

**Senate Standing Committee on Economics**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates 3-5 June 2008

**Question: bet 85**

**Topic: Fuel Watch – Australian Government Solicitor Advice #2**

**Hansard Page: E80**

**Senator Coonan asked:**

**Senator COONAN**—Can I clarify with Mr French, please, a question I asked earlier that got subsumed by others. When was advice first sought on this matter?

**Mr French**—From the AGS?

**Senator COONAN**—I am coming to whether there was other advice; but when was advice first sought from the AGS?

**Mr French**—I cannot recall that. I would have to take that on notice. It was some time ago.

**Senator COONAN**—Self-evidently it would be, but I am just trying to put it within the time frame of policy authority or drafting instructions, which was early May—was it?

**Ms Holdaway**—That is right.

**Mr French**—We were in discussion with them in advance of the drafting instructions.

**Senator COONAN**—How many written advices from AGS were there?

**Mr French**—There are ongoing discussions with them. There may have been email correspondence. I would need to take on notice the nature of those communications.

**Senator COONAN**—I want to know whether there were communications—you have said there were—with AGS, how many, when they commenced, when they finished and how many pieces of advice or communications were received in writing.

**Mr French**—We can take that on notice.

**Senator COONAN**—In addition to that, I want to know how many meetings at which AGS was present and there were some consultations about the subject of this bill.

**Mr French**—We can take that on notice.

**Senator COONAN**—Was advice sought from any source other than AGS?

**Mr French**—In what respect?

**Senator COONAN**—In relation to constitutionality or legal effects or implications of the scheme?

**Mr French**—No.

**Senator COONAN**—No? So you did not get Senior Counsel's advice, for instance?

**Mr French**—No.

**Senator COONAN**—Did AGS get counsel's advice?

**Mr French**—I do not know. We could check that for you and take that on notice.

**Senator COONAN**—So you do not recall having seen any other advice in writing other than from AGS?

**Mr French**—No.

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**Senator COONAN**—Who has got a copy of any written advice between AGS and Treasury—any other departments?

**Mr French**—I would need to check that. I will take that on notice. We need to check our records.

**Senator COONAN**—It just seems that the Attorney did not seem to be aware that there was all of this consultation going on between AGS and Treasury.

**Senator Sherry**—They are taking it on notice.

#### **Answer:**

AGS legal advice on a National Fuelwatch Scheme was first sought on 4 March 2008.

The AGS provided two formal written advices and four separate email advices to Treasury on a National Fuelwatch Scheme.

The AGS attended five meetings (including two teleconferences) which discussed the implementation of a National Fuelwatch Scheme. One meeting focused specifically on the content of the Fuelwatch Bill.

The AGS advised that it did not receive any other external advice from Senior Counsel on a National Fuelwatch Scheme. However, the AGS Chief General Counsel was consulted on aspects of the Fuelwatch Bill on 28 May 2008 and in relation to the preparation of the formal written advices.