot program been designed yet?</p> <p>6. Will the pilot be run through the NRM regions or will it follow the example of the already well established, successful initiatives such as Gondwana Link, Great Eastern Ranges, Habitat 141 where the NRM regions have given support but are not the leaders?</p>			
14	1.2: AWD	Birmingham	Review of the EPBC Act	When will the Government response to the report of the Independent Review of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Hawke report) be released? What is the reason for the delay in the Department releasing the Government response?	Written	23/05/11	23/06/11
15	1.2: AWD	Birmingham	Arkaroola wilderness sanctuary	What environmental values would the Arkaroola Wilderness Sanctuary need to qualify for protection from mining and/or mining exploration?	Written	23/05/11	23/06/11
16	1.2: IMD	Macdonald	Reef and Rainforest Research Centre contract	<p>Senator IAN MACDONALD—So you cannot tell me who it is, but the successful tenderer has been selected subject to a successful negotiation?</p> <p>Dr Gunn—A successful negotiation.</p> <p>Senator IAN MACDONALD—Okay. I will try again next estimates. Thank you.</p> <p>Mr Tucker—Hopefully, Senator, it will be announced before next estimates.</p> <p>Senator IAN MACDONALD—I would certainly hope so. Thank you, Mr Tucker. Can you make sure I get a copy of the press release?</p>	121 (21/2/11)	23/05/11	23/06/11
17	1.2: Marine	Boswell	Consultation – marine bioregional planning and displacement policy	<p>Senator BOSWELL—I have a number of questions. Can you provide a full list of agencies, organisations, including environmental groups, that the federal government has consulted during the bioregional marine planning process and the development of its displacement policy?</p> <p>Mr Oxley—The department has provided answers to a number of questions on notice over the past 12 months, where we have outlined in quite some detail each of the organisations—</p> <p>Senator BOSWELL—Could you tell us—</p> <p>Mr Oxley—which have been consulted. I am happy to provide an update of that list to cover any groups which we have newly consulted since we last provided answers to questions from the Senate. ...</p> <p>Senator BOSWELL—Okay. The latest is 15 February and that is when the advice has gone in. So obviously there will not be very many people consulted after that.</p> <p>Mr Oxley—Senator, I would not expect that there would be a significant lengthening of that list but, to the extent that there are more organisations or individuals who have been consulted, I am happy to provide those on notice. ...</p> <p>Senator BOSWELL—What consultation has occurred with key stakeholders in the development of federal government displacement policy? Which stakeholders have</p>	117-118 (21/2/11)	24/05/11	23/06/11

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				<p>been involved in the consultation process? This is in relation to the displacement policy.</p> <p>Mr Oxley—The development of the displaced activity policy has been ongoing over probably the best part of two years now. We have provided answers to a number of questions on notice. I think there were quite a few from Senator Colbeck previously about the composition of the stakeholder advisory group. It has been through the stakeholder advisory group that we have done a reasonably large amount of the consultation, and as part of that a number of different organisations have provided submissions to the department about what in their view should and should not be included in the displaced activities policy. That included the Commonwealth Fisheries Association on behalf of all fisheries organisations, as an example, but it also included engagement with the Australian Petroleum Production and Exploration Association and representatives of the recreational fishing sector more broadly.</p> <p>Senator BOSWELL—Can you give us a list of those stakeholders? You mentioned some of them. Can you give us a comprehensive list?</p> <p>Mr Oxley—Yes. We will provide you with a list that adds to that already provided by the department in answers to previous questions on notice.</p>			
18	1.2: Marine	Colbeck	Marine bioregional planning	<ol style="list-style-type: none"> 1. Can the Department provided updated timelines for each of the four marine bioregional plans currently under development? 2. Will the Department be commissioning ABARES to undertake similar socio-economic reporting of the proposed East marine bioregion as has been completed for the North-West, South-West and North bioregions? If not, why not? 3. Will the Department release publicly the reports prepared by ABARES regarding the socio-economic effects of new marine reserves in the South-West, North-West and North bioregions? If not, why not? If so, when will it be available? 	Written	24/05/11	23/06/11
19	1.2: Marine	Colbeck	Consultation – south-west bioregion and displaced effort policy	<ol style="list-style-type: none"> 1. Can the Department provide a list of all stakeholders, Commonwealth departments, agencies etc. who have been consulted with regard to the South-West bioregion plan, including the number of times each has been met with, spoken to or emailed, prior to the public release of the draft South West Bioregion Plan's Draft Network Proposal? 2. Can the Department provide a similar list of stakeholders who have been consulted with regard to the displaced effort policy, prior to its public release? 	Written	23/05/11	23/06/11
20	1.2: Marine	Siewert	IUCN protected area guidelines	<ol style="list-style-type: none"> 1. Has the Department submitted a submission to the WCPA Marine group that has drafted marine guidance on how to apply the IUCN Protected Areas guidelines? 2. Is the Department aware that the draft affirms that IUCN Category II – the National Park zone – should only allow non-extractive recreational uses? 3. Is it the Department of the view that the draft document is internally consistent? 4. Given the green zone network in the GBRMP does not allow any type of fishing (recreational or commercial), isn't it desirable for the Commonwealth to have a consistent marine definition of IUCN II? 	Written	23/05/11	23/06/11

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				5. Is the IUCN IV the most appropriate category (moving from 1A to VI) to allow extractive recreational uses? 6. Does the Department support adaptive management? Isn't a consistent no-take position in IUCN II a case of positive adaptive management by the Department?			
21	1.2: Marine	Siewert	Great Barrier Reef Structural Adjustment Program	1. The review of the SAP report states that without a well-defined set of structural adjustment or compensation package guidelines and boundary conditions, there is increased probability of "political influence". Can you comment on the degree to which political influence had a role to play? 2. Were there changes to the boundary conditions of the Program? 3. If so, how many times did the program change its boundary conditions? 4. Who initiated any changes and why? 5. Can you give a summary of the lessons learnt from the SAP implementation experience? 6. What role did GBRMPA play in developing the SAP policy? 7. What role did GBRMPA play in administering the SAP program? 8. To what extent is the GBRMPA responsible for the problems encountered in implementing the SAP? 9. The report found that a wide range of stakeholders commented that the Government's \$214 million adjustment investment could have best been used to conduct a more complete buyout of the GBR fishing fleets. Is it the view of the Department that this should be the focus of future SAP programs? 10. The report is dated June 2010, but the document date is 6 Jan 2011. Was the document changed in any way between June 2010 and the date it was uploaded on the SEWPaC website?	Written	23/05/11	23/06/11
22	1.2: Marine	Birmingham	Dugongs	1. Does the Government accept there are problems regarding the poaching of dugongs? 2. What measures, if any, has the Government taken in response to the dugong killings? 3. Will the Government undertake to do anything? If not, why not?	Written	24/05/11	23/06/11
23	1.2: Marine	Siewert	NSW ocean trap and line fishery	1. What is the most recently applied quota for schedule 1 shark that has been allocated to this fishery? 2. What is the historic average catch for shark fishing in this area? 3. What scientific advice about the shark populations in this area informed the quota allocation? 4. Has the lack of scientific data on the historic catch and the shark population involved affected the Department's ability to set criteria for the ecological sustainability of this fishery with respect to the most recent renew of fishing rights? <ol style="list-style-type: none"> a. If yes, in what way? b. If no, why not? 	Written	23/05/11	23/06/11

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				5. How long until the shark quota is reviewed? 6. Is further research into the shark populations both current and historic, going to be undertaken? 7. If yes, can you please outline what research is planned?			
24	2.1: EQD	Siewert	Tree deaths from Hexazinone	I refer to the outcome of an investigation into tree deaths on WA in 2007. The investigation found that spraying Hexazinone on weeds in Council sumps in a drought stricken area resulted in the death of surrounding trees. 1. Is the Department aware of the investigation and its outcomes? 2. Does the Department agree with the findings of this investigation, namely that the use of Hexazinone in drought conditions lead to tree deaths? 3. Given the potential impact on biodiversity, has the Department taken any measures to raise awareness of the impact of Hexazinone use during dry periods? 4. Will the Department be undertaking any work to better understand how drought/dryness alters the impact of pesticides and other chemicals on non-targeted flora and fauna?	Written	23/05/11	23/06/11
25	4: MDBA	Birmingham	Basin Plan approval process	<p>Senator BIRMINGHAM—You would go to the ministerial council first and they would have their six weeks, which gets us into early 2012 already. Then you would go to the minister, who has his period of time in which he can insist on changes to the act—or to request or insist on changes to the Basin Plan.</p> <p>Mr Freeman—That is correct. There is an iteration step in there as well. In the event that the ministerial council suggests certain changes, we are then required to go back to the ministerial council and advise what we have done with those suggested amendments. So there could be a further iteration at the ministerial council. But it is along the lines that you have described.</p> <p>Senator BIRMINGHAM—How long does the ministerial council—the states—then get to comment on or respond to your decisions on amendments to the plan?</p> <p>Mr Freeman—That is a further three weeks. It is initially six weeks and then, depending on the nature of the suggested changes, the authority considers those and refers them back. The council then has three weeks for further consideration.</p> <p>Senator BIRMINGHAM—Obviously in your concurrent process of the minister's consideration and the ministerial council's consideration, even if the states were not to request any changes but the minister were to request a change, then I assume you would need to go back to the ministerial council and pursue that process?</p> <p>Mr Freeman—Can I take that on notice? I do not believe that if there is a subsequent recommended change of direction by the minister that it then goes back to the ministerial council again. But I would like to check that under the Water Act.</p> <p>Senator BIRMINGHAM—If you could clarify that, particularly given your decision to run them concurrently. ...</p>	12 (22/2/11)	24/05/11	23/06/11
26	4: MDBA	Birmingham	Authority meetings with	<p>Senator BIRMINGHAM—Were minutes taken of the two meetings that have been held since Mr Knowles became chair?</p>	14-15 (22/2/11)	24/05/11	23/06/11

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			new chair	<p>Mr Freeman—Yes, they were.</p> <p>Senator BIRMINGHAM—Would it be possible to have those tabled for the committee?</p> <p>Mr Freeman—Can I take that on notice? I am not sure of the detail that is in those minutes and whether it is appropriate.</p> <p>Senator BIRMINGHAM—Okay. You released some earlier minutes to me under FOI—albeit with some redactions, as is always the case. Will you be happy to release to this committee as much as possible of the minutes of those two meetings as soon as possible?</p> <p>Mr Freeman—Yes. ...</p> <p>...</p> <p>Senator BIRMINGHAM—Were there any meetings of the authority between Mr Taylor's announcement of 7 December and the appointment of Mr Knowles?</p> <p>Mr Freeman—Yes, there was a meeting in mid-January. There may have been a meeting in December as well.</p> <p>Senator BIRMINGHAM—Were decisions consistent with the nature of the decisions which the authority is required to keep records of made at either of those meetings?</p> <p>Mr Freeman—Yes, decisions were made at those meetings.</p> <p>Senator BIRMINGHAM—Are you able to detail them?</p> <p>Mr Freeman—I do not have the decisions with me. I could take that on notice.</p> <p>Senator BIRMINGHAM—If you could provide details of those, it would be appreciated.</p>			
27	4: MDBA	Birmingham	Legal advice on the Water Act 2007 – decision by MDBA	<p>Senator BIRMINGHAM—Let us just go quickly to who determined what there. The agency has received from me and other stakeholders various FOI requests for legal advice. Has the agency sought advice from the government or the minister about the release of that legal advice?</p> <p>Mr Freeman—I would have to defer to the FOI decision maker in regard to the FOI request. The FOI decision maker, I understand, outlined the reasons for his decision in the letter. As you would be well aware, the FOI application could be appealed, in which case I could potentially be the decision maker. I have not exercised my mind in regard to revisiting any FOI application in this regard. ...</p> <p>Senator BIRMINGHAM—Regardless of the FOI request, did Mr Taylor seek to release any legal advice that he had received?</p> <p>Mr Freeman—The authority collectively determined that it did not want to release its legal advice. Mr Taylor was part of that decision making.</p> <p>Senator BIRMINGHAM—So that was a decision of the authority?</p> <p>Mr Freeman—That is correct.</p> <p>Senator BIRMINGHAM—Did the authority seek the opinion of either the AGS or the minister in making that decision?</p> <p>Mr Freeman—It certainly did not seek the advice of the minister. I would have to take</p>	26-27 (22/2/11)	24/05/11	23/06/11

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				on notice whether we saw the AGS. We did not do that in a formal way. However, there is an AGS outpost office in the authority office. I would have to find out whether there were informal discussions. But certainly we did not seek any advice from the minister in that regard.			
28	4: MDBA	Xenophon	Basin Plan – effect of recent rainfall	<p>Senator XENOPHON—Perhaps I will ask my supplementary as it might assist Dr MacLeod. Is there a sense that, because of this exceptional rainfall in recent months, and even this month, that buys some more time in terms of the consultation process for the plan? Has it has bought some more time for the Basin Authority to perhaps step back, if only on a short-term basis, to rethink or to remodel the process of consultation and the implementation? I am not suggesting a delay as such, but has it bought a bit of time? Is the sense of urgency slightly different than what it was, say, 12 to 18 months ago?</p> <p>Mr Freeman—I guess the fundamentals on which the Water Act was based, which was that we have an overallocated system here which is causing environmental harm, are still there. As CSIRO through the sustainable yields project identified, that is actually amplified when you go into drier years. We allocate in percentage terms more and more water with our current resource plans as you move into a drier sequence. Regarding the current water resource plan, there is probably not a significant impact on the environment during these very wet years, so the environmental degradation to some extent is arrested during these very wet years. I think we have a fair legacy. Notwithstanding that we are getting these exceptional rains, there is still not exceptional runoff. It is significant runoff and it is causing flooding in various places in the Basin, but the correlation between rainfall and runoff has still not fully recovered. That is because we have a very dry landscape and a lot of this water is going into that landscape. I am sorry; I have just lost my train of thought.</p> <p>Senator XENOPHON—Has this bought a little bit of time to step back and rethink the process and the initial consultation?</p> <p>Mr Freeman—There are probably two answers to that. The fundamental problem is still there. To the extent that the fundamental problem is causing immediate environmental degradation, that has been arrested by recent rain. So there are two answers</p> <p>Senator XENOPHON—For how long? Let us say that we just have average years of rainfall for the next couple of years.</p> <p>Mr Freeman—I could not speculate. I could refer that. The best answer you would get from the authority officers present would be from Ms Swirepik, the Executive Director of Natural Resource Management.</p> <p>Senator XENOPHON—Perhaps on notice that would be useful.</p> <p>Mr Freeman—Yes, I could take that on notice.</p>	31 (22/2/11)	23/05/11	23/06/11
29	4: MDBA	Birmingham	Guidelines on the role of the Chair	<p>Senator BIRMINGHAM— ... Are there guidelines on the role and powers of the chair of the authority?</p>	8 (22/2/11)	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Mr Freeman—There are some outlined in the Water Act. I am not sure whether, when briefing the chair, we also provided some guidance in that regard in the briefing document. There is a briefing pack being prepared for the incoming chair. That includes certain advice, but I am just not sure whether that supplements the Water Act or not.</p> <p>Senator BIRMINGHAM—Are you able to provide existing guidelines for the role of the chair to the committee?</p> <p>Mr Freeman—To the extent those exist, I could provide them.</p> <p>Senator BIRMINGHAM—If you could do so that would be appreciated. ...</p>			
30	4: MDBA	Birmingham	MDBA legal advice on the Water Act 2007	<ol style="list-style-type: none"> I refer the MDBA to the legal advice received in relation to the Water Act released on 19 and 20 January 2011. Please detail who initiated each request and to whom the advice was initially provided. Has each piece of advice or a briefing on it been provided to the members of the Authority? Has each piece of listed legal advice been provided to Mr Knowles? What other legal advice has been provided to Mr Knowles? Has Mr Knowles read all of this advice? Has Mr Knowles received, or requested any new legal advice since his appointment in relation of the Water Act to balance the needs of the environment, communities and rural economies? 	Written	24/05/11	23/06/11
31	4: MDBA	Joyce	Legal advice on the Water Act 2007 received by MDBA	<ol style="list-style-type: none"> How many pages of legal advice has the authority received from the Australian Government Solicitor? On how many separate occasions has the Authority sought legal advice from the AGS? Could the Authority please provide this legal advice to this Committee? 	Written	24/05/11	23/06/11
32	4: MDBA	Birmingham	Socio-economic analysis of the Guide to the Proposed Basin Plan	<ol style="list-style-type: none"> What socio-economic analysis of the Guide, or reduced water availability for irrigation more generally, has been commissioned since the release of the Guide? What are the timelines for reporting of this analysis? Will the analysis be publicly released? If so, when? How comprehensive will this analysis be? Is this analysis only considering the impact of SDL's in the range of 3,000-4,000 GL, or reductions at other levels as well? 	Written	23/05/11	23/06/11
33	4: MDBA	Birmingham	Guide to the Proposed Basin Plan - Diversion limits	<ol style="list-style-type: none"> Please detail baseline data used to establish surface water diversion limits for South Australia. What was the rationale for choosing this surface water diversion limit? Is the MDBA aware of complaints that the 665GL CDL applied by the MDBA does not account for interstate trade or Living Murray initiative water? Does the MDBA have a view on these complaints? Was the MDBA aware when drafting the SDL for the Angus Bremer Groundwater area that in 1995 the South Australian Government reduced the Diversion Limit for the Angus Bremer from 27GL to 6.5GL? Was this 	Written	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				considered when applying a further 40% cut to the Diversion Limit?			
34	4: MDBA	Birmingham	Guide to the Proposed Basin Plan – Hydrological modelling	<ol style="list-style-type: none"> 1. The MDBA has previously said that 20 per cent of water flows are not represented in hydrological models and that these flows would be accounted for by an additional analytical model. What is this additional analytical model? 2. Why could this 20 per cent of water flows not be represented in original hydrological modelling? 3. What allows this additional analytical model to represent these flows when the original hydrological modelling could not? 	Written	23/05/11	23/06/11
35	4: MDBA	Joyce	Employment of particular individuals	<ol style="list-style-type: none"> 1. Has the Authority or the Chair of the Authority taken any steps to employ or make approaches to the following individuals: <ul style="list-style-type: none"> - Jennifer Westacott - Lindsay Nielsen - Peter Sutherland - Brendan Rynne - Peter Cosier - Karlene Maywald - Noel Peters 2. If so, what role does the Authority believe these individuals will take? 	Written	23/05/11	23/06/11
36	4: MDBA	Joyce	Decisions made by the Authority	Could the Authority please provide this Committee with all the decisions it has made since December 7 in accordance with s 198 of the Water Act which requires the Authority to keep records of all of its decisions?	Written	23/05/11	23/06/11
37	4: MDBA	Joyce	Resignation statement by Mr Taylor	<p>In his resignation statement Mr Taylor refers to the fact that:</p> <p>“... the Authority has sought, and obtained, further confirmation that it cannot compromise the minimum level of water required to restore the system's environment on social or economic grounds. “</p> <p>When did the Authority seek that confirmation and when was it received?</p>	Written	24/05/11	23/06/11
38	4: MDBA	Joyce	Briefings provided by MDBA	Could you please provide the Committee with a list of the briefings the MDBA has given to the Minister for Water or his / her staff, and the Prime Minister, or his / her staff, in the last 3 months?	Written	24/05/11	23/06/11
39	4: NWC	Xenophon	2011 biennial assessment of the National Water Initiative	<p>Senator XENOPHON—I have a couple of questions for the commission. Could the commission outline what public consultation process took place as a result of the 2011 biennial assessment of the National Water Initiative, how widely available was the discussion paper and what was the level of community consultation?</p> <p>Mr Cameron—The commission issued a discussion paper, as you noted, in, as I think it was, September 2010 and invited submissions, requesting those to be provided to the commission by 8 November.</p> <p>Senator XENOPHON—How was that done? How widely was that disseminated?</p> <p>Mr Cameron—It was put on our website and it was also distributed through our stakeholder mailing list and—</p> <p>Senator XENOPHON—No ads in the paper or anything?</p>	49 (22/2/11)	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Mr Cameron—There were advertisements in the major papers as well.</p> <p>Senator XENOPHON—On notice perhaps: what was the level of submissions that you got?</p> <p>Mr Cameron—My understanding is that we have currently received between 36 and 40 submissions, but we are happily accepting late submissions to the process.</p> <p>Senator XENOPHON—In terms of community groups and individuals that made submissions as compared to businesses or professional lobby groups, were there many submissions from individuals?</p> <p>Mr Cameron—There were a number of submissions from individuals, but I would have to take on notice the details of the numbers of them. ...</p> <p>Senator XENOPHON—On notice, because I think Senator Joyce has some questions, can you give details about how the assessment was advertised and promoted? If you could provide some details on notice, that would be terrific.</p> <p>Mr Cameron—Yes.</p>			
40	4: NWC	Birmingham	Biennial report	When is the Commission's Biennial report due?	Written	23/05/11	23/06/11
41	4.1: WED	Birmingham	SRWUIP – committed funding	<p>Ms Harwood—Of the \$5.6 billion of administered funds available for projects through the SRWUIP, \$5.1 billion, approximately, has been committed either for announced programs or for commitments through intergovernmental agreements et cetera.</p> <p>Senator BIRMINGHAM—This is \$5.6 billion that we all talk about as being the infrastructure dollars for water saving infrastructure projects. Mr Slatyer has just told us that not only is \$59 million of it being shifted across for administrative purposes in the MDBA but that the government has been funding other non water saving activities out of this fund, thereby diminishing the overall pool available for water saving activities. How much in total has been committed out of the fund for non-infrastructure projects that do not save a drop of water in the basin?</p> <p>Ms Harwood—For a precise figure, I would have to take that on notice. The two items that Mr Slatyer referred to—the support for the development of the National Water Market System and the work on compliance and enforcement—are funded from SRWUIP but the program objectives for SRWUIP embrace activities of that sort.</p> <p>Senator BIRMINGHAM—My recollection is that when SRWUIP, before it was known as SRWUIP, was that when John Howard announced the funding for infrastructure and when the \$10 billion was announced, comprising the buyback money and the funding for infrastructure—</p> <p>Senator CONROY—On the back of an envelope.</p> <p>Senator BIRMINGHAM—You seem quite happy as a government to have, in theory, kept to those figures, but what we are discovering is that in practice you actually have not been.</p> <p>This was a fund for actual infrastructure activities from which water saving would be generated, from which half of those water savings would be transferred to the Commonwealth Environmental Water Holder. There may be wriggle room in the</p>	35-36 (22/2/11)	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>written guidelines, but how much of the infrastructure fund is actually now being spent or committed to non-infrastructure spending?</p> <p>Ms Harwood—As I said, we will take the precise figure on notice. The two items for compliance and enforcement represent \$60 million out of the \$5.6 billion, and the National Water Market System, from memory, is \$56 million.</p> <p>Senator BIRMINGHAM—So we have somewhere around \$175 million that we know of as a starting point, that has been committed to non-infrastructure activities from the infrastructure fund. I will look forward to getting your detailed answer, Ms Harwood ...</p>			
42	4.1: WED	Joyce	Restoring the Balance program – cost of water entitlements	<p>[EC36] Senator JOYCE—... What is the cost of water entitlements that the government has agreed to purchase under the Restoring the Balance program and how much has the government agreed to purchase by 30 June— ...</p> <p>[EC37] Ms Harwood—As at the end of June 2010, the amount settled to that date was \$742 million.</p> <p>Senator JOYCE—So the Australian National—</p> <p>Ms Harwood—The previous year was 371 and in the first year of the program, which was 2007-08, there was \$27 million.</p> <p>Senator JOYCE—Does that confirm the ANAO's figure on page 20 of the report, which is \$1.37 billion?</p> <p>Ms Harwood—I just gave you the settled figures. If you want the figures under contract, I am sure our figures would line up with ANAO's.</p> <p>Senator JOYCE—I hope so. They do not. We are out by a couple of hundred million at the moment.</p> <p>Ms Harwood—Yes. There is a difference between settled and contracted.</p> <p>Senator JOYCE—Okay.</p> <p>Ms Harwood—So water that is under contract is under a binding contract with the money committed, but the expenditure does not occur until settlement of the trade takes place.</p> <p>Senator JOYCE—You would agree that we are currently ahead of what was initially envisaged with the layout of the buybacks?</p> <p>Ms Harwood—The bring forward of funds has meant that the program is further ahead than it would have been under the original profile.</p> <p>Senator JOYCE—By how much is it ahead?</p> <p>Ms Harwood—I would have to do a comparison of the previous profile for the budget and the current commitments against the revised profiles and give that to you on notice for a precise figure of the difference.</p> <p>Senator JOYCE—It is just shy of \$700 million.</p> <p>Ms Harwood—I think that is a little high but I will get back to you.</p>	36 and 37 (22/2/11)	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
43	4.1: WED	Joyce	Evaluation of Twynam water purchase	<p>[EC40] Senator JOYCE—Who did you rely on for determining the value of that water? Ms Harwood—We had existing marketing information. We do regular assessments of the state of the water market and the value that water entitlements of different types are trading for. From memory, we also got some additional valuations in relation to the Twynam entitlement. Senator JOYCE—Who did those additional valuations? Ms Harwood—I would have to take that on notice. So we did a full valuation of it. It came through the formal tender process. The offer came through the normal tender process. ...</p> <p>[EC51] Senator JOYCE—.... It is well known, and it has been documented in such papers as the <i>Australian Financial Review</i>, that the capacity to purchase the same value of water or the same reliability of water could have been done at a much cheaper price. It is open knowledge that other people were more than willing, once they realised the price, to have sold you water at that price. So the conjecture is: why did you spend so much of Australian taxpayers' money when you could have paid substantially less? Ms Harwood—As I said, the 10 per cent was the upper premium for a very large parcel of water and the trade was within that premium. So, yes, there was a small premium paid to acquire the water all at once, for the reasons that I have already outlined, compared with the market price for water. So a small premium was paid above our normal tender benchmark, recognising the fact that we were acquiring a very large parcel of water at once that could immediately go to improving the prospect for environmental watering, as well as saving us the transactional costs of doing many individual small transactions to add up to the same volume of water. Senator JOYCE—What did the evaluation committee present you with to come to that decision? I hear the statement but what did they present you with? What factual data did they present you with? Ms Harwood—With a meticulous comparison against market prices for the parcel as a whole assessed against the tender guidelines and the evaluation plan for the tender. Senator JOYCE—Would you be prepared to table them? Ms Harwood—I am uncertain as to that because I believe it to be commercial-in-confidence. CHAIR—Ms Harwood, you can take that on notice. Ms Harwood—I will take it on notice.</p>	40 and 41 (22/2/11)	24/05/11	23/06/11
44	4.1: WED	Heffernan	Twynam water purchase – price in tender	<p>Senator HEFFERNAN—In 2009, on 16 February, there was a meeting with Twynam, having been given prior permission by the minister to go to private negotiations and abandon the tender. ... Senator HEFFERNAN—Were you at the meeting? Ms Harwood—I probably was. I would need to see where I was on 16 February.</p>	45-46 (22/2/11)	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Senator HEFFERNAN—At the meeting you correctly described the unsuitability of buying allocation water and you said to Twynam, ‘Take that away.’ That was \$8½ million. You then said, ‘We will progress the rest of your tender.’ I have all the prices.</p> <p>CHAIR—Senator Heffernan, you are making assertions on behalf of the officer. If you have got a question to ask the officer— ...</p> <p>Senator HEFFERNAN—As for the 10 per cent over the top that you paid, was that the price already in the tender less the allocation order?</p> <p>Ms Harwood—I would have to take that on notice. ...</p>			
45	4.1: WED	Joyce	Twynam water purchase - duration	<p>Senator JOYCE—How long did the deliberations go over?</p> <p>Ms Harwood—I would have to take that on notice too.</p> <p>Ms Harwood—From the initial offer to the conclusion or the placing of the purchase under contract, I will take that on notice.</p>	47 (22/2/11)	24/05/11	23/06/11
46	4.1: WED	Joyce	Twynam water purchase – timing of decisions	<ol style="list-style-type: none"> On what date did the Minister approve changing the Restoring the Balance project guidelines to allow a 10% premium above normal benchmarks to be paid for parcels of water larger than 40 GL? [also taken on notice during hearing – proof Hansard EC46] On what date did the Minister's communicate this decision to the Department? On what date was the purchase of \$303 million of Twynam Agricultural Group's water entitlements approved? [also taken on notice during hearing – proof Hansard EC47] Did the Department prepare advice for the Minister on the issue of adjusting the guidelines to allow a premium to be paid? If so, was this advice prepared before or after Twynam Agricultural Group had originally tendered over \$300 million of entitlements for purchase? 	Written	24/05/11	23/06/11
47	4.1: WED	Joyce	Twynam water purchase - assessment	<ol style="list-style-type: none"> Did the Evaluation Committee assess the 34 separate allocations of Twynam Agricultural Group on a separate basis or was just one benchmark price calculated for the entire Twynam bid? Can you please provide <ol style="list-style-type: none"> details of each of the separate 34 separate licences tendered by Twynam Agricultural Group, the amount they tendered them for, the benchmark price that was calculated by the Evaluation Committee and the price paid by the Government for each licence? 	Written	24/05/11	23/06/11
48	4.1: WED	Heffernan	Twynam water purchase	Who attended on behalf of the Government and Twynam all meetings concerning sale of water to the Commonwealth, including two meeting in February 2009, and could you table any advice surrounding the tender being abandoned and private negotiations occurring?	Written	24/05/11	23/06/11
49	4.1: WED	Birmingham	Menindee Lakes	<ol style="list-style-type: none"> What progress has been made on identifying and securing a safe alternative source of drinking water for Broken Hill? Has the further hydrological work identified in the MoU between the 	Written	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Commonwealth and Government of NSW on Menindee Lakes been completed?</p> <p>3. Does the Government still expect reengineering works will result in water savings of 200GL?</p> <p>4. When does the Australian Government expect reengineering works to begin?</p> <p>5. The MoU between the Commonwealth and New South Wales Government on Menindee Lakes identifies October 2010 as the expected completion of several key steps in securing agreement for reengineering works. Please detail reasons for the delays in completing these steps. When does the Government now believe each of these steps will be completed?</p> <p>6. Has there been further correspondence between the Department and New South Wales Government regarding the operation of the MoU? If so, please provide copies.</p> <p>7. Are there any infrastructure proposals that would increase the storage capacity of Menindee Lakes? If so, please detail.</p>			
50	4.1: WED	Birmingham	Menindee lakes and Murray-Darling Basin Agreement	<p>1. Has the Joint Steering Committee agreed on recommended terms for amending the Murray-Darling Basin Agreement?</p> <p>2. Have the Commonwealth and New South Wales Governments sought or secured agreement with the Basin States for amendment to the Murray-Darling Basin Agreement?</p> <p>3. Have the Commonwealth and New South Wales Governments agreed on the volume and character of the water entitlement to be transferred to the Commonwealth?</p>	Written	23/05/11	23/06/11
51	4.1: WED	Birmingham	Private Irrigation Infrastructure Operators Program (NSW)	<p>1. What amount of funding is available under round two of this program? If fully subscribed, how much funding will remain to be allocated in future rounds of this program?</p> <p>2. What level of water saving were secured by Round One of this program? What was the value of grants given?</p>	Written	23/05/11	23/06/11
52	4.1: WED	Birmingham	Private Irrigation Infrastructure Program (SA)	<p>1. What amount of funding is available under round two of this program?</p> <p>a. If fully subscribed, how much funding will remain to be allocated in future rounds of this program?</p> <p>b. How many applications for funding were received? What was the value of applications received? What was the total water saving associated with these applications?</p> <p>c. How many applications were approved? What is the total value of applications approved? What is the total water savings associated with these approved applications?</p> <p>2. What is the total entitlement to be transferred to the Commonwealth?</p> <p>3. What level of water savings were secured by Round One of this program? What was the value of grants given?</p>	Written	23/05/11	23/06/11
53	4.1: WED	Birmingham	On-farm irrigation	<p>1. How much of the promised \$300 million for on-farm infrastructure upgrades has</p>	Written	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
			efficiency program	<p>been spent? What level of water savings has been secured from this funding?</p> <p>2. What level of water savings does the Government expect to achieve via round two of this program?</p>			
54	4.1: WED	Birmingham	Restoring the Balance program	<p>1. Has the Department noticed any trend or movement in the number of offer and value of offers to sell water through the Restoring the Balance program since allocations in most parts of the basin were returned to 100%?</p> <p>2. How does the average price and number of offers received to sell water this year compare with previous years of the Restoring the Balance Program?</p> <p>3. Does the department expect the price of water to rise and number of offers to sell fall as irrigators take advantage of full allocations and plant crops? What affect will this have on the average price paid for water and volume purchased under the Restoring the Balance Program?</p> <p>4. Please detail all changes to the budgeted expenditure for the Restoring the Balance Program since 2007.</p>	Written	23/05/11	23/06/11
55	4.1: WED	Joyce	Restoring the Balance Program – end date	Is the Restoring the Balance program set to finish in 2016-17?	Written	23/05/11	23/06/11
56	4.1: WED	Joyce	Sustainable Rural Water Use and Infrastructure program	<p>1. Can the department please provide an itemised list of what has the \$437 million spent to the 31 October 2010 under the Sustainable Rural Water Use and Infrastructure program has been spent on? If more funds have been expended since this date please provide details for this spending?</p> <p>2. Which projects have delivered the 2.7 GL of water under this program?</p> <p>3. How much water under the Sustainable has been delivered to the Commonwealth Environmental Water Holder under this program?</p>	Written	23/05/11	23/06/11
57	4.1: WED	Joyce	Menindee Lakes project	<p>1. What is the status of the agreement for the NSW Government on Menindee Lakes?</p> <p>2. The Government has announced further funding for Chaffey Dam from the \$400 million allocated to this project. Will the other projects that are waiting on this money have to wait until the agreement with the NSW Government is finalised?</p> <p>3. What's the estimate for when the Menindee Lakes Project will be finished?</p>	Written	23/05/11	23/06/11
58	4.1: WED	Joyce	Water purchase plan	In the advice the Department gave to the Minister after the election it proposed to announce a refined "purchase plan" as soon as the Guide is released. Was that purchase plan released?	Written	23/05/11	23/06/11
59	4.1: WRD	Joyce	Mowamba Borrow	<p>1. Can you confirm the funds to repay the Mowamba Borrow will come from the Sustainable Rural Water Use and Infrastructure program?</p> <p>2. Have these funds been paid?</p> <p>3. What was, or is expected to be, the total amount required to repay the Borrow?</p>	Written	23/05/11	23/06/11
60	4.1: WGD	Birmingham	Commonwealth Environmental Water Holder	<p>1. What is the Commonwealth Environmental Water Holder doing with its environmental water holding this year?</p> <p>2. How much do you expect to allocate this year?</p>	Written	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				3. Have you been unable to allocate water in any or all instances?			
61	4.1: WGD	Birmingham	Election commitments – water projects	In its agreement with cross bench members to form Government, the Government made the following commitment: A minority Labor Government will continue its current commitments (funding and/or planning, where relevant) to the following projects: a. Chaffey Dam near Tamworth upgrade. b. Appropriate water supply for Barraba c. Namoi Valley Water Study Please detail the current status of each project and what action has been taken since the election to progress these commitments.	Written	23/05/11	23/06/11
62	4.1: WGD	Birmingham	National Urban Water and Desalination Plan	1. Has final agreement with and final payment to the South Australian Government been made for the Adelaide Desalination plant project? What was the total amount Federal funding provided for this project? What was the timing of payment and conditions for payment to be met? 2. Has agreement been reached between the Commonwealth and SA Government on requirements regarding reducing Adelaide's draw on the Murray in return for Federal funding for this project? If so, please detail. If not, why not?	Written	23/05/11	23/06/11
63	4.1: WGD	Birmingham	Eastern Adelaide Stormwater project	What conversations has the Government had with the South Australian Government in regards to the Eastern Adelaide Stormwater project promised during the 2010 election campaign? What timelines have been set for negotiation, planning and construction of this project?	Written	24/05/11	23/06/11
64	4.1: WGD	Joyce	Expenditure on water programs	Can the Department please provide a list of expenditure under each of the following programs for all financial years beginning 2007-08, and include the most up to date spending for the current financial year. Can the Department also provide forecast or projected for these programs over the forward estimates? a. Restoring the Balance b. Sustainable Rural Water Use and Infrastructure c. National Water Security Plan for Cities and Towns d. National Rainwater and Greywater Initiative e. Green Precincts Fund	Written	23/05/11	23/06/11
65	4.1: WRD	Joyce	Legal advice on the Water Act 2007 – summary and AGS advice	[EC25] Mr Freeman —As I have said, the authority has requested a lot of legal advice. On receipt of the minister's advice, the authority then requested legal advice to ascertain whether that advice that the minister had received was consistent with all previous advice to the authority. That legal advice confirmed that the minister's legal advice was entirely consistent with all previous advice provided to the authority. Senator JOYCE —Do we expect a further statement? Are we going to get any clarification statement from Mr Knowles, the minister or you about what is in that further legal advice that none of us have seen? ... [EC26]	25, 26 and 27 (22/2/11)	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Senator JOYCE—Minister, are you prepared to table the rest of the legal advice?</p> <p>Senator CONROY—We tabled a summary of the legal advice, I understand, in October last year.</p> <p>Senator JOYCE—Then you have nothing to be concerned about. You are prepared to table the rest of it, are you?</p> <p>Senator CONROY—We have tabled all the information that we believe is necessary.</p> <p>Senator JOYCE—All the information that you believe is necessary. How did you come to that decision of what you believe is necessary and what you believe is not?</p> <p>Senator CONROY—I will take that on notice.</p> <p>Senator JOYCE—You will get back to me after determining what you believe is necessary and what you believe is not.</p> <p>Senator CONROY—As you would know, I am not the minister who made the decision, but I will seek some further information from Minister Burke ...</p> <p>[EC27]</p> <p>Senator JOYCE—Did the minister request that the Murray-Darling Basin Authority not release the advice that it sought from the Australian Government Solicitor after 25 October?</p> <p>Senator CONROY—We have released it in the Senate. I am happy to read from the statement in the Senate: ‘The release of advice that explores legal matters in detail would go against long-established convention and practice. There are important public interest grounds long recognised by successive governments for having such material remain confidential.’ That was on the public record. As to whether the minister made a request, I am happy to take that on notice and ask Minister Burke.</p>			
66	4.1: WRD	Birmingham	Legal advice on the Water Act 2007 – public interest and legal professional privilege	<p>Senator BIRMINGHAM—I have a list of the legal advice that apparently exists. It is a list of documents that you have told me that you will not give me. Will the authority table those documents? They include the legal advice: the advice from the AGS of 26 November 2010; the summary advice of 30 November 2010; the advice of 15 June 2010 et cetera. Will you table those for this committee?</p> <p>Mr Freeman—I am sorry; will—</p> <p>Senator BIRMINGHAM—Will you table those documents for this committee?</p> <p>Mr Freeman—The authority will not be tabling that information. As we understand it, the legal advice is subject to legal professional privilege and disclosure may prejudice the Commonwealth’s legal position. As a result, any discussion on the content of the legal advice or its production here might be the subject of a public interest immunity claim by the minister and needs to be referred to the minister.</p> <p>Senator BIRMINGHAM—The Clerk of the Senate has made it clear that legal professional privilege is not being accepted as a public interest reason not to disclose advice or documentation. So on what grounds of public interest are the MDBA and the government refusing to provide this advice?</p> <p>Dr Grimes—I think that this is a question that we will take on notice and have it</p>	29 (22/2/11)	24/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>referred to the minister.</p> <p>Senator BIRMINGHAM—I ask that you to refer to the advice of the Clerk of the Senate in this regard as you take it on notice and ensure that a proper argument for what the public interest ground for not releasing this advice actually is so that it can be properly considered. In relation to the advice that Minister Burke tabled, is it the case that, by publishing that advice, the legal professional privilege on that has been waived?</p> <p>Mr Freeman—The authority has not sought any comment in that regard about the minister's advice. I guess we are concerned about our legal advice. I cannot comment on the status of the minister's legal advice.</p> <p>Senator BIRMINGHAM—Has the minister's legal advice been provided to the authority as well? I see that in the least the authority received advice dated 26 October, which is the day after Minister Burke released his advice.</p> <p>Mr Freeman—We have received the legal advice as tabled by the minister.</p> <p>Senator BIRMINGHAM—You have received it, but you do not have an opinion as to whether the legal professional privilege on that advice has been waived by its publication?</p> <p>Mr Freeman—No. That is an issue for the minister.</p> <p>Senator BIRMINGHAM—And the department?</p> <p>Dr Grimes—It is not a matter that I have a view on, Senator.</p> <p>Senator Conroy—We are happy to take it on notice and get back to you.</p> <p>Senator BIRMINGHAM—Thank you. ...</p>			
67	4.1: WRD	Joyce	Legal advice received on the Water Act 2007	<ol style="list-style-type: none"> How many pages of legal advice has the department received from the Australian Government Solicitor? How many pages of legal advice from the Australian Government Solicitor did Minister Burke receive on 25 October in total? 	Written	24/05/11	23/06/11
68	4.1: WRD	Siewert	Directory of Wetlands of National Importance	<ol style="list-style-type: none"> Are printed copies of the directory available, or can it only be accessed online? If only online, why? 	Written	23/05/11	23/06/11
69	4.1: WRD	Joyce	Review of Water for the Future programs	In the advice the Department gave to the Minister after the election the Department mentioned that a high-level review of Water for the Future programs is occurring. Has this review completed? What were its findings? Have any changes occurred as the result of this review?	Written	24/05/11	23/06/11
70	4.1: WRD	Joyce	Water for the Future campaign	<ol style="list-style-type: none"> How much money has the Government spent on its Water for the Future advertising campaign? What is the total budget for this campaign? 	Written	23/05/11	23/06/11
71	5.2/7.1: HD	Abetz	Bait used on Macquarie Island	<p>Senator ABETZ—So the \$1.3 million worth of bait, which is what I have been told, on Macquarie Island will continue to be used?</p> <p>Dr Terrill—I will have to check that. I am not sure of the number. Senator ABETZ—</p>	114-115 (21/2/11)	24/05/11	23/06/11

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				Take the dollar value on notice, please. Dr Terrill —Yes. Senator ABETZ —So we believe that that which is currently on Macquarie Island can continue to be used, it is not out of date. Dr Terrill —Again I will check the details of the baiting for you.			
72	5.2/7.1: HD	Abetz	Macquarie Island pest eradication program	Senator ABETZ —Did you write a letter to a Mr Ian Rist on 12 October 2010 in which you said: “While some undesired deaths of birds were anticipated as an unavoidable consequence of the Macquarie Island pest eradication program, the level of deaths was higher than expected ... Baiting ceased in June 2010 and will not recommence until a review of bird deaths is complete.” Mr Murphy —That sounds like a letter I wrote to Mr Rist. Senator ABETZ —Nowhere in that have you mentioned the weather as the rationale for stopping the program. Why not? Mr Murphy —I imagine the response was to do with the bird deaths rather than the cessation of the program per se, but I would have to look at Mr Rist’s letter and my response. Senator ABETZ —Or at your letter to Mr Rist, because that is what it tells us. If you could please take the following on notice: provide some detail as to when ‘the level of deaths was higher than expected’ was first noticed, when the program stopped, when the review was completed, when it was decided to recommence and when the program recommenced—if it has by the time you deal with those. I would be much obliged if you could answer those questions for us. ...	115-116 (21/2/11)	23/05/11	23/06/11
73	5.2/7.1: HD	Birmingham	Koongarra uranium site	Have there been any timeframes set for acting on the Government's 2010 election commitment to apply to the World Heritage Committee to amend boundaries of Kakadu World Heritage Area to include Koongarra? If not, why not?	Written	23/05/11	23/06/11
74	6.1: Housing	Ludlam	National Rental Affordability Scheme statistics	Senator LUDLAM —I was going to ask you to go through the current status of NRAS, given that it has been pretty topical, but I will ask you to take on notice some questions to provide some metrics for tenanted dwellings. There are dwellings under construction, due to commence and recently approved, perhaps you can do that for the last three months, or whatever time lines you use. How many in total have been approved and how many at a six-star BCA standard? I understand that is fairly high, but would you give us some idea of that on notice. Mr Shevlin —Yes.	123 (21/2/11)	23/05/11	23/06/11
75	6.1: Housing	Ludlam	Vacant dwellings in Australia	Senator LUDLAM —I am interested to talk about vacant dwellings and residential vacancies in Australian capital cities. The last figures that I am aware of come from the 2006 census. Is the department sitting on any information at all on the number of residential dwellings, which would bring that up to date? It is something in the order of 50,000 vacant dwellings in metropolitan Perth and there are similar high numbers around the country. Do you have anything that is more up to date than 2006?	123 (21/2/11)	23/05/11	23/06/11

Q No.	Program: Division or Agency	Senator	Broad Topic	Question	Proof Hansard, Date & Page Or Written	Date Rec'd	Date Tabled in Senate
				<p>Mr Shevlin—We have the 2006 data. The National Housing Supply Council has had a look at that data as well. They noted that the majority of those vacant dwellings are not actually located in areas where there is high demand. For example, you get a lot of vacant dwellings where there are a lot of holiday houses, so they are vacant but they are not, if you like, available for permanent tenancy.</p> <p>Senator LUDLAM—That is interesting. I will ask you to also take these questions on notice. Can you provide us with a breakdown of as much information as you have on where they are and for what reason there is such an enormous number of vacant dwellings? I was a bit surprised to see the size of the numbers.</p> <p>Mr Shevlin—We will certainly have a look and see what data we do have.</p>			
76	6.1: Housing	Ludlam	Land audit and affordable housing	<p>Senator LUDLAM—Has there been a recent audit of the amount and location of government owned land that could be re-allocated to affordable housing?</p> <p>Mr Shevlin—There is an annual land audit that is required. I will try to find the exact date for that.</p> <p>Senator LUDLAM—On notice is fine. Would you also provide a list of government owned land by department, location and size? Finally, I bring you back to my question on vacant residential land. Do you have any reasonably up-to-date metrics on vacant commercial space in our larges cities?</p> <p>Mr Shevlin—I will have to take that one on notice.</p>	123 (21/2/11)	23/05/11	23/06/11
77	6.1: Housing	Payne	Building Better Regional Cities program	The department's incoming government briefing identified the funding provided to administer the Building Better Regional Cities program as \$3.05 million, an estimated \$4 million short of the funds required. What is the departmental funding for this program now that overall funding has been cut?	Written	23/05/11	23/06/11
78	6.1: Housing	Payne	Housing Affordability Fund	The department's incoming government briefing stated that around 380,000 homebuyers will benefit from planning and development reform under the Housing Affordability Fund. Is this estimate still applicable based on delivery of the program to date?	Written	23/05/11	23/06/11
79	6.1: Housing	Payne	National Rental Affordability Scheme	<ol style="list-style-type: none"> 1. What changes have been made to the National Rental Affordability Scheme in light of the government's proposed capping of NRAS, followed by its commitment to restore but defer funding? What level of funding is expected to be required over the forward estimates and beyond? Have any other aspects of NRAS been changed, such as delivery deadlines? 2. The government announced that the NRAS scheme will now prioritise the remaining incentives to flood-affected areas. Is this solely a prioritisation of assessment, or will flood-affected areas, and states, receive priority over other areas should NRAS become oversubscribed? 3. The department's incoming government briefing stated that the 30 staff provided to administer NRAS as having their time monopolised by complex assessment, project delays, requests for variations and the need for a stringent monitoring regime. What level of staffing has the department now received to deal with these 	Written	24/05/11	23/06/11

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				issues, and in light of the deferral of NRAS incentives?			