

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates 3-5 June 2008

Question: bet 112

Topic: Drafting Instructions for Section 15.1.3

Hansard Page: E70

Senator Brandis asked:

Senator BRANDIS—On what date—you might need to take this on notice—were the drafting instructions for section 15.1.3 given to whoever was the draftsman of this section of the report?

Mr Samuel—Certainly I could not give you that information at this point in time. I would have to take that question on notice.

Senator BRANDIS—Sure.

Mr Samuel—Let me take that on notice. I think that is the best.

Senator BRANDIS—All right.

...

Senator BRANDIS—All right, fair enough. Let us limit ourselves then just to be efficient with the time. It is pretty obvious, I hope, that I am interested in that part that states the conclusion, that expresses the opinion rather than being descriptive. So when were the drafting instructions given for those parts of section 15.1.3 which state the commissioners' conclusions about FuelWatch?

Mr Samuel—I would have to take that on notice.

Senator BRANDIS—Roughly?

Mr Samuel—I could not tell you. I would think that it would be somewhere through the latter parts of November—mid-November or the latter part of November—because we were at all points of time awaiting the outcome of the econometric modelling.

...

Senator BRANDIS—I am not pressing you, by the way. That is fair enough. The best you can do, unaided by your notes and minutes et cetera, is to say the latter part of November, and that is fine.

Mr Samuel—But I have said that I have to take those questions on notice. I am trying to give you some assistance.

Mr Dimasi—Perhaps I could clarify one thing. You refer to the drafting instructions. That sounds very specific. We do not have a set of drafting instructions. What we have is a debate. We write the papers. We meet with the commissioners and we develop the position. If you are looking for the specific point—

Senator BRANDIS—But somebody had to write this.

Mr Dimasi—Yes, of course. But, sorry, you are looking to focus on the drafting instructions on a particular day, when the instruction was given to write this recommendation. It was not as simple as that. We will certainly check the dates, but I cannot assure you that we will be able to find a specific date for such an instruction.

CHAIR—We have about one minute before the afternoon tea break.

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Senator BRANDIS—My last question is this: whether it be in the form of a drafting instruction or in the mind of the draftsman himself, when the decision was made ultimately to state the conclusion he has stated about Fuelwatch—was that before or after 24 November?

Mr Samuel—I will have to take that on notice.

Senator BRANDIS—November 24 was a Saturday, wasn't it—in the week after or the week before?

Mr Samuel—I would have to take that on notice. I cannot give you those dates based on what we have at the present time, I am sorry.

Answer:

As explained by Mr Joe Dimasi during the hearings, the drafting of the Petrol Report did not involve the issuing of drafting instructions. Following internal discussions including of the results of the econometric work the first substantive draft of Chapter 15, which favoured the introduction of a national FuelWatch scheme, was completed on 18 November 2007.