

ECONOMICS LEGISLATION COMMITTEE

QUESTIONS ON NOTICE – SUPPLEMENTARY BUDGET ESTIMATES – 20-21 October 2010

TREASURY PORTFOLIO

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
SBT 1	Treasury (Fiscal Group)	Coonan	NHHN - Diversion of GST Revenue	What is the current status of negotiations with the West Australian Government on the National Health and Hospitals Network in respect of diversion of GST revenue to a new health and hospitals fund?	Written	10/12/2010	10/02/2011
SBT 2	Treasury (Fiscal Group)	Coonan	NHHN - Financing Arrangements	What other options have been examined to give effect to financing arrangements for the National Health and Hospital Network?	Written	20/10/2010	10/02/2011
SBT 3	Treasury (Fiscal Group)	Coonan	NHHN - Re-introduction of legislation	When will the government re-introduce enabling legislation (Federal Financial Relations Amendment (National Health and Hospitals Network Bill 2010) into Parliament?	Written	20/10/2010	10/02/2011
SBT 4	Treasury (Fiscal Group)	Coonan	NHHN - Responsible Minister	Which Minister will be responsible for the National Health and Hospitals Fund?	Written	20/10/2010	10/02/2011
SBT 5	Treasury (Fiscal Group)	Coonan	Budget	Does Treasury stand by its advice to Government that given current fiscal circumstances reforms will have to be largely budget neutral? (Priorities for an Incoming Government, Page 2)	Written	10/12/2010	10/02/2011
SBT 6	Treasury (Fiscal Group)	Coonan	Aged Care Secure (related to Question 5)	Does this advice apply to reforms to the aged care sector and future delivery of services that may arise out of recommendations from the Productivity Commission Inquiry due to report in April 2011?	Written	10/12/2010	10/02/2011
SBT 7	Treasury (Revenue Group)	Macdonald	Zone Tax Rebates A, B and C	Please would you provide details of the number of people claiming Zone Tax Rebates A, B and C and, if possible, the location of recipients by State and/or Region.	Written	07/12/2010	10/02/2011
SBT 8	Treasury (Revenue Group)	Macdonald	Cost of Zone Tax Rebates by State and/or Region	What is the cost to Revenue of the Zone Tax Rebates, if possible by State and/or Region of location of the recipients?	Written	07/12/2010	10/02/2011

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SBT 9	ASIC	Abetz	ASIC Guidelines	Given that under the ASIC guidelines a credit licence will not be issued if the licence holder has less than five years experience in the financial industry, if a currently registered business which was registered with ASIC in 2008 whose licence holder has only two years experience in the financial industry continue to operate? If so, please outline how? If not, why not, particularly if this company has a clear record of good business practice incorporating all legislative guidelines?	Written	02/02/2011	10/02/2011
SBT 10	ASIC	Abetz	ASIC Guidelines	Can companies that fall within the category of compliance in every other way except for the five year requirement under the new guidelines be assessed by ASIC on a case by case basis?	Written	15/12/2010	10/02/2011
SBT 11	ASIC	Abetz	ASIC Guidelines	Does ASIC consider any exception for companies with a compliant record to retain their credit licence? If so, how? If not, why not?	Written	02/03/2011	3/03/2011
SBT 12	APRA	Williams	Australian Banks	<i>Preamble – a highly credentialed medical professional , one of only 250 in Australia, wishes to purchase a specialised machine to treat melanoma. However, the professional has found it difficult to get finance because they are self-employed.</i> 1. Has the combination of the risk-weighted assets and negative gearing turned Australian banks into permanent building societies that only lend on residential real estate, as opposed to lending on proven cash flow such as that of a medical professional?	Written	15/12/2010	10/02/2011
SBT 13	APRA	Williams	APRA - Concentrating Risk	Mark Joiner, the Executive Director of Finance with NAB is quoted as saying “adoption of the Basel II accord in 2008 had doubled the industry’s average return on equity for a home loan from about 22 percent to a stunning 45 percent” 1. Why is it that Joseph Healey and Mark Joiner of the NAB have argued that APRA is in fact concentrating risk by creating a bias towards creating a PONZI scheme with the weighting given to residential housing that creates a bias? What is that assumption fundamentally based upon?	Written	15/12/2010	10/02/2011

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SBT 14	APRA	Williams	Credit Scoring	Is automated credit scoring destroying the quality of assets by denying credit where a person supposedly owes a trivial amount that is disputed with a phone company? Have the banks become slaves to automated credit scoring?	Written	10/12/2010	10/02/2011
SBT 15	APRA	Williams	Business Lending	Is APRA aware that bias has all but dried up business lending, business lending really meaning borrowing against real estate to use the loan proceeds in a business rather than lending against skill, acumen, and cash flow who are ranked as self-employed along with taxi drivers.	Written	16/02/2011	3/03/2011
SBT 16	Transferred to DAFF 02/11/2010	Xenophon	Foreign Investment Review Board	When will the Government respond to recommendations made by the Senate Select Committee on Agriculture in its report on Food production in Australia (tabled on 23 August 2010), especially the response to Recommendation 1 regarding foreign investment in agricultural land and water?	Written		
SBT 17	ASIC	Williams	Amendment to the Corporations Law	<p><i>As it currently stands, employees have priority over floating charge assets on an insolvency i.e. cash and loans, but it would appear that the new PPS laws and proposed amendments may result in it becoming standard practice for banks taking security to get a controlling security interest over <u>all</u> of a company's assets including floating charge assets, with the result that on an insolvency there are no assets at all in relation to which employees have any priority.</i></p> <p>1. What do the proposed amendments to the Corporations Law in relation to personal property securities (as a result of the PPS legislation) and the new laws for PPS mean for employees?</p>	Written	15/12/2010	10/02/2011
SBT 18	ASIC	Williams	Stuart Ariff	<ul style="list-style-type: none"> - Was Mr. Ariff's initial application for registration as a registered liquidator accepted/ If not, why not? - Who provided references for his subsequent successful application as an official liquidator? - How many complaints were received by ASIC about Stuart Ariff before action was taken? 	Written	20/10/2010	10/02/2011

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				<ul style="list-style-type: none"> - When was action initiated? - How many complaints were received by ASIC and before them the National Companies and Securities Commission and the Australian Securities Commission? 			
SBT 19	ASIC	Williams	Yazni Ariff	Was Yazni Ariff's record checked by ASIC at any time of their investigations (being Stuart Ariff's principal Manager at Carlovers)?	Written	20/12/2010	10/02/2011
SBT 20	ASIC	Williams	Gary Phillips	Has any action been taken against Mr Gary Phillips as part of the Ariff investigation?	Written	16/02/2011	3/03/2011
SBT 21	ASIC	Williams	LKM Capital	<p>Is ASIC aware that the directors of LKM Capital proposed and canvassed the appointment of PPB as Administrators with Sandhurst Trustees prior to the appointment of BRI Ferrir as Receivers and manager in July 2008?</p> <p>Would ASIC agree that this course of action might not only have preserved asset values but also have allowed for a less costly administration for the ultimate benefit of the secured creditors?</p>	Written	16/02/2011	3/03/2011
SBT 22	ASIC	Williams	Section 420A	Does Section 420A also bind liquidators when they are selling up properties?	Written	16/02/2011	3/03/2011
SBT 23	ASIC	Williams	Storm Financial	<p>As part of your investigation into Storm Financial did you access information from a computer hard drive belonging to Storm?</p> <p>Did any other party have access to this hard drive?</p> <p>Was this hard drive eventually returned to Storm?</p> <p>Was it returned by ASIC or by another party?</p> <p>If it was another party, which party was it?</p>	Written	10/12/2010	10/02/2011
SBT 24	ASIC	Williams	Phoenix	1. How active is ASIC in investigating complaints in Phoenix operations and, in particular, where insolvency practitioners	Written	16/02/2011	3/03/2011

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				<p>appear to be complicit in allowing Phoenix operations continue?</p> <ol style="list-style-type: none"> 2. Is there any transfer of information inside ASIC between any group dealing with Phoenix operations and the group monitoring and controlling insolvency practitioners? 3. In relation to a complaint raised about the firm of Ngan & Co of Sydney and their long-term relationship with one Andrew Yiasemides, what did ASIC decide about further investigations? 4. As it appears Yiasemides has now 'cascaded' liquidated businesses through four Phoenix-type re-births, using Ngan & Co and associated firms, what is ASIC's view on investigating the actions of the various insolvency practitioners? 			
SBT 25	ASIC	Williams	Liquidation Industry	<ol style="list-style-type: none"> 1. Does ASIC maintain a complaints register for complaints about liquidators? 2. Can ASIC state how many complaints have been received about liquidator Andrew Wily or his firm Armstrong Wily? 3. Can ASIC advise what action it has taken in relation to these complaints? 4. Why did ASIC appoint Andrew Wily as liquidator to BACF and related companies in 2005, when it had suspended him in 2003 for failing to perform properly and adequately his duties as a liquidator in relation to six companies? 5. Is ASIC aware, that despite there being more than \$6.5 million available for creditors, that the creditors in the BACF matter have received no dividend and all these the monies have been consumed in fees? 6. I met senior officials from ASIC in May this year to discuss certain complaints against Andrew Wily. Has any action been taken about these complaints? 	Written	20/10/2010	10/02/2011

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				7. Has ASIC taken any action about issues raised about Andrew Wily, in articles in <i>The Age</i> and <i>The Sydney Morning Herald</i> published in September 2010.			
SBT 26	ASIC	Williams	Storm Financial	How much has the investigation into the collapse of Storm Financial cost do far?	Written	10/12/2010	10/02/2011
SBT 27	ASIC	Williams	Storm Financial	How many staff have been involved full time on the investigation?	Written	10/12/2010	10/02/2011
SBT 28	Treasury (Fiscal Group)	Colbeck	Senate Economics' Committee's inquiry into the dairy industry	<ul style="list-style-type: none"> • Has the Department provided any advice to the Treasurer about the recommendations contained within the final report of the Senate Economics' Committee's inquiry into the dairy industry? If so, when? • Has the Department received or sought advice from industry groups regarding these recommendations? If so, which groups? 	Written	20/10/2010	10/02/2011
SBT 29	ABS	Colbeck	6291.0.55.001 ABS Publication	<ul style="list-style-type: none"> • The following questions relate to: 6291.0.55.001 - Labour Force, Australia, Detailed - Electronic Delivery, Sep 2010 - Labour force status by Regions and Sex • This publication provided information on the trends in employment across the three statistical regions of Tasmania. Included in this data was a suggestion there were 3700 jobs created in the Mersey-Lyell division over the past 12 months as well as 1300 jobs over the past month. • Can ABS provide information on how they devise these figures including: <ul style="list-style-type: none"> - Sample sizes for total, male and female data in each of the Tasmanian statistical divisions - When these samples are collected and by what method - Any other modelling or statistical techniques relevant to this data 	Written	10/12/2010	10/02/2011
SBT 30	ABS	Colbeck	Number of employees in Tasmania	<ul style="list-style-type: none"> • Can the ABS provide details on the number of employees it has in Tasmania? Please provide a breakdown by full-time, part-time and contract/casual. • Can ABS please provide these same figures for each of the past 5 years? • Can ABS please provide its expenditure for activities 	Written	10/12/2010	10/02/2011

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				undertaken in Tasmania for each of the past 5 years?			
SBT 31	ASIC	Colbeck	Managed Investment Schemes	<ul style="list-style-type: none"> What information has been sought from the Department of Agriculture, Fisheries & Forestry or ABARE-BRS on managed investment schemes in the past 12 months? When exactly? <p>Has ASIC received any unsolicited advice from these agencies on MISs?</p>	Written	02/03/2011	3/03/2011
SBT 32	ATO	Colbeck	Tax concession - Primary Producer	<ul style="list-style-type: none"> Did the ATO conduct any impact analysis on its decision to withdraw the tax concession allowing farmers to retain primary producer status in the event of a loss? Did the ATO conduct any consultation with any farm representative organisations prior to making this decision? Who? When? Did the ATO conduct any consultation with other government agencies prior to making this decision? Who? When? How many farms and how many family trusts made losses in 2009-2010? In how many of these cases did farmers retain their primary producer status? Has the ATO provided advice to Government or the Treasury about legislative 'fixes' to this issue? If so, when and to whom? 	Written	07/12/2010	10/02/2011
SBT 33	Treasury (Markets Group)	Colbeck	Review of the Trade Practices Act	<ul style="list-style-type: none"> In the Bega District News, the new parliamentary secretary for agriculture, fisheries and forestry the Hon Mike Kelly stated: "I also want to work with Bega Cheese and help our farmers become more productive and have greater bargaining power with the Trade Practices Act review." (http://www.begadistrictnews.com.au/news/local/news/general/new-role-for-disappointed-kelly/1944551.aspx?storypage=0) Is the Treasury or any of its agencies aware of any review by the Government of the Trade Practices Act? 	Written	10/12/2010	10/02/2011
SBT 34	ATO	Colbeck	Wine Equalisation Tax - Rebates	<ul style="list-style-type: none"> What value of wine imported from New Zealand has received the rebate on the wine equalisation tax over each of the past 5 	Written	07/12/2010	10/02/2011

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				<p>years?</p> <ul style="list-style-type: none"> How many NZ wine producers have received this rebate over each of the past 5 years? <p>What has been the highest rebate for each of the past 5 years?</p>			
SBT 35	Corporate Services Group	Bushby	Media Monitoring	<p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Treasurer's office in the 2009/10 financial year? Which agency or agencies provided these services?</p> <p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Department and its agencies in the 2009/10 financial year? Which agency or agencies provided these services?</p>	Written	10/12/2010	10/02/2011
SBT 36	Corporate Services Group	Bushby	Social Media	<p>Has the department instituted any policies or protocols that restrict or deny staff the use of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs? If yes, please explain what restrictions have been put in place. Why were these restrictions put in place?</p> <p>If not, why not?</p> <p>Are staff utilising these sites during work hours? If yes, how many hours are spent on these sites? What time are these sites most accessed?</p> <p>Will measures be introduced to restrict access to these sites?</p>	Written	10/12/2010	10/02/2011
SBT 37	Treasurer's Office	Bushby	Ministerial Submissions	<p>Did the Government, Treasurer or his office return any documents to the Department once the caretaker conventions began?</p> <p>Did these documents include Ministerial submissions, briefs or notes?</p> <p>How many unread, unsigned or undealt with Ministerial submissions, briefs or notes were sent back?</p> <p>What was the date of the earliest such document that was sent back from the Treasurer's office and the date of the last?</p> <p>Did the Treasurer or his office request prior to the calling of the election that no more submissions, briefs or notes be sent?</p>	Written	10/12/2010	10/02/2011

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SBT 38	Treasury (Executive)	Bushby	2010 Election	What type of work did your portfolio engage in during the campaign? Did you receive any requests for information from the Government, your portfolio Ministers or any other Ministers?	Written	10/12/2010	10/02/2011
SBT 39	Corporate Services Group	Bushby	Efficiency Dividend	Has your portfolio started implementing the Government's savings election commitment of a maintaining the annual efficiency dividend on departmental expenses at 1.25 per cent? If not, why not? If yes, give details. Will any agencies in your portfolio be seeking an exemption to implementing the efficiency dividend? How do you think you will implement it? Give examples of the types of cuts you will make. Will there be cuts to staff? If yes, give details.	Written	10/12/2010	10/02/2011
SBT 40	Corporate Services Group	Bushby	Staffing Levels	What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown? What are the current staffing levels for SES and non-SES officers? How many SES were employed in your Department and portfolio agencies on 10 May 2010? How many SES were employed in your Department and portfolio agencies as of today? What is the breakdown by each level (each SES band, each Executive Level band and each APS band)? What is the gender breakdown by each level (each SES band, each Executive Level band and each APS band)? What is the breakdown by location for each level (each SES band, each Executive Level band and each APS band)? What is the breakdown by each level of ongoing staff and non ongoing	Written	10/12/2010	10/02/2011

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				<p>staff (each SES band, each Executive Level band and each APS band)?</p> <p>What has been the general staffing trend in your department and portfolio agencies since the 2007 election (for example SES numbers and recruitment has increased by X per cent because of Y).</p> <p>What have been the changes in staffing levels since Budget Estimates 2010? Why have these changes occurred? What have been the Budgetary implications? In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions these staff performed have been sacrificed and why?</p> <p>Are there expected changes to current staffing levels over the next 12 months? If yes, provide details including a breakdown of each level staff (each SES band, each Executive Level band and each APS band) detailing the changes. Will this be different to what was reported in the 2010-11 Budget?</p> <p>Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this? Will staff reductions be used to achieve the Government's election commitment to maintain the 1.25 per cent efficiency dividend?</p> <p>Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? Are there such plans for the future?</p> <p>How many permanent staff recruited since Budget Estimates 2010? What level are these staff? Where is their location?</p> <p>Since Budget Estimates 2010, how many employees have been employed on contract and what is the average length of their employment period?</p> <p>Have staffing numbers been reduced as a result of the current efficiency dividend and/or other budget cuts since Budget Estimate s2010? If so, where and at what level?</p> <p>Are there any plans for staff reduction? If so, please advise details i.e. reduction target, how this will be achieved, services/programs to be cut</p>			

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				<p>etc.</p> <p>If your Department/agency has been identified in the 2010 election as delivering efficiencies (savings), how will these be delivered? (for example, savings commitments included reducing program funding, rationalising grants etc how will these impact the department and staffing) .</p> <p>What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged please explain including reasons, target numbers etc.</p>			
SBT 41	Corporate Services Group	Bushby	Electoral Reports	<p>Are there plans to publish a full suite of electoral reports on the Department's website? If not, why not? If so, when? What data will be included?</p> <p>Did the Department prepare electorate level reports for the Government Ministers for the 2010 election? What data is included in these reports? How often is this updated? Why is this material not publicly available? Please provide copy of latest reports.</p> <p>Has electoral specific data been used by the current Government in any grants scheme since November 2007?</p>	Written	16/02/2011	3/03/2011
SBT 42	Corporate Services Group	Bushby	Consultancies	<p>How much has the Department spent on consultancy services since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). How can the department justify this expenditure?</p> <p>How many consultancies have been undertaken or are underway since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). Please also include total value for all consultancies, including figures for total spending on consultancies and also value of contracts awarded? Provide total figures since Budget Estimates 2010 and a breakdown on these figures for FY 2008/09 and 2009/10 FYTD.</p> <p>Is the Department/agency up to date with its reporting requirements on the Government's tenders and contacts website? Are the figures available on that site correct?</p>	Written	17/12/2010	10/02/2011

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				<p>Has there been any changes in the consultancies are planned for this calendar year since Budget Estimates 2010? If yes, have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, projected cost and method of procurement as above, and the name of the consultant if known.</p> <p>Could the Department provide a complete list of current consultancy services? For each consultancy, please indicate the rationale for the project and its intended use. For each consultancy, please indicate why the Department or its agencies could not have undertaken the work themselves.</p>			
SBT 43	Corporate Services Group	Bushby	Contractors	<p>Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.</p> <p>Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.</p> <p>Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details.</p> <p>Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.</p> <p>Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.</p> <p>Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.</p> <p>Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.</p> <p>Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.</p> <p>Has the department/agency ever employed McKinsey & Company in</p>	Written	10/12/2010	10/02/2011

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				any capacity or is it considering employing McKinsey & Company? If yes, provide details.			
SBT 44	Corporate Services Group	Bushby	Advertising and Marketing	How much has the Department and portfolio agencies spent on advertising and marketing since Budget Estimates? Could the Department provide a complete list of current contracts. Please indicate the rationale for each service provided and its intended use. What communications programs has the Department and portfolio agencies undertaken since additional estimates and what communications programs are planned to be undertaken? For each program, what is the total spend?	Written	02/02/2011	10/02/2011
SBT 45	Corporate Services Group	Bushby	Discretionary Grants	Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants since Budget Estimates 2010? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants. Has the Department complied with interim requirements relating to the publication of discretionary grants?	Written	10/12/2010	10/02/2011
SBT 46	Treasury (Executive)	Bushby	Commissioned Reports	How many Reports have been commissioned by the Government in your portfolio since Budget Estimates 2010? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members. How much did each report cost? How many departmental staff were involved in each report and at what level? What is the current status of each report? When is the Government intending to respond to these reports?	Written	10/12/2010	10/02/2011
SBT 47	Corporate Services Group	Bushby	Hospitality Spend	What is the Department's hospitality spend since Budget Estimates 2010? Please detail date, location, purpose and cost of all events. For each Minister/Parl Sec's office, please detail total hospitality spend FYTD. Please detail date, location, purpose and cost of each event.	Written	20/10/2010	10/02/2011
SBT	Treasury	Bushby	FOI Requests	Has the Department/agency received any advice from the Government or	Written	10/12/2010	10/02/2011

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48	(Executive)			any other source on how to respond to FOI requests? How many FOI requests has the Department received? How many have been granted or denied? How many conclusive certificates have been issued in relation to FOI requests?			
SBT 49	Corporate Services Group	Bushby	Community Cabinet	What was the cost of Treasurer's travel and expenses for the Community Cabinet meetings held since Budget Estimates 2010? How many Ministerial Staff and Departmental officers travelled with the Treasurer for the Community Cabinet meeting? What was the total cost of this travel? What was the total cost to the Department and the Treasurer's office?	Written	10/12/2010	10/02/2011
SBT 50	Treasury (Fiscal Group)	Bushby	Cabinet and Sub-Cabinet Committee Meetings	How much time is spent preparing papers/submissions for Cabinet and Sub-Cabinet Committee meetings? How often must papers/submissions for Cabinet and Sub-Cabinet Committee Meetings be redrafted or relogged? Please provide example of why this would happen. (i.e. last minute policy changes or redate papers due to items not being discussed when initially scheduled).	Written	20/10/2010	10/02/2011
SBT 51	Corporate Services Group	Bushby	Reviews	What is the total number of Reviews both completed and ongoing in the portfolio/agency or affecting the portfolio agency since Budget Estimates 2010? Please provide a breakdown of reviews completed since Budget Estimates 2010 including: i. when those reviews were provided to Government, ii. estimated cost of producing each review (and total cost) and iii. if the Government has responded to the review or information about when the Government has indicated it will/will not respond to the review. How many reviews are ongoing? How many reviews have been completed since additional estimates? What further reviews are planned in the portfolio/agency? Will any of these reviews cease due to the 2010 Election?	Written	10/12/2010	10/02/2011
SBT		Bushby	Government	Has the department/agency paid its accounts to contractors/consultants	Written	10/12/2010	10/02/2011

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52			Payments of Accounts	<p>etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)</p> <p>For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year? Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>			
SBT 53		Bushby	Government Stationery Requirements	<p>What are the government (Treasurer's/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. special type of paper, envelopes)?</p> <p>What are the cost of these items? Is the Department/portfolio agencies paying for these?</p>	Written	20/10/2010	10/02/2011
SBT 54	Corporate Services Group	Bushby	Administrative Arrangements Orders	<p>Can you detail what changes have occurred in your portfolio as a result of the Administrative Arrangements Orders published on 14 September 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage or whether refurbishment or additional space will need to be leased to accommodate new staff. Alternatively, will agencies be left with empty office space due to loss of staff). Please provide details</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Were there any changes in your portfolio as a result of the Administrative Arrangements Orders published on 14 October 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage). Please provide details.</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each</p>	Written	10/12/2010	10/02/2011

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				Executive Level band and each APS band. Can you describe what, if any, Administrative Arrangements Orders occurred in your portfolio between November 2007 and July 2010? Please detail the costs associated with these.			
SBT 55	Corporate Services Group	Bushby	Media Subscriptions	Does your department or agencies within your portfolio subscribe to pay TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels. Does your department or agencies within your portfolio subscribe to newspapers? If yes, please provide the reason why, the cost and what newspapers. Does your department or agencies within your portfolio subscribe to magazines? If yes, please provide the reason why, the cost and what magazines.	Written	20/10/2010	10/02/2011
SBT 56	Corporate Services Group	Bushby	Travel Costs	The 2009-10 Mid Year Economic and Fiscal Outlook detailed a whole-of-government coordinated procurement arrangements for travel and related services. How has this applied to your department and portfolio agencies? Please explain the changes that have occurred to your department and portfolio agencies in relation to its travel and related services. Is purchasing of travel and related services less expensive under the new arrangements? Is purchasing of travel and related services more efficient under the new arrangements? Have savings been achieved in your portfolio because of the new arrangements? How much did your department and portfolio agencies spend on travel in 2008-09, 2009-10 and to date this financial year. How have staff within your department and portfolio agencies found the new arrangements? For example is it more efficient to arrange travel?	Written	10/12/2010	10/02/2011
SBT 57	Corporate Services Group	Bushby	Commonwealth Property Management Framework	The 2009-10 Mid Year Economic and Fiscal Outlook detailed the establishment of Commonwealth Property Management Framework. How has this applied to your department and portfolio agencies? Has the implementation of this Framework lead to savings in your	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				portfolio? Please provide details.			
SBT 58	Corporate Services Group	Bushby	Whole of Government Departmental Efficiencies	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies. How has this applied to your department and portfolio agencies? Can you provide details of how these efficiencies will be achieved? Please provide specific examples.</p> <p>Will the implementation of the Government's election commitment to maintain the 1.25 per cent efficiency dividend impact on your department or portfolio agencies ability to meet the efficiencies outlined in the 2009-10 Mid Year Economic and Fiscal Outlook?</p> <p>Have any voluntary or involuntary redundancies been offered to staff to meet the 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies in your portfolio? If so, please provide details? Are there such plans for the future?</p> <ul style="list-style-type: none"> • Are there any programs within your portfolio that are likely to exceed their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). • Are there any programs within your portfolio that are likely to under spend their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). 	Written	31/05/2011	
SBT 59	Treasury (Executive)	Bushby	Election Policies	<p>What election policies/promises has the Government asked the Department to take the lead role in implementing? In respect of each these, have you been requested to start work on implementation? When was the start of official communication on this? Has the Department started writing legislation to implement any of these policies and if so which ones? How much consultation has the Department done on the legislative changes? Has the Department commenced or completed costings on these</p>	Written	01/04/2011	

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				<p>policies? Can the department table the costings on these policies? If the policies have not yet been costed, when does the Dept expect to finish these costings? How many staff or FTE are employed in costing, drafting and implementing election policies?</p>			
SBT 60	Treasury (Revenue Group)	Bushby	AFTS Taxation of Superannuation Contributions & Earnings	<ul style="list-style-type: none"> In BET11, Table 1 answers the first part of this question. Can you provide a detailed explanation as to where these costs arise and how is it anticipated that they will manifest in the quantum to which that table alludes? <p>Can I also confirm, my reading of the information in tables 2 & 3 is that implementation of the AFTS proposals 18 & 19 will result in substantially higher national savings and superannuation assets than will an increase of the SGC to 12%, between now and 2029?</p> <p>Does this mean that there would be more saved in Australians superannuation accounts under the proposal of the AFTS, than under the 12% proposal?</p> <ul style="list-style-type: none"> At the last estimates, it was noted that the <i>savings offset</i>, that is the reduction in private contributions made to super due to the fact more is being put away under the SGC is of the order of 30% <p>How would savings offset compare between the AFTS proposal and the 12% proposal?</p> <p>And would the higher savings offset for people on higher incomes also be observed under the AFTS proposal?</p> <ul style="list-style-type: none"> Data sets reveal a fall in the total value of super funds caused in many cases by sagging levels of contributions – e.g. APRA data 	Written	02/02/2011	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>suggests that during the year ended 30 June 10 net superannuation contribution flows slipped by 4.7%</p> <p>Is this a reflection that many super investors have lost faith in stable and bi-partisan super policy and believe that government will spring surprises such as the savage reduction in contribution levels from 100k to 50k and 50k to 25k?</p> <p>Does the ATO think savers have looked to save their money in assets other than super and that in part, this is because the instability in super policy over the past 3 years means they are concerned about what might happen the next time the government needs revenue? Is this part of it?</p> <p>Does the ATO think the up to \$1m guarantee on bank deposits not available to superannuation funds played a role in the fall in super contributions?</p> <p>What about the instability caused by the rolling reviews – has this sent negative signals to investors?</p>			
SBT 61	Treasury (Revenue Group)	Bushby	Superannuation Concessional Contributions Tax	<ul style="list-style-type: none"> In BET 68, it was noted that no excess contributions tax assessments for 09-10 had been raised (in the context of super concessional contribution caps), that fund reporting would occur in October 2010 and that you were in June, in the process of raising assessments. We are now well into October. Have excess contribution assessments now been raised? To what extent will the commissioner's discretion be used to assist those inadvertently caught out? What circumstances would it be used? <p>What is the anticipated amount added to revenue out of the change to the concessional contribution caps?</p>	Written	24/05/2011	
SBT 62	Treasury (Macro)	Bushby	Currency Values	Are there risks that our current fiscal policy settings may put undue pressure on the exchange rate?	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
	Group)			What would be the outcomes for the Australian economy if we do not take pressure off the exchange rate? If the United Kingdom and the United States authorities continue to create vast amounts of new money, what will, or should in theory, happen to the value of those currencies?			
SBT 63	Treasury (Macro Group)	Bushby	Monetary Policy	Did the statement on the Conduct of Monetary Policy recently agreed to by the Australian Government and the Reserve Bank of Australia, outline any changes to the way in which monetary policy was conducted in regards to financial stability and /or asset price inflation? Does the Reserve Bank Monetary policy framework include targeting asset price inflation? Does the advice that Treasury prepares for RBA board meetings consider asset price inflation data? How confident can we be that monetary policy makers will get the settings right in regards to asset prices?	Written	10/12/2010	10/02/2011
SBT 64	ASIC	Bushby	Lateness of Answers to Questions on Notice	<ul style="list-style-type: none"> Why did your organisation fail to submit your answers to questions on notice before the due date, even though the due date was pushed back from 30 July till 20 August 2010? Who do you provide the answers to (direct to the committee, to Treasury or the Minister's office)? What date did you provide the answers to Treasury? Did any Senators invoke Standing Order 74(5) to request the answers? [if Senate has sat in that timeframe (30 days from due date)] – how often has this happened to your agency over the last decade? 	Written	02/02/2011	10/02/2011
SBT 65	ASIC	Bushby	Enforcement Special Account	<ul style="list-style-type: none"> Can you please provide the amounts actually expended from the Enforcement Special Account for each of the past 10 years, up to and including the most recent year available? Given ASIC's knowledge of cases you might be looking to take action on, does ASIC still maintain that you know of no reason to expect more than \$30m will be expended from the ESA in 2010-11? What is the current balance? 	Written	10/12/2010	10/02/2011

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SBT 66	ASIC	Bushby	National Credit Code	<ul style="list-style-type: none"> From 1 July, action may be taken against lenders by ASIC if they charge an early exit fee which is unconscionable under the National Credit Code, or is unfair according to the ASIC Act. Has ASIC used any of these new powers so far? 	Written	15/12/2010	10/02/2011
SBT 67	ASIC	Bushby	Consultation Paper related to Mortgage Exit Fee	<ul style="list-style-type: none"> I understand ASIC has a consultation paper related to mortgage exit fees. Does ASIC plan to apply the law to other types of fees? For example, do these new powers give ASIC any power over bank penalty fees, such as those relating to overdrawn accounts or bounced cheques? 	Written	02/03/2011	3/03/2011
SBT 68	ASIC	Bushby	Consultation Paper re 'Responsible Entities'	<ul style="list-style-type: none"> In late September ASIC released a consultation paper flagging changes to the financial requirements for 'responsible entities'. One of the proposals is to require REs to produce 12-month cash flow projections on demand. How many REs are there, and how many of these does ASIC realistically envisage requesting? 	Written	10/12/2010	10/02/2011
SBT 69	ASIC	Bushby	Cooper Review	<ul style="list-style-type: none"> It has been 13 months since ASIC provided preliminary guidance on superannuation forecasts on annual statements for consumers as proposed in Consultation Paper 122. What is the progress of developing superannuation forecasts under guidance in CP 122? 	Written		
SBT 70	ACCC	Bushby	Fuel Pricing	<ol style="list-style-type: none"> Can the ACCC outline the benefits to motorists that have been achieved since the petrol commissioner was established? Can the ACCC explain why there are weekly fluctuations in the retail fuel price of between 15 and 20 cents, on average? Why are average fuel prices in cities like Canberra and Hobart higher, on average, than Sydney, Melbourne and Brisbane? If the petrol market is competitive, then why hasn't the number of independent fuel retailers increased? What is the ACCC doing about fluctuations in wholesale fuel distribution costs, in particular the discrepancy between wholesale prices for different retail operators? 	Written	20/10/2010	10/02/2011
SBT	APRA	Bushby	Supervision of	<ul style="list-style-type: none"> How do APRA's proposals for supervision of conglomerates 	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
71			Conglomerates	<p>compare with other jurisdictions?</p> <ul style="list-style-type: none"> Does consideration (and implementation) of Basel III capital adequacy requirements affect the supervision of conglomerates initiative? <p>Has APRA consulted with ASIC on its conglomerate capital proposals? Is APRA aware of ASIC's proposals (ASIC Consultation Paper 140 Responsible Entities: Financial Requirements) for additional capital requirements on Responsible Entities of Managed Investment Schemes?</p> <ul style="list-style-type: none"> APRA's and ASIC's methodologies are different – why is APRA basing its methodology on a proportion of funds under management while ASIC is basing its on a proportion of total revenue? How will APRA's conglomerate capital proposals interact with the proposals in the Cooper review relating to increased capital requirements for all APRA regulated superannuation funds? <p>Do these proposals mean that superannuation funds which are part of conglomerate groups will be safer than those outside a conglomerate group (because the former's parent entity will be required to hold additional capital)?</p>			
SBT 72	PC	Bushby	Default Funds in Awards	<p>The government indicated during the election it will ask the PC to design a process for default award selection for the superannuation guarantee? Has the Productivity Commission been asked yet to address this process? What are some of the issues the Productivity Commission sees, if any, with the current arrangements for default funds? Does the Productivity Commission think that any one particular class of fund has been favoured over another in the allocation of default funds by</p>	Written	02/02/2011	10/02/2011

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				Fair Work Australia?			
SBT 73	PC	Bushby	Regional Infrastructure Fund	Does the Productivity Commission think the government's announced Regional Infrastructure Fund is a step in the right direction to improve Australia's productivity? Has the Productivity Commission been consulted by the government yet about how this fund might be best allocated?	Written	10/12/2010	10/02/2011
SBT 74	ATO	Bushby	Lateness of Answers to Questions on Notice	<ul style="list-style-type: none"> • Why did your organisation fail to submit your answers to questions on notice before the due date, even though the due date was pushed back from 30 July till 20 August 2010? • Who do you provide the answers to (direct to the committee, to Treasury or the Minister's office)? • What date did you provide the answers to Treasury? • When do you anticipate providing the rest of the answers (if some overdue still)? • Did any Senators invoke Standing Order 74(5) to request the answers? [if Senate has sat in that timeframe (30 days from due date)] – how often has this happened to your agency over the last decade? • What consequences could apply to taxpayers who fail to meet ATO timelines in terms of meeting information demands and payment schedules? Should such timeliness not also apply to the ATO itself? 	Written	07/12/2010	10/02/2011
SBT 75	ATO	Bushby	Coercive Powers	<ul style="list-style-type: none"> • What are the ATO's coercive powers? How often has each power been used in the past five years? • How many departure prohibition notice orders does the ATO currently have in force? Is it the case that if a court declares a departure prohibition order invalid the ATO can immediately issue a further DPO effectively over-riding the Court? Has this ever occurred? What are the procedures? • Third, when exercising these powers what is the ATO position re suggesting that those under coercion seek the advice of an appropriate adviser so that their rights are respected? • Does the ATO ever try to discourage a taxpayer in its dealings 	Written	10/12/2010	10/02/2011

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				<p>with the ATO from using lawyers?</p> <ul style="list-style-type: none"> • If you had heard of such an instance would that concern you and what would you do? • In the UK the HM Revenue and Customs HMRC has a policy on its web site as follows: This Code of Practice explains how the Fraud and Avoidance section of the Specialist Investigations directorate of HM Revenue & Customs (HMRC) carry out investigations. It applies to all investigations where the Civil Investigation of Fraud procedures (Code of Practice 9) are not used. Other sections of Specialist Investigations may also act under this Code from time to time. The Code promises that we will treat you fairly and courteously in accordance with the law and includes 'Our service commitment to you' (inside back cover). • Does the ATO have an equivalent statement on its web site or does it send written advice with these messages to taxpayers under scrutiny? 			
SBT 76	ATO	Bushby	ATO Oversight	<ul style="list-style-type: none"> • Earlier this year the ATO agreed with the Commonwealth Ombudsman to institute a new system for greater checks and balances for ATO use of their 'wallet access power' – power to enter premises without a bench warrant. How many decisions have been made under this system? Will data on this new policy be posted annually on the ATO web site? • What agreement has been reached with the Federal Privacy Commissioner to ensure that the recommending person is outside the business line of the decision maker when sensitive tax payer information is passed to other agencies such as police forces or government agencies? • What data does ATO currently have on the transfer of this sensitive data to agencies outside ATO? Could you provide data as follows for the last three years: <ul style="list-style-type: none"> • Number of data transfers in total for each year; and • Number of transfers and to which agency (please identify each 	Written	07/12/2010	10/02/2011

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				agency by name)?			
SBT 77	ATO	Bushby	ATO Delays	<ul style="list-style-type: none"> • What does the ATO regard as a reasonable time in which to reimburse taxpayers who have overpaid their tax? What is regarded as too slow? • How much is paid in compensation to taxpayers when the ATO is late making a refund? Is it the GIC charge? 	Written	07/12/2010	10/02/2011
SBT 78	ATO	Bushby	Tax Ruling - Primary Production Trusts	<ul style="list-style-type: none"> • The Commissioner's ruling on averaging income in a primary-production loss-making trust provided relief to farmers to legal problems surrounding the application of the trust tax rules. The withdrawal of this ruling (95/29) has created uncertainty for many farmers who are beneficiaries under such trusts. Does the Commissioner support legislative amendments to rectify this situation? • When did this decision formally occur, why was it made, what discussion took place about it? • How many farm businesses continue to use trust arrangements to manage their businesses? • Does the withdrawal of this ruling have the potential to cost some rural producers more in taxation? 	Written	07/12/2010	10/02/2011
SBT 79	ATO	Bushby	Tax Ruling - Unpaid Present Entitlements	<ul style="list-style-type: none"> • The Commissioner's ruling on Unpaid Present Entitlements (TR 2010/3) has caused significant controversy due to its significant shift from earlier ATO views. Taxpayers have structures in place that now fall foul of the Commissioner's ruling and will face significant costs to restructure and increased costs. • Is the Commissioner aware of the impact such an unexpected application of his views has caused? • Did the Commissioner consult with Treasury on the intended scope of operation of Division 7A prior to the issue of the Commissioner's draft ruling on unpaid present entitlements in late 2009? • Why did the government decide to change the way this tax law is applied, resulting in an increased tax burden on small business? 	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<ul style="list-style-type: none"> Has any modelling been done to determine how much extra tax revenue this will extract from small business over the budget cycle? 			
SBT 80	ATO	Bushby	Personal Services Income	<ul style="list-style-type: none"> In relation to the Board of Taxation's review of the Personal Services Income rules, how was review advertised, and what role did ATO and the Treasury play in the review? The Government has used some very strong language following the Board's findings. Both Minister Sherry and Minister Shorten have used the phrase "sham contractors" – do you feel that there is a significant amount of sham contracting going on? How much? What is the evidence? What analysis was undertaken during the consultation process in regards to compliance? What was the sample size of independent contractors' tax returns used? What percentage of non-compliance was used to constitute statistical significance? 	Written	07/12/2010	10/02/2011
SBT 81	ATO	Bushby	Excess Contributions Tax	<ul style="list-style-type: none"> How many Australians have incurred excess contributions tax last financial year? And in each of the two preceding financial years? Does the Commissioner agree that many of these transgressions are inadvertent, because of the reduction of the superannuation caps? In how many of these cases has the Commissioner exercised discretion and waived the tax? 	Written	07/12/2010	10/02/2011
SBT 82	ATO	Bushby	Employee Share Schemes	<ul style="list-style-type: none"> How have the changes made last year to taxation of employee share schemes affected revenue from such schemes? (I am referring to the shift from division 13a to division 83a in the tax act). Do you know whether the changes have affected use or availability of employee share schemes in Australia? Have they affected options and shares differently? 	Written	07/12/2010	10/02/2011

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SBT 83	Tax Practitioners Board	Bushby	Financial Planners	<ul style="list-style-type: none"> How does the Tax Practitioners Board propose to regulate the provision of tax advice by financial planners if they are brought into the new Tax Agents Services Regime? Does the Taxation Practitioner's Board (TPB) have the resources to register and regulate over 16,000 financial planners? If not, how does it plan to regulate all these new 'tax agents'? Does the Taxation Practitioner's Board have sufficient expertise in financial planning to regulate financial planners? Will there be a special sub-committee within the TPB with the expertise to conduct regulation of financial planners? 	Written	01/06/2011	
SBT 84	ATO	Bushby	Private Equity Rulings	Do the Commissioner's draft private equity determinations contradict the government's stated policy to encourage foreign investment in Australia?	Written	07/12/2010	10/02/2011
SBT 85	CSG To be answered by Finance	Abetz	Advertising Campaign		F&PA 125		
SBT 88	ATO	Bushby	Media Monitoring	<p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Minister's office in the 2009/10 financial year? Which agency or agencies provided these services?</p> <p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Department and its agencies in the 2009/10 financial year? Which agency or agencies provided these services?</p>	Written	07/12/2010	10/02/2011
SBT 89	ATO	Bushby	Social Media	<p>Has the department instituted any policies or protocols that restrict or deny staff the use of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs? If yes, please explain what restrictions have been put in place. Why were these restrictions put in place?</p> <p>If no, Why not?</p> <p>Are staff utilising these sites during work hours? If yes, how many</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				hours are spent on these sites? What time are these sites most accessed Will measures be introduced to restrict access to these sites?			
SBT 90	ATO	Bushby	Ministerial Submissions	Did the Government, Minister or his office return any documents to the Department once the caretaker conventions began? Did these documents include Ministerial submissions, briefs or notes? How many unread, unsigned or undealt with Ministerial submissions, briefs or notes were sent back? What was the date of the earliest such document that was sent back from the Minister's office and the date of the last? Did the Minister or his office request prior to the calling of the election that no more submissions, briefs or notes be sent?	Written	07/12/2010	10/02/2011
SBT 91	ATO	Bushby	Election Commitments	Were any of the government's election promises in your portfolio costed before the election was called by the department or Treasury or Finance? If so, which ones? Provide details of what work was done. Had your department or any agency in your portfolio provided information on any of the government's election promises in your portfolio to the Government before the election was called? Was any work done on formulating any of the Government's election commitments? If so, which ones? Provide details of what work was done. What is the status of each election commitment from the 2007 election within the portfolio? Which 2007 election commitments are experiencing slippages? Why? Where relevant, what are the revised implementation dates? What are the implications of this slippage? Are there any 2007 election commitments that will not be implemented? If yes, please provide details. Were departmental resources provided to implement these commitments? How much? What will happen to the funding now? What is the status of each election commitment from the 2010 election within the portfolio? Please provide a list. Has implementation of the 2010 election commitments within the portfolio commenced? If yes, provide details. If no, why not? Will additional departmental resources be required to implement 2010	Written	07/12/2010	10/02/2011

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				election commitments within your portfolio? If yes, provide details. If no, why not? If unable to provide an answer please explain why. How will the election commitments in your portfolio be offset? Will your portfolio be required to offset the new spending in your portfolio?			
SBT 92	ATO	Bushby	2010 Election	What type of work did your portfolio engage in during the campaign? Did you receive any requests for information from the Government, your portfolio Ministers or any other Ministers?	Written	07/12/2010	10/02/2011
SBT 93	ATO	Bushby	Efficiency Dividend	Has your portfolio started implementing the Government's savings election commitment of a maintaining the annual efficiency dividend on departmental expenses at 1.25 per cent? If not, why not? If yes, give details. Will any agencies in your portfolio be seeking an exemption to implementing the efficiency dividend? How do you think you will implement it? Give examples of the types of cuts you will make (i.e. no more pot plants in departmental buildings). Will there be cuts to staff? If yes, give details.	Written	07/12/2010	10/02/2011
SBT 94	ATO	Bushby	Staffing Levels	What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown? What are the current staffing levels for SES and non-SES officers? How many SES were employed in your Department and portfolio agencies on 10 May 2010? How many SES were employed in your Department and portfolio agencies as of today? What is the breakdown by each level (each SES band, each Executive Level band and each APS band)? What is the gender breakdown by each level (each SES band, each Executive Level band and each APS band)?	Written	07/12/2010	10/02/2011

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				<p>What is the breakdown by location for each level (each SES band, each Executive Level band and each APS band)?</p> <p>What is the breakdown by each level of ongoing staff and non ongoing staff (each SES band, each Executive Level band and each APS band)?</p> <p>What has been the general staffing trend in your department and portfolio agencies since the 2007 election (for example SES numbers and recruitment has increased by X per cent because of Y).</p> <p>What have been the changes in staffing levels since Budget Estimates 2010? Why have these changes occurred? What have been the Budgetary implications? In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions these staff performed have been sacrificed and why?</p> <p>Are there expected changes to current staffing levels over the next 12 months? If yes, provide details including a breakdown of each level staff (each SES band, each Executive Level band and each APS band) detailing the changes. Will this be different to what was reported in the 2010-11 Budget?</p> <p>Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this? Will staff reductions be used to achieve the Government's election commitment to maintain the 1.25 per cent efficiency dividend?</p> <p>Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? Are there such plans for the future?</p> <p>How many permanent staff recruited since Budget Estimates 2010? What level are these staff? Where is their location?</p> <p>Since Budget Estimates 2010, how many employees have been employed on contract and what is the average length of their</p>			

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				<p>employment period?</p> <p>Have staffing numbers been reduced as a result of the current efficiency dividend and/or other budget cuts since Budget Estimate s2010? If so, where and at what level?</p> <p>Are there any plans for staff reduction? If so, please advise details i.e. reduction target, how this will be achieved, services/programs to be cut etc.</p> <p>If your Department/agency has been identified in the 2010 election as delivering efficiencies (savings), how will these be delivered? (for example, savings commitments included reducing program funding, rationalising grants etc how will these impact the department and staffing) .</p> <p>What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged please explain including reasons, target numbers etc.</p>			
SBT 95	ATO	Bushby	Electoral Reports	<p>Are there plans to publish a full suite of electoral reports on the Department's website? If not, why not? If so, when? What data will be included?</p> <p>Did the Department prepare electorate level reports for the Government Ministers for the 2010 election? What data is included in these reports? How often is this updated? Why is this material not publicly available? Please provide copy of latest reports.</p> <p>Has electoral specific data been used by the current Government in any grants scheme since November 2007?</p>	Written	07/12/2010	10/02/2011
SBT 96	ATO	Bushby	Consultancies	<p>How much has the Department spent on consultancy services since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). How can the department justify this expenditure?</p> <p>How many consultancies have been undertaken or are underway since</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). Please also include total value for all consultancies, including figures for total spending on consultancies and also value of contracts awarded? Provide total figures since Budget Estimates 2010 and a breakdown on these figures for FY 2008/09 and 2009/10 FYTD.</p> <p>Is the Department/agency up to date with its reporting requirements on the Government's tenders and contacts website? Are the figures available on that site correct?</p> <p>Has there been any changes in the consultancies are planned for this calendar year since Budget Estimates 2010? If yes, have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, projected cost and method of procurement as above, and the name of the consultant if known.</p> <p>Could the Department provide a complete list of current consultancy services. For each consultancy, please indicate the rationale for the project and its intended use. For each consultancy, please indicate why the Department or its agencies could not have undertaken the work themselves.</p>			
SBT 97	ATO	Bushby	Contractors	<p>Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.</p> <p>Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.</p> <p>Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details.</p> <p>Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.</p> <p>Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.</p> <p>Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.</p> <p>Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.</p> <p>Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.</p>			
SBT 98	ATO	Bushby	Advertising and Marketing	<p>How much has the Department and portfolio agencies spent on advertising and marketing since Budget Estimates?</p> <p>Could the Department provide a complete list of current contracts. Please indicate the rationale for each service provided and its intended use.</p> <p>What communications programs has the Department and portfolio agencies undertaken since additional estimates and what communications programs are planned to be undertaken? For each program, what is the total spend?</p>	Written	07/12/2010	10/02/2011
SBT 99	ATO	Bushby	Discretionary Grants	<p>Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants since Budget Estimates 2010? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants.</p> <p>Has the Department complied with interim requirements relating to the publication of discretionary grants?</p>	Written	07/12/2010	10/02/2011
SBT 100	ATO	Bushby	Commissioned Reports	<p>How many Reports have been commissioned by the Government in your portfolio since Budget Estimates 2010? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.</p> <p>How much did each report cost? How many departmental staff were involved in each report and at what level?</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				What is the current status of each report? When is the Government intending to respond to these reports?			
SBT 101	ATO	Bushby	Hospitality Spend	What is the Department's hospitality spend since Budget Estimates 2010? Please detail date, location, purpose and cost of all events. For each Minister/Parl Sec's office, please detail total hospitality spend FYTD. Please detail date, location, purpose and cost of each event.	Written	07/12/2010	10/02/2011
SBT 102	ATO	Bushby	FOI Requests	Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests? How many FOI requests has the Department received? How many have been granted or denied? How many conclusive certificates have been issued in relation to FOI requests?	Written	07/12/2010	10/02/2011
SBT 103	ATO	Bushby	Community Cabinet	What was the cost of Minister's travel and expenses for the Community Cabinet meetings held since Budget Estimates 2010? How many Ministerial Staff and Departmental officers travelled with the Minister for the Community Cabinet meeting? What was the total cost of this travel? What was the total cost to the Department and the Minister's office?	Written	07/12/2010	10/02/2011
SBT 104	ATO	Bushby	Cabinet and Sub-Cabinet Committee Meetings	How much time is spent preparing papers/submissions for Cabinet and Sub-Cabinet Committee meetings? How often must papers/submissions for Cabinet and Sub-Cabinet Committee Meetings be redrafted or relodged? Please provide example of why this would happen. (i.e. last minute policy changes or redate papers due to items not being discussed when initially scheduled).	Written	07/12/2010	10/02/2011
SBT 105	ATO	Bushby	Reviews	What is the total number of Reviews both completed and ongoing in the portfolio/agency or affecting the portfolio agency since Budget Estimates 2010? Please provide a breakdown of reviews completed since Budget Estimates 2010 including: i. when those reviews were provided to Government,	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>ii. estimated cost of producing each review (and total cost) and</p> <p>iii. if the Government has responded to the review or information about when the Government has indicated it will/will not respond to the review.</p> <p>How many reviews are ongoing?</p> <p>How many reviews have been completed since additional estimates?</p> <p>What further reviews are planned in the portfolio/agency?</p> <p>Will any of these reviews cease due to the 2010 Election?</p>			
SBT 106	ATO	Bushby	Government Payments of Accounts	<p>Has the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)</p> <p>For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?</p> <p>Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>	Written	07/12/2010	10/02/2011
SBT 107	ATO	Bushby	Government Stationery Requirements	<p>What are the government (Ministers/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. special type of paper, envelopes)?</p> <p>What are the cost of these items? Is the Department/portfolio agencies paying for these?</p>	Written	07/12/2010	10/02/2011
SBT 108	ATO	Bushby	Administrative Arrangements Orders	<p>Can you detail what changes have occurred in your portfolio as a result of the Administrative Arrangements Orders published on 14 September 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage or whether refurbishment or additional space will need to be leased to accommodate new staff. Alternatively, will agencies be left with empty office</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>space due to loss of staff). Please provide details</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Were there any changes in your portfolio as a result of the Administrative Arrangements Orders published on 14 October 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage). Please provide details.</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Can you describe what, if any, Administrative Arrangements Orders occurred in your portfolio between November 2007 and July 2010? Please detail the costs associated with these.</p>			
SBT 109	ATO	Bushby	Media Subscriptions	<p>Does your department or agencies within your portfolio subscribe to pay TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels.</p> <p>Does your department or agencies within your portfolio subscribe to newspapers? If yes, please provide the reason why, the cost and what newspapers.</p> <p>Does your department or agencies within your portfolio subscribe to magazines? If yes, please provide the reason why, the cost and what magazines.</p>	Written	07/12/2010	10/02/2011
SBT 110	ATO	Bushby	Travel Costs	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed a whole-of-government coordinated procurement arrangements for travel and related services. How has this applied to your department and portfolio agencies? Please explain the changes that have occurred to your department and portfolio agencies in relation to its travel and related services.</p> <p>Is purchasing of travel and related services less expensive under the new arrangements?</p> <p>Is purchasing of travel and related services more efficient under the new</p>	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>arrangements? Have savings been achieved in your portfolio because of the new arrangements? How much did your department and portfolio agencies spend on travel in 2008-09, 2009-10 and to date this financial year. How have staff within your department and portfolio agencies found the new arrangements? For example is it more efficient to arrange travel?</p>			
SBT 111	ATO	Bushby	Commonwealth Property Management Framework	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed the establishment of Commonwealth Property Management Framework. How has this applied to your department and portfolio agencies? Has the implementation of this Framework lead to savings in your portfolio? Please provide details.</p>	Written	07/12/2010	10/02/2011
SBT 112	ATO	Bushby	Whole of Government Departmental Efficiencies	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies. How has this applied to your department and portfolio agencies? Can you provide details of how these efficiencies will be achieved? Please provide specific examples.</p> <p>Will the implementation of the Government's election commitment to maintain the 1.25 per cent efficiency dividend impact on your department or portfolio agencies ability to meet the efficiencies outlined in the 2009-10 Mid Year Economic and Fiscal Outlook?</p> <p>Have any voluntary or involuntary redundancies been offered to staff to meet the 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies in your portfolio? If so, please provide details? Are there such plans for the future?</p> <ul style="list-style-type: none"> • Are there any programs within your portfolio that are likely to exceed their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). • Are there any programs within your portfolio that are likely to under spend their current budget. If yes, please provide details (for example a demand driven program that has had higher than 	Written	07/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				anticipated take up).			
SBT 113	ACCC	Bushby	Media Monitoring	<p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Minister's office in the 2009/10 financial year? Which agency or agencies provided these services?</p> <p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Department and its agencies in the 2009/10 financial year? Which agency or agencies provided these services?</p>	Written	15/12/2010	10/02/2011
SBT 114	ACCC	Bushby	Social Media	<p>Has the department instituted any policies or protocols that restrict or deny staff the use of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs? If yes, please explain what restrictions have been put in place. Why were these restrictions put in place?</p> <p>If no, Why not?</p> <p>Are staff utilising these sites during work hours? If yes, how many hours are spent on these sites? What time are these sites most accessed</p> <p>Will measures be introduced to restrict access to these sites?</p>	Written	15/12/2010	10/02/2011
SBT 115	ACCC	Bushby	Ministerial Submissions	<p>Did the Government, Minister or his office return any documents to the Department once the caretaker conventions began?</p> <p>Did these documents include Ministerial submissions, briefs or notes?</p> <p>How many unread, unsigned or undealt with Ministerial submissions, briefs or notes were sent back?</p> <p>What was the date of the earliest such document that was sent back from the Minister's office and the date of the last?</p> <p>Did the Minister or his office request prior to the calling of the election that no more submissions, briefs or notes be sent?</p>	Written	15/12/2010	10/02/2011
SBT 116	ACCC	Bushby	Election Commitments	<p>Were any of the government's election promises in your portfolio costed before the election was called by the department or Treasury or Finance?</p> <p>If so, which ones? Provide details of what work was done.</p> <p>Had your department or any agency in your portfolio provided information on any of the government's election promises in your</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>portfolio to the Government before the election was called? Was any work done on formulating any of the Government's election commitments? If so, which ones? Provide details of what work was done.</p> <p>What is the status of each election commitment from the 2007 election within the portfolio?</p> <p>Which 2007 election commitments are experiencing slippages? Why? Where relevant, what are the revised implementation dates? What are the implications of this slippage?</p> <p>Are there any 2007 election commitments that will not be implemented? If yes, please provide details. Were departmental resources provided to implement these commitments? How much? What will happen to the funding now?</p> <p>What is the status of each election commitment from the 2010 election within the portfolio? Please provide a list.</p> <p>Has implementation of the 2010 election commitments within the portfolio commenced? If yes, provide details. If no, why not?</p> <p>Will additional departmental resources be required to implement 2010 election commitments within your portfolio? If yes, provide details. If no, why not? If unable to provide an answer please explain why.</p> <p>How will the election commitments in your portfolio be offset? Will your portfolio be required to offset the new spending in your portfolio?</p>			
SBT 117	ACCC	Bushby	2010 Election	<p>What type of work did your portfolio engage in during the campaign?</p> <p>Did you receive any requests for information from the Government, your portfolio Ministers or any other Ministers?</p>	Written	15/12/2010	10/02/2011
SBT 118	ACCC	Bushby	Efficiency Dividend	<p>Has your portfolio started implementing the Government's savings election commitment of a maintaining the annual efficiency dividend on departmental expenses at 1.25 per cent? If not, why not? If yes, give details.</p> <p>Will any agencies in your portfolio be seeking an exemption to implementing the efficiency dividend?</p> <p>How do you think you will implement it? Give examples of the types of cuts you will make (i.e. no more pot plants in departmental buildings).</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				Will there be cuts to staff? If yes, give details.			
SBT 119	ACCC	Bushby	Staffing Levels	<p>What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown?</p> <p>What are the current staffing levels for SES and non-SES officers?</p> <p>How many SES were employed in your Department and portfolio agencies on 10 May 2010?</p> <p>How many SES were employed in your Department and portfolio agencies as of today?</p> <p>What is the breakdown by each level (each SES band, each Executive Level band and each APS band)?</p> <p>What is the gender breakdown by each level (each SES band, each Executive Level band and each APS band)?</p> <p>What is the breakdown by location for each level (each SES band, each Executive Level band and each APS band)?</p> <p>What is the breakdown by each level of ongoing staff and non ongoing staff (each SES band, each Executive Level band and each APS band)?</p> <p>What has been the general staffing trend in your department and portfolio agencies since the 2007 election (for example SES numbers and recruitment has increased by X per cent because of Y).</p> <p>What have been the changes in staffing levels since Budget Estimates 2010? Why have these changes occurred? What have been the Budgetary implications? In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions these staff performed have been sacrificed and why?</p> <p>Are there expected changes to current staffing levels over the next 12</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>months? If yes, provide details including a breakdown of each level staff (each SES band, each Executive Level band and each APS band) detailing the changes. Will this be different to what was reported in the 2010-11 Budget?</p> <p>Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this? Will staff reductions be used to achieve the Government's election commitment to maintain the 1.25 per cent efficiency dividend?</p> <p>Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? Are there such plans for the future?</p> <p>How many permanent staff recruited since Budget Estimates 2010? What level are these staff? Where is their location?</p> <p>Since Budget Estimates 2010, how many employees have been employed on contract and what is the average length of their employment period?</p> <p>Have staffing numbers been reduced as a result of the current efficiency dividend and/or other budget cuts since Budget Estimate s2010? If so, where and at what level?</p> <p>Are there any plans for staff reduction? If so, please advise details i.e. reduction target, how this will be achieved, services/programs to be cut etc.</p> <p>If your Department/agency has been identified in the 2010 election as delivering efficiencies (savings), how will these be delivered? (for example, savings commitments included reducing program funding, rationalising grants etc how will these impact the department and staffing) .</p> <p>What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged</p>			

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				please explain including reasons, target numbers etc.			
SBT 120	ACCC	Bushby	Electoral Reports	<p>Are there plans to publish a full suite of electoral reports on the Department's website? If not, why not? If so, when? What data will be included?</p> <p>Did the Department prepare electorate level reports for the Government Ministers for the 2010 election? What data is included in these reports? How often is this updated? Why is this material not publicly available? Please provide copy of latest reports.</p> <p>Has electoral specific data been used by the current Government in any grants scheme since November 2007?</p>	Written	15/12/2010	10/02/2011
SBT 121	ACCC	Bushby	Consultancies	<p>How much has the Department spent on consultancy services since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). How can the department justify this expenditure?</p> <p>How many consultancies have been undertaken or are underway since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). Please also include total value for all consultancies, including figures for total spending on consultancies and also value of contracts awarded? Provide total figures since Budget Estimates 2010 and a breakdown on these figures for FY 2008/09 and 2009/10 FYTD.</p> <p>Is the Department/agency up to date with its reporting requirements on the Government's tenders and contacts website? Are the figures available on that site correct?</p> <p>Has there been any changes in the consultancies are planned for this calendar year since Budget Estimates 2010? If yes, have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, projected cost and method of procurement as above, and the name of the consultant if known.</p> <p>Could the Department provide a complete list of current consultancy services. For each consultancy, please indicate the rationale for the</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				project and its intended use. For each consultancy, please indicate why the Department or its agencies could not have undertaken the work themselves.			
SBT 122	ACCC	Bushby	Contractors	<p>Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.</p> <p>Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.</p> <p>Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details.</p> <p>Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.</p> <p>Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.</p> <p>Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.</p> <p>Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.</p> <p>Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.</p> <p>Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.</p>	Written	15/12/2010	10/02/2011
SBT 123	ACCC	Bushby	Advertising and Marketing	<p>How much has the Department and portfolio agencies spent on advertising and marketing since Budget Estimates?</p> <p>Could the Department provide a complete list of current contracts.</p> <p>Please indicate the rationale for each service provided and its intended use.</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				What communications programs has the Department and portfolio agencies undertaken since additional estimates and what communications programs are planned to be undertaken? For each program, what is the total spend?			
SBT 124	ACCC	Bushby	Discretionary Grants	Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants since Budget Estimates 2010? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants. Has the Department complied with interim requirements relating to the publication of discretionary grants?	Written	15/12/2010	10/02/2011
SBT 125	ACCC	Bushby	Commissioned Reports	How many Reports have been commissioned by the Government in your portfolio since Budget Estimates 2010? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members. How much did each report cost? How many departmental staff were involved in each report and at what level? What is the current status of each report? When is the Government intending to respond to these reports?	Written	15/12/2010	10/02/2011
SBT 126	ACCC	Bushby	Hospitality Spend	What is the Department's hospitality spend since Budget Estimates 2010? Please detail date, location, purpose and cost of all events. For each Minister/Parl Sec's office, please detail total hospitality spend FYTD. Please detail date, location, purpose and cost of each event.	Written	15/12/2010	10/02/2011
SBT 127	ACCC	Bushby	FOI Requests	Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests? How many FOI requests has the Department received? How many have been granted or denied? How many conclusive certificates have been issued in relation to FOI requests?	Written	15/12/2010	10/02/2011
SBT 128	ACCC	Bushby	Community Cabinet	What was the cost of Minister's travel and expenses for the Community Cabinet meetings held since Budget Estimates 2010?	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				How many Ministerial Staff and Departmental officers travelled with the Minister for the Community Cabinet meeting? What was the total cost of this travel? What was the total cost to the Department and the Minister's office?			
SBT 129	ACCC	Bushby	Cabinet and Sub-Cabinet Committee Meetings	How much time is spent preparing papers/submissions for Cabinet and Sub-Cabinet Committee meetings? How often must papers/submissions for Cabinet and Sub-Cabinet Committee Meetings be redrafted or relogged? Please provide example of why this would happen. (i.e. last minute policy changes or redate papers due to items not being discussed when initially scheduled).	Written	15/12/2010	10/02/2011
SBT 130	ACCC	Bushby	Reviews	What is the total number of Reviews both completed and ongoing in the portfolio/agency or affecting the portfolio agency since Budget Estimates 2010? Please provide a breakdown of reviews completed since Budget Estimates 2010 including: i. when those reviews were provided to Government, ii. estimated cost of producing each review (and total cost) and iii. if the Government has responded to the review or information about when the Government has indicated it will/will not respond to the review. How many reviews are ongoing? How many reviews have been completed since additional estimates? What further reviews are planned in the portfolio/agency? Will any of these reviews cease due to the 2010 Election?	Written	15/12/2010	10/02/2011
SBT 131	ACCC	Bushby	Government Payments of Accounts	Has the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.) For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>agency for the current financial year and the previous financial year?</p> <p>Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>			
SBT 132	ACCC	Bushby	Government Stationery Requirements	<p>What are the government (Ministers/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. special type of paper, envelopes)?</p> <p>What are the cost of these items? Is the Department/portfolio agencies paying for these?</p>	Written	15/12/2010	10/02/2011
SBT 133	ACCC	Bushby	Administrative Arrangements Orders	<p>Can you detail what changes have occurred in your portfolio as a result of the Administrative Arrangements Orders published on 14 September 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage or whether refurbishment or additional space will need to be leased to accommodate new staff. Alternatively, will agencies be left with empty office space due to loss of staff). Please provide details</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Were there any changes in your portfolio as a result of the Administrative Arrangements Orders published on 14 October 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage). Please provide details.</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Can you describe what, if any, Administrative Arrangements Orders occurred in your portfolio between November 2007 and July 2010? Please detail the costs associated with these.</p>	Written	15/12/2010	10/02/2011
SBT	ACCC	Bushby	Media Subscriptions	Does your department or agencies within your portfolio subscribe to pay	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
134				<p>TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels.</p> <p>Does your department or agencies within your portfolio subscribe to newspapers? If yes, please provide the reason why, the cost and what newspapers.</p> <p>Does your department or agencies within your portfolio subscribe to magazines? If yes, please provide the reason why, the cost and what magazines.</p>			
SBT 135	ACCC	Bushby	Travel Costs	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed a whole-of-government coordinated procurement arrangements for travel and related services. How has this applied to your department and portfolio agencies? Please explain the changes that have occurred to your department and portfolio agencies in relation to its travel and related services.</p> <p>Is purchasing of travel and related services less expensive under the new arrangements?</p> <p>Is purchasing of travel and related services more efficient under the new arrangements?</p> <p>Have savings been achieved in your portfolio because of the new arrangements?</p> <p>How much did your department and portfolio agencies spend on travel in 2008-09, 2009-10 and to date this financial year.</p> <p>How have staff within your department and portfolio agencies found the new arrangements? For example is it more efficient to arrange travel?</p>	Written	15/12/2010	10/02/2011
SBT 136	ACCC	Bushby	Commonwealth Property Management Framework	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed the establishment of Commonwealth Property Management Framework. How has this applied to your department and portfolio agencies?</p> <p>Has the implementation of this Framework lead to savings in your portfolio? Please provide details.</p>	Written	15/12/2010	10/02/2011
SBT 137	ACCC	Bushby	Whole of Government Departmental Efficiencies	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies. How has this applied to your department and portfolio agencies?</p> <p>Can you provide details of how these efficiencies will be achieved?</p>	Written	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Please provide specific examples.</p> <p>Will the implementation of the Government's election commitment to maintain the 1.25 per cent efficiency dividend impact on your department or portfolio agencies ability to meet the efficiencies outlined in the 2009-10 Mid Year Economic and Fiscal Outlook?</p> <p>Have any voluntary or involuntary redundancies been offered to staff to meet the 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies in your portfolio? If so, please provide details? Are there such plans for the future?</p> <ul style="list-style-type: none"> • Are there any programs within your portfolio that are likely to exceed their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). • Are there any programs within your portfolio that are likely to under spend their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). 			
SBT 138	ASIC	Bushby	Media Monitoring	<p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Minister's office in the 2009/10 financial year? Which agency or agencies provided these services?</p> <p>What was the total cost of media monitoring services, including press clippings, electronic media transcripts etcetera, provided to the Department and its agencies in the 2009/10 financial year? Which agency or agencies provided these services?</p>	Written	10/12/2010	10/02/2011
SBT 139	ASIC	Bushby	Social Media	<p>Has the department instituted any policies or protocols that restrict or deny staff the use of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs? If yes, please explain what restrictions have been put in place. Why were these restrictions put in place?</p> <p>If no, Why not?</p> <p>Are staff utilising these sites during work hours? If yes, how many</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				hours are spent on these sites? What time are these sites most accessed Will measures be introduced to restrict access to these sites?			
SBT 140	ASIC	Bushby	Ministerial Submissions	Did the Government, Minister or his office return any documents to the Department once the caretaker conventions began? Did these documents include Ministerial submissions, briefs or notes? How many unread, unsigned or undealt with Ministerial submissions, briefs or notes were sent back? What was the date of the earliest such document that was sent back from the Minister's office and the date of the last? Did the Minister or his office request prior to the calling of the election that no more submissions, briefs or notes be sent?	Written	10/12/2010	10/02/2011
SBT 141	ASIC	Bushby	Election Commitments	Were any of the government's election promises in your portfolio costed before the election was called by the department or Treasury or Finance? If so, which ones? Provide details of what work was done. Had your department or any agency in your portfolio provided information on any of the government's election promises in your portfolio to the Government before the election was called? Was any work done on formulating any of the Government's election commitments? If so, which ones? Provide details of what work was done. What is the status of each election commitment from the 2007 election within the portfolio? Which 2007 election commitments are experiencing slippages? Why? Where relevant, what are the revised implementation dates? What are the implications of this slippage? Are there any 2007 election commitments that will not be implemented? If yes, please provide details. Were departmental resources provided to implement these commitments? How much? What will happen to the funding now? What is the status of each election commitment from the 2010 election within the portfolio? Please provide a list. Has implementation of the 2010 election commitments within the portfolio commenced? If yes, provide details. If no, why not? Will additional departmental resources be required to implement 2010	Written	19/08/2011	

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				election commitments within your portfolio? If yes, provide details. If no, why not? If unable to provide an answer please explain why. How will the election commitments in your portfolio be offset? Will your portfolio be required to offset the new spending in your portfolio?			
SBT 142	ASIC	Bushby	2010 Election	What type of work did your portfolio engage in during the campaign? Did you receive any requests for information from the Government, your portfolio Ministers or any other Ministers?	Written	20/10/2010	10/02/2011
SBT 143	ASIC	Bushby	Efficiency Dividend	Has your portfolio started implementing the Government's savings election commitment of a maintaining the annual efficiency dividend on departmental expenses at 1.25 per cent? If not, why not? If yes, give details. Will any agencies in your portfolio be seeking an exemption to implementing the efficiency dividend? How do you think you will implement it? Give examples of the types of cuts you will make (i.e. no more pot plants in departmental buildings). Will there be cuts to staff? If yes, give details.	Written	10/12/2010	10/02/2011
SBT 144	ASIC	Bushby	Staffing Levels	What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown? What are the current staffing levels for SES and non-SES officers? How many SES were employed in your Department and portfolio agencies on 10 May 2010? How many SES were employed in your Department and portfolio agencies as of today? What is the breakdown by each level (each SES band, each Executive Level band and each APS band)? What is the gender breakdown by each level (each SES band, each Executive Level band and each APS band)?	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>What is the breakdown by location for each level (each SES band, each Executive Level band and each APS band)?</p> <p>What is the breakdown by each level of ongoing staff and non ongoing staff (each SES band, each Executive Level band and each APS band)?</p> <p>What has been the general staffing trend in your department and portfolio agencies since the 2007 election (for example SES numbers and recruitment has increased by X per cent because of Y).</p> <p>What have been the changes in staffing levels since Budget Estimates 2010? Why have these changes occurred? What have been the Budgetary implications? In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions these staff performed have been sacrificed and why?</p> <p>Are there expected changes to current staffing levels over the next 12 months? If yes, provide details including a breakdown of each level staff (each SES band, each Executive Level band and each APS band) detailing the changes. Will this be different to what was reported in the 2010-11 Budget?</p> <p>Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this? Will staff reductions be used to achieve the Government's election commitment to maintain the 1.25 per cent efficiency dividend?</p> <p>Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? Are there such plans for the future?</p> <p>How many permanent staff recruited since Budget Estimates 2010? What level are these staff? Where is their location?</p> <p>Since Budget Estimates 2010, how many employees have been employed on contract and what is the average length of their</p>			

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>employment period?</p> <p>Have staffing numbers been reduced as a result of the current efficiency dividend and/or other budget cuts since Budget Estimate s2010? If so, where and at what level?</p> <p>Are there any plans for staff reduction? If so, please advise details i.e. reduction target, how this will be achieved, services/programs to be cut etc.</p> <p>If your Department/agency has been identified in the 2010 election as delivering efficiencies (savings), how will these be delivered? (for example, savings commitments included reducing program funding, rationalising grants etc how will these impact the department and staffing) .</p> <p>What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged please explain including reasons, target numbers etc.</p>			
SBT 145	ASIC	Bushby	Electoral Reports	<p>Are there plans to publish a full suite of electoral reports on the Department's website? If not, why not? If so, when? What data will be included?</p> <p>Did the Department prepare electorate level reports for the Government Ministers for the 2010 election? What data is included in these reports? How often is this updated? Why is this material not publicly available? Please provide copy of latest reports.</p> <p>Has electoral specific data been used by the current Government in any grants scheme since November 2007?</p>	Written	10/12/2010	10/02/2011
SBT 146	ASIC	Bushby	Consultancies	<p>How much has the Department spent on consultancy services since Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc).</p> <p>How can the department justify this expenditure?</p> <p>How many consultancies have been undertaken or are underway since</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Budget Estimates 2010? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (i.e. open tender, direct source, etc). Please also include total value for all consultancies, including figures for total spending on consultancies and also value of contracts awarded? Provide total figures since Budget Estimates 2010 and a breakdown on these figures for FY 2008/09 and 2009/10 FYTD.</p> <p>Is the Department/agency up to date with its reporting requirements on the Government's tenders and contacts website? Are the figures available on that site correct?</p> <p>Has there been any changes in the consultancies are planned for this calendar year since Budget Estimates 2010? If yes, have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, projected cost and method of procurement as above, and the name of the consultant if known.</p> <p>Could the Department provide a complete list of current consultancy services. For each consultancy, please indicate the rationale for the project and its intended use. For each consultancy, please indicate why the Department or its agencies could not have undertaken the work themselves.</p>			
SBT 147	ASIC	Bushby	Contractors	<p>Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.</p> <p>Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.</p> <p>Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details.</p> <p>Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.</p> <p>Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.</p> <p>Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.</p> <p>Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.</p> <p>Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.</p>			
SBT 148	ASIC	Bushby	Advertising and Marketing	<p>How much has the Department and portfolio agencies spent on advertising and marketing since Budget Estimates?</p> <p>Could the Department provide a complete list of current contracts. Please indicate the rationale for each service provided and its intended use.</p> <p>What communications programs has the Department and portfolio agencies undertaken since additional estimates and what communications programs are planned to be undertaken? For each program, what is the total spend?</p>	Written	10/12/2010	10/02/2011
SBT 149	ASIC	Bushby	Discretionary Grants	<p>Could the Department provide a list of all discretionary grants, including ad hoc and one-off grants since Budget Estimates 2010? Please provide details of the recipients, the intended use of the grants and what locations have benefited from the grants.</p> <p>Has the Department complied with interim requirements relating to the publication of discretionary grants?</p>	Written	10/12/2010	10/02/2011
SBT 150	ASIC	Bushby	Commissioned Reports	<p>How many Reports have been commissioned by the Government in your portfolio since Budget Estimates 2010? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.</p> <p>How much did each report cost? How many departmental staff were involved in each report and at what level?</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				What is the current status of each report? When is the Government intending to respond to these reports?			
SBT 151	ASIC	Bushby	Hospitality Spend	What is the Department's hospitality spend since Budget Estimates 2010? Please detail date, location, purpose and cost of all events. For each Minister/Parl Sec's office, please detail total hospitality spend FYTD. Please detail date, location, purpose and cost of each event.	Written	10/12/2010	10/02/2011
SBT 152	ASIC	Bushby	FOI Requests	Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests? How many FOI requests has the Department received? How many have been granted or denied? How many conclusive certificates have been issued in relation to FOI requests?	Written	10/12/2010	10/02/2011
SBT 153	ASIC	Bushby	Community Cabinet	What was the cost of Minister's travel and expenses for the Community Cabinet meetings held since Budget Estimates 2010? How many Ministerial Staff and Departmental officers travelled with the Minister for the Community Cabinet meeting? What was the total cost of this travel? What was the total cost to the Department and the Minister's office?	Written	10/12/2010	10/02/2011
SBT 154	ASIC	Bushby	Cabinet and Sub-Cabinet Committee Meetings	How much time is spent preparing papers/submissions for Cabinet and Sub-Cabinet Committee meetings? How often must papers/submissions for Cabinet and Sub-Cabinet Committee Meetings be redrafted or relodged? Please provide example of why this would happen. (i.e. last minute policy changes or redate papers due to items not being discussed when initially scheduled).	Written	15/12/2010	10/02/2011
SBT 155	ASIC	Bushby	Reviews	What is the total number of Reviews both completed and ongoing in the portfolio/agency or affecting the portfolio agency since Budget Estimates 2010? Please provide a breakdown of reviews completed since Budget Estimates 2010 including: i. when those reviews were provided to Government,	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>ii. estimated cost of producing each review (and total cost) and</p> <p>iii. if the Government has responded to the review or information about when the Government has indicated it will/will not respond to the review.</p> <p>How many reviews are ongoing?</p> <p>How many reviews have been completed since additional estimates?</p> <p>What further reviews are planned in the portfolio/agency?</p> <p>Will any of these reviews cease due to the 2010 Election?</p>			
SBT 156	ASIC	Bushby	Government Payments of Accounts	<p>Has the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)</p> <p>For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?</p> <p>Where interest is being paid, what rate of interest is being paid and how is this rate determined?</p>	Written	10/12/2010	10/02/2011
SBT 157	ASIC	Bushby	Government Stationery Requirements	<p>What are the government (Ministers/Parliamentary Secretaries) stationery requirements in your portfolio (i.e. special type of paper, envelopes)?</p> <p>What are the cost of these items? Is the Department/portfolio agencies paying for these?</p>	Written	10/12/2010	10/02/2011
SBT 158	ASIC	Bushby	Administrative Arrangements Orders	<p>Can you detail what changes have occurred in your portfolio as a result of the Administrative Arrangements Orders published on 14 September 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage or whether refurbishment or additional space will need to be leased to accommodate new staff. Alternatively, will agencies be left with empty office</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>space due to loss of staff). Please provide details</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Were there any changes in your portfolio as a result of the Administrative Arrangements Orders published on 14 October 2010.</p> <p>Were there any costs associated with these changes (for example changes to departmental signage). Please provide details.</p> <p>Were there any staff changes as a result (staff transferring to or from your agency)? If yes, please detail what the staff changes were, including a breakdown of changes to each SES band, each Executive Level band and each APS band.</p> <p>Can you describe what, if any, Administrative Arrangements Orders occurred in your portfolio between November 2007 and July 2010? Please detail the costs associated with these.</p>			
SBT 159	ASIC	Bushby	Media Subscriptions	<p>Does your department or agencies within your portfolio subscribe to pay TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels.</p> <p>Does your department or agencies within your portfolio subscribe to newspapers? If yes, please provide the reason why, the cost and what newspapers.</p> <p>Does your department or agencies within your portfolio subscribe to magazines? If yes, please provide the reason why, the cost and what magazines.</p>	Written	10/12/2010	10/02/2011
SBT 160	ASIC	Bushby	Travel Costs	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed a whole-of-government coordinated procurement arrangements for travel and related services. How has this applied to your department and portfolio agencies? Please explain the changes that have occurred to your department and portfolio agencies in relation to its travel and related services.</p> <p>Is purchasing of travel and related services less expensive under the new arrangements?</p> <p>Is purchasing of travel and related services more efficient under the new</p>	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>arrangements? Have savings been achieved in your portfolio because of the new arrangements? How much did your department and portfolio agencies spend on travel in 2008-09, 2009-10 and to date this financial year. How have staff within your department and portfolio agencies found the new arrangements? For example is it more efficient to arrange travel?</p>			
SBT 161	ASIC	Bushby	Commonwealth Property Management Framework	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed the establishment of Commonwealth Property Management Framework. How has this applied to your department and portfolio agencies? Has the implementation of this Framework lead to savings in your portfolio? Please provide details.</p>	Written	10/12/2010	10/02/2011
SBT 162	ASIC	Bushby	Whole of Government Departmental Efficiencies	<p>The 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies. How has this applied to your department and portfolio agencies? Can you provide details of how these efficiencies will be achieved? Please provide specific examples.</p> <p>Will the implementation of the Government's election commitment to maintain the 1.25 per cent efficiency dividend impact on your department or portfolio agencies ability to meet the efficiencies outlined in the 2009-10 Mid Year Economic and Fiscal Outlook?</p> <p>Have any voluntary or involuntary redundancies been offered to staff to meet the 2009-10 Mid Year Economic and Fiscal Outlook detailed whole-of-government departmental efficiencies in your portfolio? If so, please provide details? Are there such plans for the future?</p> <ul style="list-style-type: none"> • Are there any programs within your portfolio that are likely to exceed their current budget. If yes, please provide details (for example a demand driven program that has had higher than anticipated take up). • Are there any programs within your portfolio that are likely to under spend their current budget. If yes, please provide details (for example a demand driven program that has had higher than 	Written	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				anticipated take up).			
SBT 163	Treasury (Markets Group)	Payne	Housing Supply and Affordability Reform Work Party	<p>1. Has the department received the findings of the Working Party regarding:</p> <ul style="list-style-type: none"> a. the potential to reform land aggregation, zoning and planning processes and governance; b. nationally consistent principles for housing development infrastructure charges; c. the merits of measures to ensure greater consistency across jurisdictions, including local governments planning approval processes, in the application of building regulations? <p>2. Have the findings of the Housing Supply and Affordability Reform Working Party been made public? If not, are there any plans to do so?</p> <p>3. Has the department acted on the findings of the report?</p>	Written	20/10/2010	10/02/2011
SBT 164	Corporate Services Group	Bushby	Date (APRA) QoNs were Received by Minister's Office	<p>Senator Sherry—Senator, As Dr Laker has indicated it, and I know APRA have a good record of providing answers, perhaps I should take on notice the date in which they were received in the minister's office. That would indicate where any hold-up occurred. Secondly, as I have said in a previous estimates, I do not believe it is satisfactory that answers to questions on notice have been late. However, I would point out there was an election and some weeks before there was government formed, so that—</p> <p>Senator BUSHBY—I understand that. There was advice from the Clerk of the Senate, though, that an election intervening should not impact on the obligation of departments to comply. The date it was extended to was 20 August, which was before the election. Originally it was 30 July.</p> <p>Senator Sherry—Well it should not impact, but I would certainly contend that, given there was an election and an unusually lengthy period before there was a government formed, that would have been a</p>	E110 20/10/2010	03/03/2011	

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				factor. Beyond that, as I said at the previous estimates, I do not believe it is satisfactory but I will take on notice to check the date in which they arrived in the appropriate Treasury minister's office. I am assuming APRA and Dr Laker, as in the past, passed them on by the due time. You can then identify where the hold-up occurred.			
SBT 165	APRA	Cameron	Hedge Funds	<p>Senator CAMERON—I am asking, in relation to your response to me that you look at exposure to hedge funds 'on a case-by-case basis': how many hedge funds have you looked at?</p> <p>Mr Jones—I cannot say how many we have looked at. We look at them within the context of each particular fund.</p> <p>Senator CAMERON—Can you take that on notice?</p> <p>Mr Jones—We can do that.</p> <p>Senator CAMERON—I am sure you must be able to tell me if APRA has had a look at hedge funds—</p> <p>Mr Jones—I am not sure, but we will take it on notice.</p>	E118 20/10/2010	10/12/2010	10/02/2011
SBT 166	Treasury (Markets Group)	Ludlam	List of cases before the OECD national contact point	<p>Senator LUDLAM—What can you put on the public record in terms of the cases that are with you? I have read a little bit about one of them in the press. What is in the public domain about the cases you are actually dealing with?</p> <p>Mr Di Giorgio—According to my brief, in June 2005 the contact point received a submission from several Australian overseas non-government organisations in relation to a UK-controlled multinational.</p> <p>Senator LUDLAM—Which one is that?</p> <p>Mr Di Giorgio—That is Global Solutions Ltd.</p> <p>Senator LUDLAM—And that has been pending since 2005?</p> <p>Mr Di Giorgio—No. There was a resolution of some of the key concerns in April 2006, as I understand it.</p> <p>In 2006 the contact point also received a submission from the Australian Conservation Foundation and other Australian and overseas non-government organisations with some allegations around forestry business in PNG.</p> <p>Senator LUDLAM—Which one? Just name names as you go, if you are at liberty to do so. Or, if you like, if there is a list, rather than taking up the committee's time, do you want to just table a list?</p>	E121 20/10/2010	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Mr Di Giorgio—I can table a list if you like, Senator.</p> <p>Senator LUDLAM—I would appreciate that. What I am mainly interested in is which cases are still alive. Is that the list that you were reading to me? Are they still pending?</p> <p>Mr Di Giorgio—As I understand it all of these cases have been resolved. But I will have to check that and, as I said earlier, there are two fresh cases that have been received.</p> <p>Senator LUDLAM—Thank you. If we can get that list from you, that will give us the semi-recent work history of the NCP. What can you tell us about the two cases that are live at the moment?</p> <p>Mr Di Giorgio—I do not believe I am in a position to say anything about them, because they are not yet public.</p> <p>Senator LUDLAM—Some of it is in the newspapers at the moment.</p> <p>Mr Di Giorgio—Having said that, I do not have the details with me. So, again, I can provide some basic information about those to the extent that they are public.</p> <p>Senator LUDLAM—Okay. Is it a concern to you that it is in the press that the trade union movement has brought one case to the NCP only in the last couple of weeks? Presumably it is not a secret to say that you have brought a matter to the NCP—or is it a bit like the ABCC, where you cannot tell anybody in case you disappear after dark if you have been contacted by it?</p> <p>Mr Di Giorgio—I had not thought of that, but I guess I am respecting the privacy of the people involved.</p> <p>Senator LUDLAM—All right. I will not dwell here. If you are uncomfortable, until you have been able to check what you can put into the public domain I will just ask you to provide us, as soon as you can, with anything you are able to about those two live cases.</p> <p>Mr Di Giorgio—Certainly.</p>			
SBT 167	Treasury (Markets Group)	Ludlam	OECD guidelines for multinational enterprises	<p>Senator LUDLAM—Thank you. So you have two cases ongoing. Mr Colmer has attended a couple of meetings. This might be germane to the meetings that Mr Colmer has attended: what is the Australian government's position on calls to strengthen the text of the guidelines for the current review of the OECD Guidelines for Multinational Enterprises? There are obviously calls from several society groups and</p>	E121 20/10/2010	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>some governments to strengthen the guidelines in regard to human rights; free, prior and informed consent; due diligence; supply chains; transparency; and disclosure, among other matters. Has the Australian government got a formal position, have we put a draft text, or is there any documentary position that you can provide for us that we are taking into these negotiations?</p> <p>Mr Di Giorgio—I do not believe that the government yet has a formal position on changing the text.</p> <p>Senator LUDLAM—When will we be developing one, and will you be seeking guidance or input from Australian NGOs, for example?</p> <p>Mr Di Giorgio—I will have to take that on notice.</p> <p>Senator LUDLAM—That would be great. It would be good to know what your program of work is in relation to that review and whether there is any intention to engage with Australian civil society or indeed the industry.</p>			
SBT 168	Treasury (Markets Group)	Ludlam	Promotion of the OECD national contact point overseas	<p>Senator LUDLAM—Okay. This next one is an issue that I raised last time—and you do not have the transcript in front of you; that is fine. It is the fact that we do not appear to promote the existence of the national contact point in areas where Australian multinational companies might be operating. If you are in Malawi, for example, and a company has turned up and just spoiled your backyard—and that is probably a little bit of an aggressive example to pick—what are Australian companies operating abroad or the Australian government doing to notify host communities that there even is a national contact point, a phone number and some resources available?</p> <p>Mr Di Giorgio—I know that the Australian national contact point is referred to in the annual report.</p> <p>Senator LUDLAM—In what?</p> <p>Mr Di Giorgio—In the annual report of the Foreign Investment Review Board.</p> <p>Senator LUDLAM—Are we handing out copies of the annual report to host communities?</p> <p>Mr Di Giorgio—I do not believe so.</p> <p>Senator LUDLAM—No. So what are we doing to promote the existence of the NCP anywhere where its existence might be relevant,</p>	E122 20/10/2010	10/12/2010	10/02/2011

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				<p>such as to host communities where Australian companies are operating?</p> <p>Mr Di Giorgio—To the best of my knowledge, there is no active promotion.</p> <p>Senator LUDLAM—Is that something that we could change? Would it seem sensible to advertise the existence of this office, since we are resourcing it?</p> <p>Mr Di Giorgio—That would be an issue for the government to consider.</p> <p>Senator LUDLAM—Okay. Minister, can I park that one with you?</p> <p>Senator Sherry—I take your point, Senator. I will take it on notice. I am sure one of the Treasury officers can raise it with the Assistant Treasurer or maybe the Treasurer. We will come back with a response on notice to you.</p> <p>Senator LUDLAM—I know I have been raising it with a sense of irony; it is actually quite a serious issue.</p> <p>Senator Sherry—I agree.</p> <p>Senator LUDLAM—A condition of membership of the OECD was that we establish this office. We did. It has been around for a long while and is meant to help resource local communities if they are impacted on by Australian companies operating overseas. The office, to my knowledge, is not actually an office. I am not sure that it is staffed. It does not appear to have a direct phone number, and we do not advertise or promote its existence, in any way, to anyone who might care.</p> <p>Senator Sherry—I take your point, but an office can be an office in title—as distinct from an office physically.</p> <p>Senator LUDLAM—That is what we seem to have, yes.</p> <p>Senator Sherry—That, I think, is the context in which it is used. But I take your point. I will take it on notice and ask one of the officers to discuss with the Assistant Treasurer or Treasurer what is appropriate, to ensure there is broader knowledge so that the office, if need be, can be put to use.</p> <p>Senator LUDLAM—As we have just traversed, it is not necessarily an adversarial forum to which you would take a fight, but if a company is going into a host community and advertising its presence, and consulting on a proposed development, one of the things that they might inform communities of is that this office exists, and for a very good reason.</p> <p>Senator Sherry—Your point is taken. I will take it on notice and see</p>			

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				what can be progressed.			
SBT 169	Treasury (Markets Group)	Ludlam	Strengthening the Australian NCP	<p>Senator LUDLAM—There have been some calls, since the last time we spoke, about strengthening the institutional arrangements and independence of the Australian NCP. Is there a view within government—either within the department or with the minister—that this would be appropriate? I guess what I am asking is: are we happy with the situation as it is?</p> <p>Mr Di Giorgio—I think it is fair to say that our thinking on the position is that there is a process in the OECD at the moment around that. We are part of that process in considering how that may evolve. But it is not a settled position as such and so it is something that we would have to consider and brief and seek the opinion of government on.</p> <p>Senator LUDLAM—When does that review conclude? What can you tell us about the timing of that?</p> <p>Mr Di Giorgio—I would have to check and give you the facts on that. I know there are meetings happening this year and there is another one occurring, I believe, in December.</p> <p>Senator LUDLAM—I guess I have asked you to take away a bundle of homework, so if you can just add that to the list, to give some idea of what process there is and when it is expected to conclude. In that case, the last point that I would make is whether there should, perhaps, be some additional resources and perhaps even staff.</p>	E123 20/10/2010	10/12/2010	
SBT 170	Treasury (Markets Group)	Xenophon	Foreign Investment in water in the MDB	<p>Senator XENOPHON—The minister quite properly pointed out that you might be able to find out some information, but if there is this lack of information in terms of who has got what and which entities have got what, how on earth can you give reasonable, considered advice to government?</p> <p>Mr Murphy—I think you are looking at it through the prism of foreign investment. There are other areas of government which would have data on the ownership of water rights, and so if there are concerns with the foreign investment, one of the jobs of foreign enforcement division is to consult with the other areas, arms of government, to garner that information.</p> <p>Senator XENOPHON—But you do not do that as a matter of course,</p>	E126 20/10/2010	10/12/2010	10/02/2011

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				<p>though, do you?</p> <p>Mr Murphy—Well, yes. If there was an investment proposal in a certain industry where we felt we needed information from another department that had expertise on that industry, yes, we would gather information from them.</p> <p>Senator XENOPHON—But hang on. If it is under the radar, if they are \$50 million or \$60 million transactions—</p> <p>Mr Murphy—Yes, they can be. But I am talking about if there is public unrest and if it was brought to our general notice that there were concerns about the sale of water rights. We have got to put this in context. We are an open government welcoming foreign investment. So if there is a matter of concern we can garner some information on that.</p> <p>Senator XENOPHON—I am not sure. Perhaps you want to take this on notice.</p>			
SBT 171	DAFF To be covered by DAFF in response to Q16	Xenophon	Government response to foreign investment – recommendations of the Select Committee on Agriculture	<p>Senator Sherry— Senator, you pose the hypothetical of, frankly, a none too subtle creeping acquisition. You deliberately break it up into blocks of below \$230 million. You are correct that it does not have to go to the Foreign Investment Review Board, but that does not mean that in the, I would suggest, public debate perhaps controversy around that approach would not come to the attention of government, and it does not mean that an approach such as that, where a none too subtle accumulation of a substantial asset by perhaps a contrived approach to drop the acquisition below the \$231 million cut off point, would not come to the attention of government and that the government would ignore that. It does not mean that.</p> <p>Senator XENOPHON— But right now there is no policy, Minister, that would prevent that. Even \$50 million of water rights in a particular community in the basin would be very significant.</p> <p>Senator Sherry— We have determined the threshold. In most sectors there are exceptions. The state owned enterprises is a good example, and there are other sectors where there are limits by legislation. That is the policy position, but it does not mean that that sort of activity would go unnoticed and that there would not be a reaction to it.</p> <p>Senator XENOPHON— Minister, there is a hell of a difference between \$231 million and five hectares.</p>	E126-127 20/10/2010		

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				<p>Senator Sherry— I am aware that the Senate committee on agriculture make recommendations on this. The government is considering those recommendations at the present time.</p> <p>Senator XENOPHON— Can you indicate when the government is likely to respond to those recommendations?</p> <p>Senator Sherry— I cannot, Senator. I have to take that on notice.</p>			
SBT 172	Treasury (Markets Group)	Cameron	Australia's participation in bilateral/multilateral trade agreements	<p>Senator CAMERON—This is for the Foreign Investment and Trade Policy Division. I am happy for this to be taken on notice. It is in relation to our participation in bilateral and multilateral trade agreements. Could you advise on the increase or decrease of GDP for each bilateral trade agreement that we have entered into? Could you advise on the effect on Australia's trade balance for bilateral trade agreements that we have entered into? Could you advise on the availability of empirical as opposed to theoretical evidence on the benefits of the free trade agreements that have been entered into by various Australian governments? Could you advise on the efficacy of the assumptions underpinning the econometric modelling—the CGE model—used by governments to promote the various bilateral agreements? Could you advise on the outcomes of these free trade agreements compared to what the modelling proposed the benefit was under these various trade agreements? Is that clear?</p> <p>Mr Murphy—Yes. There is a string of questions there. I do not know whether we would have that information.</p> <p>Senator CAMERON—I am happy to put it on notice.</p>	E127 20/10/2010	10/12/2010	10/02/2011
SBT 173	Treasury (Markets Group)	Cameron	Australia's participation in bilateral/multilateral trade agreements	<p>Mr Murphy—I would say that there is a major inquiry into the benefits of free trade agreements that is being conducted by the Productivity Commission. They have put out a draft report that has a wealth of information. A lot of that information I would expect to come out in the Productivity Commission's final report on free trade agreements, which is scheduled for the end of this year. A lot of your questions go to the issue of the debate as to whether we should be doing bilateral free trade agreements or sitting back and waiting for a multilateral agreement within Doha.</p> <p>Senator CAMERON—My question is not one of principle or political arguments about it; my question is about what the economic outcomes</p>	E127-128 20/10/2010	10/12/2010	10/02/2011

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				<p>are. The trade policy division should be able to advise me, surely.</p> <p>Mr Murphy—We will endeavour to give you that information, but you are waiting for a period of time to elapse after the free trade agreement is signed to be able to garner some of that information.</p> <p>Senator CAMERON—How long does that take?</p> <p>Mr Murphy—We would have to say—</p> <p>Senator CAMERON—How long is a piece of string?</p> <p>Mr Murphy—No. I am saying possibly you could look at the influence of the free trade agreement with the US as one that by now would be able to give you some discernable data as to what impact it has. Of course, I think it is going to be very difficult to isolate the impact of a free trade agreement from the normal trade arrangements. What is the counterfactual if you did not have it?</p> <p>Senator CAMERON—The modelling does that. It tells us that this is what the benefit is.</p> <p>Mr Murphy—We will do our best for you, Senator.</p> <p>Senator CAMERON—I am happy for you to take that on notice as well. I am asking whether the statement you have made then means that the modelling that we are advised provides all the benefits under these so-called free trade agreements is wrong?</p> <p>Mr Murphy—No. It is the best modelling we can come up with and it is modelling. It is not what actually happens.</p> <p>Senator CAMERON—I would like to know what the modelling said and what real life says.</p> <p>Mr Murphy—Okay. We will do our best.</p>			
SBT 174	Treasury (Markets Group)	Williams	Ownership of 'Swift' livestock and food company	<p>Senator WILLIAMS—To refer to creeping acquisitions: you would be familiar with Swift, the abattoir company. I believe the Brazilian government has an interest in it; not only were they buying up the abattoirs around the country, they also have their own trucks to transport the stock from the saleyards to the abattoirs etc. Are you familiar with that company?</p> <p>Mr Murphy—No, I am not.</p> <p>Mr Di Giorgio—I am familiar with the case.</p> <p>Senator WILLIAMS—Could you find out the ownership of the company? I would appreciate if you could take that on notice.</p>	E129 20/10/2010	10/12/2010	10/02/2011

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				Mr Di Giorgio —Sure.			
SBT 175	Treasury (Markets Group)	Bushby	Government consultation of Treasury re. Parramatta-Epping rail link	Senator BUSHBY —Was Treasury consulted on the Parramatta-Epping rail line project prior to the election? Mr Archer —Were we consulted? I do not recall that we were, but I would prefer to take that one on notice.	E131 20/10/2010	01/04/2011	
SBT 176	Treasury (Markets Group)	Pratt	Insurance - unfair contracts	Senator PRATT —I have another insurance question on a different topic, the progress of the review into the carve-out of unfair contracts. Where is the deliberation on that up to? This committee has done quite a lot of inquiry into insurance products and consumer legislation, as you would be aware. One of the issues that came up is many consumers complaining about insurance contracts having exemptions from unfair contracts clauses. I understand the markets group has been responsible for a review into that. Mr Miller —In the coming months the government is likely to be pursuing a range of reforms to the Insurance Contracts Act that did not pass through the previous parliament before the election. It included various aspects of removing impediments to the use of electronic communications for statutory notices and documents; ensuring that the failure to comply with the duty of utmost of good faith is a breach of the act; giving certain powers to the regulator, ASIC, to address certain breaches; and making the duty of disclosure easier for consumers to understand and comply with. The question about whether insurance contracts should be subject to generic provisions regarding unfair contracts terms or actually remain subject to a tailored regulatory regime in the Insurance Contracts Act is quite a contentious issue and one which involves quite a lot of underlying legal and policy complexity. All I can say is that the government is looking at that issue and how that fits in. Whether to include or exclude that from these provisions which are being worked up now is a matter that is currently under consideration. Senator PRATT —So the insurance bill has been reintroduced but it is unclear yet whether it is going to include provisions on unfair contracts. Mr Miller —Correct. Senator PRATT —And that is currently being actively reviewed. Do	E133 20/10/2010	15/12/2010	10/02/2011

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				<p>you know what the timeline is likely to be for concluding that?</p> <p>Mr Miller—I do not. I can try to find a bit more information—I do not work on it directly.</p> <p>Senator PRATT—I would interested. In reference to consumer law, clearly the federal parliament has dealt with that and I understand there are now draft Australian consumer law regulations and guides being prepared.</p>			
SBT 177	Treasury (Markets Group)	Bushby	Govt Consultation of Treasury re Parramatta-Epping Rail link (continuation of Question SBT 175)	Senator BUSHBY —Prior to the break, in amongst the general questions about the net public benefits test and the ensuing conversation about the NBN, I asked whether Treasury were consulted on the Parramatta-Epping railway line prior to the election. I think you indicated you did not believe so. If you find otherwise, I would appreciate it if you would let the committee know...	E134 20/10/2010	01/04/2011	
SBT 178	Treasury (Markets Group)	Bushby	Data on bank rates and market share	<p>Senator BUSHBY—As I said before, they do not seem to be listening that much. You said earlier that one of the major banks had undercut the others in fees. Has that bank appreciably increased its market share as a result?</p> <p>Mr Murphy—Yes.</p> <p>Senator BUSHBY—On what basis do you say that?</p> <p>Mr Murphy—Based on data.</p> <p>Senator BUSHBY—What data?</p> <p>Mr Murphy—Based on information that has been provided to us.</p> <p>Senator BUSHBY—Is it publicly available data?</p> <p>Mr Murphy—I think it is, yes.</p> <p>Senator BUSHBY—Do you have it, or a reference, available today?</p> <p>Mr Murphy—No, but I could—</p> <p>Senator BUSHBY—Could you take that on notice?</p> <p>Mr Murphy—If it is public information, I could get it for you.</p> <p>Senator BUSHBY—Would you please find that for me and make it available to the committee? We would appreciate it.</p> <p>Mr Murphy—Yes.</p>	E142-143 20/10/2010	16/02/2011	3/03/2011
SBT 179	ABS	Xenophon	Data on foreign ownership in	Senator XENOPHON —Earlier this evening questions were asked in relation to the Foreign Investment Review Board and how the level of	E147-148 20/10/2010	20/04/2011	

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			Australia	<p>foreign investment, particularly in relation to agricultural land. is monitored or at least statistics compiled in respect of it and also in the purchase with respect to water rights, which is a highly contentious issue, particularly in the Murray-Darling Basin. It was suggested that the ABS has a fair bit of information in relation to it. Could you indicate—you may wish to take some of this on notice—to what extent can we get a fairly accurate snapshot of the level of foreign ownership of agricultural land and water rights in this country? I note, by comparison, there is a \$231 million threshold before the FIRB can be involved in an approval process unless they are state owned enterprises. New Zealand has recently passed changes to the legislation where agricultural land of five hectares or more has to be subject to a process.</p> <p>Mr Hockman—We do not specifically collect any data on that. We collect with a big focus on country data—by that I mean the country of the source of the funds et cetera. As it crosses the border we do not get data on transactions in secondary markets. I think I would have to take the detail of that, if we can actually elaborate on down to that asset class of land and agricultural land in particular, then we would have to take that on notice and investigate that for you.</p>			
SBT 180	ABS	Xenophon	Government response to foreign investment - recommendations of the Select Committee on Agriculture (related to SBT 171)	<p>Senator XENOPHON—From the government’s point of view, Minister, are there any plans to at least have better data on this to make policy decisions. I think FIRB took the view that if we were aware of a sudden concentration or an influx of ownership, even though it would not breach the \$231 million threshold per transaction I think, they would then give advice to government. Given what the ABS has said, quite reasonably they just do not know what—</p> <p>Senator Sherry—They did indicate, Senator. A report of the select committee made a number of recommendations on this, and it goes to rural, agricultural land and water and anything that the government would consider would be in the context of its response to those recommendations of that report. I do not know what stage that is at at the present time or when that response will be given. As I have indicated, I took it on notice earlier. I can only take it on notice and find out when that response is going to be provided.</p>	E148 20/10/2010	20/12/2010	10/02/2011

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SBT 181	ABS	Bushby	Data on beneficial ownership of commonwealth and state-owned securities	<p>Mr Hockman—Once again, we measure essentially at the initial transactions. The difficulty is in then tracking who the beneficial owners in the secondary markets are. What we track is institutional sector, but in that circumstance the institutional sector is just defined as ‘the rest of the world’ if, for example, you look at the foreign ownership of those things.</p> <p>Senator BUSHBY—That is where I was going. Discussions with the AOFM at the last estimates indicated that they believed you had access to information that would probably allow you to identify the country of residence of most beneficial owners but that it was not information that you publicly released. Is that correct?</p> <p>Mr Hockman—I do not think we have enough information to be able to do that across the entire issue. At the moment, we do not even do that down to the country, let alone the individual institutions within those countries.</p> <p>Senator BUSHBY—Do you have the legislative power to do that?</p> <p>Mr Hockman—I would have to take advice on that.</p>	E149 20/10/2010	10/12/2010	10/02/2011
SBT 182	ABS	Bushby	ABS Survey on unemployment	<p>Mr Farrell—They would have indicated that they had not been working for one hour or more in the week prior to the survey and that they were not actively looking for work.</p> <p>Senator BUSHBY—Because underneath that you have then got those who wanted to work.</p> <p>Mr Farrell—Some people wanted to work but did not actively look for work.</p> <p>Senator BUSHBY—That is right. Then there are those who are not actively looking for work underneath that as well. You used that as one of the criteria to determine the four million who did not want to work.</p> <p>Mr Farrell—That is right. So of those people who were not working and who were not looking for work some people would have liked to have worked but did not actively look—</p> <p>Senator BUSHBY—So there is another criteria that you use to determine that they did not want to work at all?</p> <p>Mr Farrell—The supplementary survey looks more deeply into the reasons and you are looking at there the results of that survey. There are a number of criteria, but I cannot tell you what they are off the top of my head.</p>	E150 20/10/2010	10/12/2010	10/02/2011

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				<p>Senator BUSHBY—If you could take that on notice, it would be appreciated.</p> <p>Mr Farrell—I will take it on notice.</p>			
SBT 183	ABS	Bushby	Methodology used to determine unemployment rate	<p>Senator BUSHBY—Is the unemployment rate methodologically consistent over long periods of time—that is, decades? Is it fair to compare directly the unemployment rate in the 1930s, when we had very high recorded rates, with rates published today, which are obviously much lower? If not, what has changed and when? I presume it comes down to different treatment of students and recipients of government pensions and things like that. Given the time, could you take that question on notice?</p> <p>Mr Farrell—We will certainly take that on notice.</p>	E150 20/10/2010	10/12/2010	10/02/2011
SBT 184	ACCC	Ryan	Details of investigation (Stores Online)	<p>Mr Gregson—Ancillary to the resolution of the court proceedings in December 2009 was an arrangement whereby there would be an amount of money provided to the ACCC to contribute to refunds to the claimants.</p> <p>Senator RYAN—That is currently in operation, isn't it?</p> <p>Mr Gregson—That scheme is currently being administered, yes.</p> <p>Senator RYAN—I understand that is being administered by Stantons International, which was charged by the ACCC with administering the scheme.</p> <p>Mr Gregson—That is correct; we engaged Stantons.</p> <p>Senator RYAN—Is it usual for the ACCC to engage an external consultant or provider to undertake these tasks?</p> <p>Mr Gregson—Certainly it is not uncommon for us to use external providers for a number of reasons.</p> <p>Senator RYAN—Is it on a case-by-case basis? When you said that it is not unusual that does not surprise me but do you have a set of criteria as to who you chose and whether you do it in house or choose an external provider?</p> <p>Mr Gregson—It very much is on a case-by-case basis as to exactly how we may administer form of refunds, compensation or otherwise. Invariably there will be involvement by our lawyers where it has resulted from a cessation of a court matter or a formal resolution through</p>	E6-7 21/10/2010	15/12/2010	10/02/2011

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				<p>undertakings. I note that we are required to comply with the FMA Act in terms of the processes we go through for engagement. In this case we certainly sought tenders from another party.</p> <p>Senator RYAN—So you sought tenders for the operation of this one?</p> <p>Mr Gregson—Correct.</p> <p>Senator RYAN—I have been informed of a particular person who approached Stanton for a refund under the Stores Online refund scheme. This person was notified by airmail on 23 September this year that the process will be completed by the end of September 2010. I understand Stanton has provided its final list of claims to the ACCC. I was just wondering when can claimants expect to be notified of the status and then paid?</p> <p>Mr Cassidy—You have not named the particular party so neither will I but I would have to say to you that some of what that party is saying is factually wrong in terms of timing and what she has been told. You are correct that Stanton have provided us with the list of ‘refundees’, if I can call them that. Subject to us checking a few issues about that list, which Stanton have raised, we will provide the list to our lawyers in this case Corrs Chambers Westgarth, who are actually holding the funds. Corrs will be making the payments. I expect that will happen in the next few weeks.</p> <p>Senator RYAN—I will just read the two sentences from the email that this person received from Stanton on 23 September: Stanton International is currently processing all applications and supporting documentation and conducting follow-up queries. We anticipate that this process will be completed by the end of September 2010. That is accurate.</p> <p>Mr Cassidy—Yes, but that is the processing. That particular person, we are aware, is making claims that she was told payments would be made within a certain timeframe. Her initial claim was that she was told that they would be made within two weeks of mid-August. She has simply not been told that. There may be some misunderstanding but she has not been told a time for payments. There may be some misunderstanding of that email but Stanton are only doing the processing. They will not be doing the payments. The payments will be made by Corrs, our solicitors.</p> <p>Senator RYAN—They will be done over the next few weeks, you said.</p> <p>Mr Cassidy—Yes.</p>			

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				<p>Senator RYAN—Are they being made on a pro rata basis? I am not as familiar with this case?</p> <p>Mr Cassidy—Yes, they probably will be pro rata. We have a certain amount of money and we have a certain value of claims and, as I said, we are still assessing what we have got from Stanton. Then, of course, the money needs to match up with the value of the claims that are paid out.</p> <p>Senator RYAN—Could ask you to take on notice how many claims were submitted?</p> <p>Mr Cassidy—Yes. Let us take that on notice. You realise that it is a bit difficult, now, to provide the details—</p> <p>Senator RYAN—I appreciate it.</p> <p>Mr Cassidy—but certainly once we have it all resolved, which I suspect will be within the timeframe of responding to questions on notice, we will happily provide you with the details.</p>			
SBT 185	ACCC	Xenophon	Drake Supermarket in Qld	<p>Senator XENOPHON—I want to rush on with a couple of other issues. I have written to the commission about this matter. In May 2010 Drake Supermarkets, which is a South Australian based company, opened a new store in Caboolture in Queensland. Within a week of opening Coles placed 10 per cent discount vouchers on the windscreens of the cars parked in the Drake supermarket car park. The offer was valid for three weeks, but only for the three Coles supermarkets in the immediate vicinity, as I understand it. We have corresponded with the ACCC and the ACCC's view was that there was not enough evidence to prove that this was an act of predatory pricing. Given that the voucher was only promoting discounts at stores in the immediate vicinity, it was not a state-wide discount, does the ACCC consider that that offer was done with the intent of taking away business from Drake, and in a sense to harm it because an across the board 10 per cent discount was not something that presumably would be sustainable across the whole state?</p> <p>Mr Bezzi—I am not familiar with the particular matter you have raised—</p> <p>Senator XENOPHON—There has been correspondence with the commission about it.</p> <p>Mr Bezzi—Certainly, but speaking in general terms there are elements</p>	E8-9 21/10/2010	15/12/2010	10/02/2011

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				<p>that we would need to satisfy in considering any predatory pricing issue. The amount of time the offer is open would certainly be a critical element. Let us assume that the 10 per cent meant that the offer involved the sale below cost by Coles—and that is a big assumption but let us assume that. The issue would be whether or not the month was a period that meant that they were in breach of the law, and I suspect that a month might be a bit too short.</p> <p>Senator XENOPHON—I think Mr Drake probably would have been able to cop it if it was across the whole state, but it was just for those three supermarkets in his area. Perhaps the commission could get back to me in relation to that.</p>			
SBT 186	ACCC	Xenophon	Supreme court decision involving NAB	<p>Senator XENOPHON—...The final line of questioning I have relates to a recent Supreme Court of New South Wales decision which I have been contacted on which involved Inak, Kay and Canli against the NAB. That was a case involving borrowings of about \$1 million in 2003 from the NAB. There were conditions fixed for that loan. The allegation in the Supreme Court was that there were issues of default interest and whether the parties were misled by the bank. The New South Wales Supreme Court recently found that the NAB was in breach of its contract, saying it was involved in false, misleading and deceptive conduct, according to the wording of the judgment as I understand it, and there was an award of \$280,000 in damages. As I understand it, the parties wrote to the ACCC asking what it would be doing about this in the context of a finding of false, misleading and deceptive conduct, and they received a response that the commission was not able to take this matter further. What are the protocols when there has been a Supreme Court decision saying that a bank has engaged in false, misleading and deceptive conduct? I would have thought that, itself, would have alerted the ACCC to a potential action against the bank.</p> <p>Mr Cassidy—There are two issues. Firstly, there is a double jeopardy point—</p> <p>Senator XENOPHON—Is there, though? Does double jeopardy apply in a case such as this? Is there a formal issue of double jeopardy?</p> <p>Mr Cassidy—I think there is, though I would need to look to the lawyers. Let me go to the second point, which will not have me looking to lawyers. The jurisdiction for that would actually be ASIC, because it would be a financial transaction—a potentially misleading and deceptive</p>	E9-10 21/10/2010	15/12/2010	10/02/2011

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				<p>conduct in a financial transaction. It would be ASIC—there is a carve-up so that we do not deal with consumer protection in relation to financial matters.</p> <p>Senator XENOPHON—So they should have sought advice or assistance from ASIC in that case?</p> <p>Mr Cassidy—That is correct. I just go back to my first point—I am not sure how much comfort they would get from ASIC given there is a court-based outcome.</p> <p>Senator XENOPHON—In terms of general principals, if there is a finding in a court of a potential breach of the Trade Practices Act, for instance, and there has been a determination made or damages awarded, so there is a civil remedy, are you saying that will preclude the ACCC from being involved in cases where the parties may have got remedy in damages, for instance, but there are other issues in terms of the behaviour of the entity that has been found to have breached, for instance, the Trade Practices Act?</p> <p>Mr Bezzi—If the same relief is being sought as was sought in relation to the same conduct, it is very unlikely that we would also be able to seek relief. If there was a difference in the conduct or if we were not covering the same area as was dealt with in the earlier proceedings then there may well be some scope for us to take something on.</p> <p>Senator XENOPHON—I do not want to labour this point because I know there are a lot of other questions to come, but if there is an issue where there is a civil remedy in terms of damages but there has been a breach of the act which indicates perhaps a systemic issue on the part of the entity that has breached the act then isn't there a clear distinction between in a criminal prosecution if you like and a civil remedy that has been sought by individual parties in the civil courts?</p> <p>Mr Bezzi—This is not an easy area to give you a quick response on. If you are talking criminal prosecutions then whether or not to launch a criminal prosecution is a matter for the DPP. They will look at whether it is in the public interest to do so. If there has been a finding by a court and relief given then that would be a factor that is taken into account in deciding whether or not there is a need to then take on a criminal prosecution. That is not something we would make a decision about.</p> <p>Senator XENOPHON—Sure, and I appreciate what you have said</p>			

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				<p>about the complexity of this. Could I get something on notice from you in terms of: what are the protocols and criteria for determining whether you go further?</p> <p>Mr Cassidy—You referred to systemic behaviour. I do not want to comment on a specific case—</p> <p>Senator XENOPHON—I am not suggesting it is a systemic in this case.</p> <p>Mr Cassidy—Let me say that in this sort of situation if there were indications that the behaviour had been going on for a while, and it may be behaviour by other entities as well, then we would not necessarily launch our own case to seek remedy. Nonetheless it is something that we may well take on in terms of keeping an eye or a watch on—</p> <p>Senator XENOPHON—In due course, could you provide the committee with something on that. I think it is an interesting area about where do you intervene?</p> <p>Mr Cassidy—We will take that on notice.</p> <p>Mr Samuel—I think it is also worth noting that, until April this year, the launching by the ACCC of a separate action in respect of what has already been declared, for example, by another court to be misleading and deceptive conduct would have little consequence in terms of remedy because of course a civil action has never permitted the award of penalties by the court. So the most that the ACCC could achieve would be a similar declaration of misleading and deceptive conduct, an injunction that it should not occur in the future and maybe some corrective advertising and a compliance program to be installed in the corporation concerned. But the obtaining of a remedy of either further restitution in terms of damages and/or a penalty would not be available.</p> <p>Senator XENOPHON—Compliance could be important though. If you could take that on notice, that would be appreciated.</p>			
SBT 187	ACCC	Bushby	NBN rate of return	<p>Senator BUSHBY—The NBN implementation study clearly indicated that 6.3 per cent is an appropriate rate of return for NBN Co. Was the ACCC consulted at all on the rate of return before the implementation study was released?</p> <p>Mr Cosgrave—I do not believe so.</p> <p>Senator BUSHBY—You do not believe so or are you sure of it?</p> <p>Mr Cosgrave—I do not believe so.</p>	E13 21/10/2010	10/12/2010	10/02/2011

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				<p>Senator BUSHBY—Would you mind taking it on notice and checking?</p> <p>Mr Cosgrave—I am happy to take that on notice.</p>			
SBT 188	ACCC	Cameron	Reports on economic and social benefits of broadband	<p>Senator CAMERON—Minister Conroy, during his answers to questions, talked about a number of overseas reports about not only the economic but also the social benefits of broadband. Has the ACCC had a look at any of those reports?</p> <p>Mr Cosgrave—To the best of my understanding, no, but I will need to take it on notice because I am not quite sure of each of the reports that the senator was referring to in his evidence.</p>	E17 21/10/2010	20/10/2010	10/02/2011
SBT 189	ACCC	Xenophon	NBN and predatory pricing	<p>Senator XENOPHON—I have a supplementary question and I am happy for it to be taken on notice because of time constraints. Will NBN Co. be subject to section 46 of the Trade Practices Act regarding abuses of market power or any other sections in respect of predatory pricing? There is a concern that, if there is a private fibre-optic network, they could be unfairly disadvantaged depending on the pricing regime of NBN Co. I am happy for that to be taken on notice, along with whether any application has been made for NBN Co. to be exempt from the provisions of the Trade Practices Act.</p> <p>Mr Samuel—We will take that on notice.</p>	E18 21/10/2010	10/12/2010	10/02/2011
SBT 190	ASIC	Bushby	Short selling ban	<p>Senator BUSHBY—I will just move onto something different—short selling. I understand that ASIC is now publishing new short selling data on its website. What trends are you establishing?</p> <p>Ms Gibson—I do not believe we are finding troublesome trends. We get monthly reports with highlight issues and the most recent one I read said nothing out of the ordinary.</p> <p>Senator BUSHBY—Has short selling returned to its pre-crisis levels?</p> <p>Mr D'Aloisio—No.</p> <p>Ms Gibson—Short selling in that period in September 2008 was at extreme levels—</p> <p>Senator BUSHBY—I am talking more about the longer-term average.</p> <p>Ms Gibson—until we introduced the ban. No, I do not believe so. I could check the figures but I do not believe so.</p> <p>Mr D'Aloisio—We can check and do some analysis. One of the</p>	E24-25 21/10/2010	16/02/2011	3/03/2011

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				<p>difficulties is that we do not have comparative numbers, in the sense that the disclosure requirements were not there. The issue of disclosure really assumed significance from September 2008 on, when we had the Lehman Brothers and the issues around short selling. So we can look at that. Certainly, we are not detecting from the market, as Ms Gibson has said, that there are concerns being raised with us that companies have been heavily short sold, and what is ASIC doing about it?</p> <p>Senator BUSHBY—Have you performed any analysis of how the impact of the ban on short selling actually impacted on the volume of short selling in Australia. Was the ban effective while it was in place?</p> <p>Mr D'Aloisio—I think we have reported on this in previous meetings. I need to refresh my mind. You will recall that the ban went in three tranches. There was the initial complete ban of naked short selling and covered short selling. That went, I think, for about two or three months in the September through to the December-January period of 2008 and early 2009, when the GFC was probably at its height. Then we reopened the market, other than the financials. Then we opened the financials as well. So in that period shortselling did have the impact that was needed, we felt, given the potential systemic issues that could have occurred for the financial sector and for the REIT sector of the Australian market. These were matters of judgment, and no doubt historians and others with the benefit of hindsight will look at them, but certainly at the time we felt that that was the right call and certainly since then there has not been any material given to us saying that the ban was not effective and did not achieve the sorts of purposes that were needed essentially to restore confidence in the market when buyers had vacated the market.</p> <p>Senator BUSHBY—Back in June you noted on the day of the estimates that the new short-selling system had just started on that day. You noted that it was open to receive reports but the industry was not fully ready to interact with it at that point and you had provided a period of grace of some weeks. I presume that that period of grace has ceased.</p> <p>Ms Gibson—Yes—it has, substantially. My understanding is that the main players are now all operating through the system—that the IT people who were developing the interface privately have extended that to other clients. I would need to check whether all short sellers are now on the system.</p>			

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				<p>Senator BUSHBY—Okay. Could you take that on notice, please? At the time you indicated that you were looking at a period of about three weeks to allow people to get up to speed and you were confident that you would be able to make that. But we are four months later now, and if industry is not fully compliant I would be interested in knowing about that.</p> <p>Mr D’Aloisio—We will take that on notice and confirm it in a written answer.</p>			
SBT 191	ASIC	Bushby	Coercive powers - calling individuals and materials to appear before ASIC	<p>Senator BUSHBY—Yes, it will be a while before I finish on this. Currently are there any policies and procedures within ASIC to ensure internal compliance with the law and that coercive powers are only used to further the legitimate objectives of the organisation?</p> <p>Mr D’Aloisio—Before an officer of ASIC can issue a notice or use a coercive power there are internal processes that have to be followed that are document in our enforcement—</p> <p>Senator BUSHBY—This is for the use of all coercive powers, even the most—</p> <p>Mr D’Aloisio—Yes—</p> <p>Senator BUSHBY—We went through this last time, what you needed to do and I think the most commonly used one was up to the discretion of the investigator to some extent.</p> <p>Mr D’Aloisio—The investigator has to make a judgement about what they need from an individual or in terms of material that has to be produced. What we say is that you make that judgement and then you have to go through a process of a form of document that is then used and needs to be settled. That becomes the request, if you like—the document of demand. In the processes leading up to that the investigator makes a judgement, a lawyer in the team generally will review that, the document will be settled, it will then be signed by the appropriate delegate and then it will be served. You cannot sort of get a bit of paper and write out, ‘Please give me this’; you have to go through these processes.</p> <p>Senator BUSHBY—I understand. You have these processes you need to go through.</p> <p>Mr D’Aloisio—And then what comes in and how it is recorded is there as well. I am more than happy, if you like, to take it on notice and for us</p>	E25-26 21/10/2010	10/12/2010	10/02/2011

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				to outline to you just what that process is both in respect to calling individuals to come before us and calling for material. The notice needs to be used for proper investigation, but also in a lot of cases does need to be used to override possible confidentiality obligations that may exist between parties that are responding to those. So as a matter of law they are required to provide information they may regard as confidential but we do not think is confidential and it is in the public interest of the investigation that it be given to us. There are a range of reasons. As I say, we can outline those. Senator BUSHBY —I would appreciate it if you would do that. Thank you.			
SBT 192	ASIC	Bushby	Coercive powers (AGIS)	Senator BUSHBY —Are you aware of the Australian Government Investigation Standards? Mr D'Aloisio —In terms of the model litigant and the way we do things? Yes. Senator BUSHBY —The Australian Government Investigation Standards are a set of best practice standards for all investigations of offences under Commonwealth legislation. Mr D'Aloisio —Yes, we are aware of those and they are incorporated into our manuals. I am personally not able to answer questions specifically on those standards, but they are covered in our enforcement manuals. Senator BUSHBY —So the standards that they contain would be complied with and followed by ASIC? Mr D'Aloisio —I think they would, but I am happy to take that on notice and check it more specifically for you. Senator BUSHBY —I do not know that it is necessary a requirement, but it is a set of best practice standards. So could you take on notice the extent to which you enforce the use of and train investigators in the use of the AGIS. Mr D'Aloisio —I am happy to do that.	E26-27 21/10/2010	10/12/2010	10/02/2011
SBT 193	ASIC	Bushby	ANAO Centrelink audit	Senator BUSHBY —Are you aware that the ANAO recently audited Centrelink and, amongst other things, found the in the context of those standards that evidence re investigations was not collected in an	E27 21/10/2010	10/12/2010	10/02/2011

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				<p>appropriate manner. Ineffective intelligence processes led to the unnecessary collection of information on persons. There was unauthorised or inappropriate use of coercive notices to extract information from persons. There was a finding of a 100 per cent failure rate in a sample of 113 cases for the 2009 financial year and a lack of training to ensure knowledgeable and appropriate conduct by investigations staff. How do you think ASIC would fare in a similar audit by the ANAO into the use of its investigatory and coercive powers?</p> <p>Mr D'Aloisio—I was not aware of the results of that audit. I am not really in a position to give you a judgment on that, off the cuff.</p> <p>Senator BUSHBY—But clearly the ANAO is looking at these issues in agencies. It may not yet have brought its focus to bear on ASIC, but it may well do so. Those Centrelink investigations are similar activities to those undertaken by ASIC. I would hope that ASIC's internal procedures would mean that you would not fail, but I am just highlighting that it is something of interest—rightly—to the ANAO and parliament. That is why I am asking questions about it, for the people of Australia. I have asked you about AGIS, and you have undertaken to take that on notice.</p> <p>Mr D'Aloisio—And the last issue as well, because I am not in a position to answer. I think we will do very well, but I need to look at the information.</p>			
SBT 194	ASIC	Bushby	Use of coercive powers	<p>Senator BUSHBY—I have one final question on coercive powers. Of the matters in which your powers have been used—and you have outlined those in the answers to questions on notice, particularly those ones in respect of investigations of potential breaches—what percentage have actually resulted in action being taken against those investigated? You might want to take that on notice.</p> <p>Mr D'Aloisio—I would have to take that on notice.</p>	E28 21/10/2010	10/12/2010	10/02/2011
SBT 195	ASIC	Coonan	Corporations law amendment	<p>Senator COONAN—I have a very brief point that I want to raise with you about the corporations law amendment enhancing asset search warrant capacity without first issuing a notice to produce and also enabling an interception agencies such as the AFP to apply for interception warrants in the course of a joint investigation relating to</p>	E28-29 21/10/2010	20/10/2010	10/02/2011

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				<p>insider trading. The point I am about to make will no doubt come up in the scrutiny of bills examination of the legislation and possibly in debate, but I just wanted to flag it here. It might require some thought in the meantime, unless I have not understood something about the bill.</p> <p>ASIC's powers in division 3 to apply for a search warrant provide in effect that it should be exercisable for 'proper purposes' in connection with ASIC's statutory functions. Yet it does not seem that in the current bill that we will shortly be considering that the exercise of the powers will be subject to specified safeguards with reference to the purpose for which the power is being exercised. In other words, there is no reference to particular seriousness. I heard Ms Gibson's point earlier about indictable offences, which might be the answer, but it certainly is not very clear. Do you have any comment about that?</p> <p>Ms Gibson—I think the term 'proper purpose' appears in many pieces of legislation. It intones in common law motions of the right intent and so on. I cannot comment specifically on the legislation but I think 'proper purpose' brings with it a lot of common law as to what that is, which is perhaps the protection that would otherwise be built in.</p> <p>Senator COONAN—I just wonder about that because, for example, I had a look at the New South Wales Law Enforcement (Powers and Responsibilities) Act where it actually defines 'searchable offences' in relation to a warrant to mean an indictable offence and various other things. But there is certainly a definition that it must be serious. This appears to just be at-large. I think there is a real issue as to whether that is potentially an infringement on personal liberties et cetera that will be raised as part of the scrutiny of the legislation. I think it would be certainly worth limiting ASIC's powers or specifying that the powers be confined to seeking a search warrant for investigations of particular seriousness. Perhaps there should be some collaboration about that, because it is potentially very coercive.</p> <p>Ms Gibson—I think I will leave that for government.</p> <p>Senator Sherry—The detail of the legislation is a policy matter. I think I can anticipate a letter—not to me but to my colleague, who I think is Mr Bradbury in this case.</p> <p>Senator COONAN—This constant changing means there are a lot of people to write to.</p>			

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				Senator Sherry —It is a consequence of being re-elected—which is a nice place to be I might say. I will take it on notice...			
SBT 196	ASIC	Pratt	Claims lodged with ASIC re unfair contracts	<p>Senator PRATT—You mentioned a range of complaints that you are receiving as a result of having these new powers looking at unfair terms in contracts. Are you able to tell us the nature of some of those complaints?</p> <p>Mr D'Aloisio—No, I would have to take that on notice and give you a bit of a breakdown. They will range from credit cards to mortgages and fees. We could probably look at that and give you a bit of a breakdown of what is coming through.</p> <p>Senator PRATT—Is telecommunications credit still featuring highly in there?</p> <p>Mr D'Aloisio—I cannot answer that.</p> <p>Senator PRATT—I know it has been a significant problem historically.</p> <p>Mr D'Aloisio—This is phone bills, is it, basically?</p> <p>Senator PRATT—Usually mobile phone bills which are in effect.</p> <p>Mr D'Aloisio—I know that people have been looking at that and are involved in the issue. I will have to get some more specifics for you.</p>	E30 21/10/2010	02/02/2011	10/02/2011
SBT 197	ASIC	Pratt	Supervision of margin lending	<p>Senator PRATT—And are the dispute resolution services in place now as well?</p> <p>Mr D'Aloisio—Yes, I believe so. Where you are a financial services licensee, you have to have alternative dispute resolution methods, both internal and external, and those would be in place.</p> <p>Senator Sherry—I will just mention that, from a policy point of view, the government identified the regulation, supervision and oversight of what is known broadly as consumer credit, which included margin lending. That is—or was—done by state governments, because it was a state supervised area. Some three years ago, we took a policy decision to seek to have the states transfer those responsibilities to the Commonwealth, and I will not go into the detail. Obviously the transfer has only just occurred and there are a range of supervisory guidance notes and consumer protections. Until that time, there was little if any supervision of margin lending in Australia. That is not a criticism of the states. I just think that the sector has grown dramatically, although it has</p>	E31 21/10/2010	14/04/2011	

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				<p>significantly contracted as a consequence of the GFC. But certainly, up until the GFC, margin lending had grown very significantly in terms of the individuals engaging in that activity. It is not a criticism of the states, but I do not think they were particularly well equipped to supervise this area of significantly growing financial activity. So, for a number of reasons, we took a policy decision to transfer regulatory and supervisory responsibility. Mr D'Aloisio and I have indicated this. I will take it on notice. I am sure we can get you some figures on the level of margin lending either through ASIC or through the department.</p> <p>Mr D'Aloisio—Yes, we can.</p>			
SBT 198	ASIC	Xenophon	Parameters for trading surveillance - transfer of responsibility from ASX to ASIC	<p>Senator XENOPHON—I am conscious that Senator Abetz wants to ask questions on this, but can you, on notice, provide details to the committee of the extent to which the parameters have been changed so that at least an attempt at a comparison can be made with what the ASX was doing, and also, for instance, on the issue of irregular trades. I think it would be useful information on the number of irregular trades that have been reported and there may be factors, if there is a difference, such as that the market is quite different than it was a year ago.</p> <p>Mr Tregillis—I will take the question on notice in terms of the numbers of trades and the number of alerts. I can give you those figures. Again, I do put a caveat that the parameters are not exactly the same because we are using a slightly different system and we are using it for different purposes. As the chairman has said, for us the key issue is: are these alerts leading us to matters that are subject to further inquiries? The answer is yes, the 57 matters and the nine. That is, in fact, more than comparable to the types of issues being identified previously.</p> <p>Senator XENOPHON—And you can tell us how the parameters have changed—that will not be a problem, will it?</p> <p>Mr Tregillis—I would have to take that on notice. I do not have that detail. We have configured the system because it is a new system, and it is slightly different, so I am not sure that I will have exactly the information on how the parameters have changed. In terms of the numbers of trades and the number of alerts being generated as a percentage of trades, I can provide those figures.</p> <p>Mr D'Aloisio—We will take that on notice, Senator, and be helpful. At</p>	E34 21/10/2010	10/12/2010	10/02/2011

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				<p>the end of the day, we also need to be careful that how we set our parameters and how we vary our algorithms to what we look at and what alerts come up is quite important, sensitive information for the market. So I will just take it on board and we will see how we can help you.</p> <p>Senator XENOPHON—Yes, sure. I, for one, would not want the release of any information in the public domain which would make your job more difficult. I make that clear.</p> <p>Mr D'Aloisio—I was not suggesting you would. But, in the background of all this, for people to know a lot more about how ASIC sets its parameters, how it works, how it sets its algorithms and what it looks at and what it does not look at and how it makes those judgments, is quite important investigative information.</p> <p>Senator XENOPHON—Yes.</p> <p>Mr Tregillis—Senator, I think the relevant information is, in general, the type of parameters, the things we are looking for, the number of alerts that are being generated, some comparison with the number of trades— that is information that we can provide...</p>			
SBT 199	ASIC	Abetz	Comparison of number of alerts under ASX and ASIC	<p>Senator ABETZ—You say that there have been 300 alerts. How does that compare to the ASX alerts?</p> <p>Mr Tregillis—I do not have those figures. As I said, that is an average figure, just to give you an indication of the type of numbers of alerts that we would get on a daily basis. I would have to take on notice the question of a comparison with ASX alerts.</p> <p>Senator ABETZ—Can you give us a breakdown for these first few months of the daily number of alerts. Because, if you tell me there is an average of 300, it might be that for the first month you had none and for the second month you had 600 on each day. So, if we can have the exact figures on that—on a daily basis just for the first two months—that would be very helpful. As I understand it, the software that is being used by ASIC is the SMARTS system. That was also used by ASX. Over a number of years, as I understand it, the ASX had invested its own intellectual property into finetuning the SMARTS system to ensure that it was highly attuned to the needs of monitoring the market. Is that a fair assessment?</p> <p>Mr D'Aloisio—I do not know. You would have to ask ASX, I think.</p>	E35 21/10/2010	10/12/2010	10/02/2011

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				There is an issue of whether it invested or whether SMARTS invested and whether, in us acquiring the SMARTS system, we have the benefit of that.			
SBT 200	ASIC	Abetz	SMARTS system / IP rights	<p>Senator ABETZ—Thank you very much. You are leading me to exactly where I was going. I have been advised that ASIC deemed it inappropriate or not necessary to purchase the intellectual property from the ASX, is that correct?</p> <p>Mr D'Aloisio—I am not sure. I will have to take that on notice. As I understand it—and perhaps my colleagues assist here—our contract is with SMARTS in terms of the software and the program it is needing. SMARTS is the industry leader in this area and certainly we have sought to get the full benefit of what is needed for us to be comfortable that we can run a system. That has meant some transfer of know-how through people and otherwise with ASX through the agreement in relation to that transfer.</p> <p>Senator ABETZ—I would have thought you would be full bottle on this as to whether or not you had fully taken benefit of everything that ASX had been able to add to the SMARTS system over its many years of experience in this area.</p> <p>Mr D'Aloisio—Let me check that and come back to you. We certainly formed the view that we had what was needed to do what I have outlined. How we acquired that is the issue you are getting to. Let me look at that and come back to you specifically about what we acquired from ASX and what we acquired from the software houses.</p> <p>Senator ABETZ—Because the information I have been provided with is that ASIC did not purchase the intellectual property from the ASX, which had been built up over a number of years and provided calibrations from the SMARTS system to be able to monitor the market and detect irregular trading activity. I understand that ASIC decided that they would be able to set up their own calibrations and not get the benefit of the learnings and experience of the ASX. So that is the issue and I would have thought—</p> <p>Mr D'Aloisio—Well that is new to me.</p> <p>Senator ABETZ—What about Mr Tregillis?</p> <p>Mr Tregillis—I think we would have to take that question on notice.</p>	E35 21/10/2010	10/12/2010	10/02/2011

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SBT 201	ASIC	Abetz	Matters investigation re irregular trading	<p>Mr D'Aloisio—We would have acquired from ASX what we needed, our team would have assessed on what was needed to run the surveillance system. We would have acquired from other software houses and SMARTS what was needed. It is the aggregate of that that gives us as the commission the assurance that we have the wherewithal to do the surveillance of the market. How we acquired that, who we paid and how it was put together, I am happy to look at that in more detail and answer that question for you, but the overriding issue for us as a commission is that we are satisfied that we have the wherewithal to conduct surveillance, and we have.</p> <p>Senator ABETZ—I am sure you are self-satisfied in relation to this, but can I assure you that there are a number of people about who are not satisfied that you are necessarily able to detect the irregular trading activity and monitor the market at this stage as well as the ASX did in the past. In relation to the numbers that we were given, were they started off completely fresh—they are the 57 market matters—were they all as of 1 August or were they hangovers, if I can use that term, inherited from the ASX when matters were handed over to you?</p> <p>Mr Tregillis—My understanding is that they are matters we have identified, but I would want to check precisely.</p> <p>Senator ABETZ—In relation to the nine that had moved to a formal investigation, were they matters that had already come to the attention of the ASX before being transferred to you or were they as a result of your investigations as of 1 August?</p> <p>Mr Tregillis—Again, my understanding is that eight of the nine are matters that we identified and one is a transfer. But let me reconfirm that figure for you.</p> <p>Senator ABETZ—If that is the case and, sure, it is only one number—it does not make much difference— but why have we been told that the system is working well and you now have nine going to formal investigation, when you cannot really take responsibility for one of them? Sure, it is small, but it potentially creates the impression that all is well. You are painting a picture that may be a little bit better than it actually is, and I accept that this is only one formal investigation that, with respect, you cannot lay claim to, given that it was initiated by the ASX.</p>	E35-36 21/10/2010	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				CHAIR —The officers have said that they will take it on notice and get back to us.			
SBT 202	ASIC	Abetz	Difference in the calibration between ASX and ASIC systems	<p>Senator ABETZ—Senator Xenophon has already asked you about the difference in the calibrations between the ASX system and the system that you are operating under. If you could provide me with the details of the differences there because that is very important. You are saying that, currently, there is no effect on the Australian Stock Exchange with the changeover?</p> <p>Mr D'Aloisio—We think that the changeover, as I said earlier, has gone seamlessly. We think that in fact the speed at which we are able to look into issues is probably starting to indicate that it will be faster because we do not have to deal with two agencies or the ASX. We have said that it is still early days, as I said a moment ago. Also, one of the other indicators is that the market itself is not saying to us that there has been a big change here or that there is a problem. So, as we see it, it is going well. I take on board the questions you have asked. They are all important questions and we will do our best to answer. As we move further towards probably December and early next year I am hopeful that the evidence will build much more clearly that will support what I said to you this morning.</p>	E36 21/10/2010	20/10/2010	10/02/2011
SBT 203	ASIC	Williams	Correspondence with Storm Financial	<p>Senator WILLIAMS—I have spoken to a Sergeant Sean McCardle who is a senior forensic examiner with Queensland Police. Have ASIC had any contact with Sergeant McCardle?</p> <p>Mr D'Aloisio—I would prefer not to be going into the specifics. Perhaps I could take it on notice, but it is not going to be productive. This thing is difficult and we are trying to balance all interests, and I think going in to what people allege to be evidence and not evidence and responding to that is not going to be helpful. We are aware of issues that have been raised with us. When they are raised we look at them; we look at them carefully. We assess them. But our people, at the end of the day, have got to make judgments about the probity value of evidence that is put before us.</p>	E38 21/10/2010	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
SBT 204	ASIC	Williams	Liquidation of BACF group	<p>Senator WILLIAMS—You are aware of some controversy with that BACF group and the liquidation of that, of course?</p> <p>Mr D’Aloisio—Senator, in relation to that, I would prefer to take any further questions you have on this on notice, because this is an operational matter, it is on foot and I think, again, it is one of those situations where as ASIC we do need to let this run its course. You have made clear, and you have given me material that makes clear, the seriousness of this, and I can assure you that it is an operational matter at ASIC that is on foot.</p>	E39 21/10/2010	10/12/2010	10/02/2011
SBT 205	ASIC	Williams	Matters relating to liquidator Stuart Ariff (include written questions on this)	<p>Senator WILLIAMS—Good. Briefly, I will go to the infamous Stuart Ariff. When Mr Ariff initially applied for registration as a liquidator, was he—</p> <p>Mr D’Aloisio—Senator, sorry to interrupt, but this is an important point. Mr Stuart Ariff has been arrested on ASIC charges. That was on 23 August 2010. He is on 19 criminal charges following investigation by ASIC. The alleged offences relate to his conduct in relation to HR Cook Investments between 9 June 2006 and 29 March 2009. He has been charged with 13 counts under section 176A of the Crimes Act and also six counts under section 1308(2) of the Corporations Act. This is a matter that is before the courts, and the advice that I have received is that I should not answer questions or go into details concerning Mr Ariff. I recognise that there is a balance between that and what you need to know. The best I can do, on the advice I have, Senator, is to take your questions on notice. As and when the court proceedings or information becomes public or gets to a form where we are advised that we can release it to you, we will do that. I recognise that some of the questions you have asked do not specifically relate to the charges, but the advice to me still is that it would not be proper for ASIC to be engaged in a discussion on these issues at this time, balancing up his interests and ASIC’s interests.</p> <p>Senator WILLIAMS—No, I am comfortable with that, Mr D’Aloisio. That is fine. Chair, I am going to hand over to you.</p>	E39 21/10/2010	10/12/2010	10/02/2011
SBT 206	PC	Bushby	Project undertaken by PC	<p>Senator BUSHBY—That is a good example. How big a job would it be to identify the types of issues that you might have put together over the</p>	E46 21/10/2010	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>last three years in various reports, speeches or papers—without the detail, just the headline; this is what it was?</p> <p>Dr Kirby—We could go back and look at our—</p> <p>Senator BUSHBY—If you could take that on notice and, without placing an unreasonable requirement on you, that would be appreciated.</p> <p>Dr Kirby—Sure. That information would be available through our website, where there is a complete listing of all the projects and inquiries that we have done. That is fairly straightforward.</p>			
SBT 207	PC	Bushby	Superannuation Threshold	<p>Senator BUSHBY—I will move on to a slightly different topic. In your most recent annual review of regulatory burdens, one of the recommendations is to increase the monthly income threshold for superannuation, which is still at \$450. Why do you think the threshold was set at \$450 in 1992?</p> <p>Dr Kirby—I understand that that threshold was set at \$450 in 1992. It was essentially, I think, at the time a question of balancing the need to ensure superannuation was received by workers versus the costs of administration and compliance. So essentially it involved balancing those two issues and that is what led to the \$450 threshold.</p> <p>Senator BUSHBY—Do you know how many workers were excluded from the guarantee in 1992 because of that threshold?</p> <p>Dr Kirby—I could not tell you that.</p> <p>Senator BUSHBY—You would probably have that information, though, as part of your examination of this issue somewhere in the commission?</p> <p>Dr Kirby—We could take that question on notice and see if we do have that information.</p>	E47 21/10/2010	02/02/2011	10/02/2011
SBT 208	PC	Bushby	Budgetary assistance to industry	<p>Senator BUSHBY—Okay. In your recent trade and assistance review you write: While tariff assistance has declined significantly in recent years, budgetary assistance to industry has been increasing. Can you elaborate on the budgetary assistance you are referring to?</p> <p>Dr Kirby—The budgetary assistance—and, again, maybe my colleagues can help me a little bit on this one—relates to direct expenditures and also relates to the various tax concessions. In the report there are various areas of expenditures, various tax concessions, which are documented</p>	E47-48 21/10/2010	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>and costed.</p> <p>Senator BUSHBY—What is the impact of this assistance on the Australian economy, in your view?</p> <p>Dr Kirby—Obviously the direct impact of assistance is to enhance or to favour those particular areas of activity. The broader impacts of it through the economy would need to be examined.</p> <p>Senator BUSHBY—What are the potential broader effects?</p> <p>Dr Kirby—In the case of budgetary assistance, the most obvious one is that taxpayer revenue has to be raised in order to finance it.</p> <p>Senator BUSHBY—Yes, or diverted from other programs.</p> <p>Dr Kirby—Yes.</p> <p>Senator BUSHBY—What about distortionary effects in the economy?</p> <p>Dr Kirby—To the extent that one area of activity in an economy is favoured through regulation, through protectionist measures, through subsidies and through a range of possible assistance measures, that area benefits. That area attracts resources and labour capital. Those resources come from other areas of the Australian economy.</p> <p>Senator BUSHBY—This is my final question on this particular point. Did you come up with the total value of the assistance that the federal government is providing to industry in Australia?</p> <p>Dr Kirby—I have not got that number off the top of my head.</p> <p>Senator BUSHBY—I think it was \$17-point-something billion. I do not have it in front of me either, but I quoted it yesterday before the industry department and I think the industry minister made some comment about how they might calculate assistance to industry different to what the Productivity Commission does. Could you just confirm what that figure is and provide a break-up of how it is comprised and from which departments? Is that possible? Where it is sourced?</p> <p>Dr Kirby—Certainly where it is sourced or where it goes to. Whatever is in the report we will get to you.</p> <p>Senator BUSHBY—Okay. As much detail as you can in terms of the break-up of that figure. Thank you.</p>			
SBT 209	PC	Cameron	Analysis by Professor Stiglitz	Senator CAMERON —In relation to your current inquiry into productivity, would you be taking any of the lessons or ideas from Stiglitz and applying them in that analysis?	E50 21/10/2010	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Dr Gordon—If an inquiry is into productivity, measuring multifactor productivity, we are actually talking about outputs. So the concept of productivity as measured currently is very well defined. But, when we do our analysis in a cost-benefit framework, we do look at a much broader set of benefits and costs. In many ways the commission uses our inquiry process and calls for submissions to identify what those are and to ask people for evidence on those kinds of things.</p> <p>Senator CAMERON—So the wellbeing of the community could be a factor in this inquiry?</p> <p>Dr Gordon—In any inquiry that we do we are actually tasked with looking at the community wellbeing. Sometimes we are asked to specifically look at the economic ramifications, and other times, particularly inquiries like parental leave and aged care, we do have to look at those broader wellbeing issues.</p> <p>Senator CAMERON—You might want to take this on notice, but maybe at the next estimates you will be able to advise us how you use the Stiglitz analysis in your inquiry, if you use it at all. I will be seeking some answers on that.</p> <p>Dr Gordon—I think it is a very useful piece of work.</p>			
SBT 210	Treasury (Revenue Group)	Bushby	Cost of Cooper Review	<p>Senator BUSHBY—How much did the Cooper review cost?</p> <p>Senator Sherry—That is related to the Markets Group. I will take that on notice.</p>	E55 21/10/2010	02/02/2011	10/02/2011
SBT 211	Treasury (Revenue Group)	Bushby	Estimated benefit of My Super policy	<p>Senator BUSHBY—The government has produced a \$40,000 savings figure for the benefit of its My Super superannuation policy announced during the election. Has the likely increased usage of passive management been taken into account in the Treasury estimate?</p> <p>Senator Sherry—That is the Markets Group again. I will have to take that on notice.</p>	E56 21/10/2010	02/02/2011	10/02/2011
SBT 212	Treasury (Revenue Group)	Brandis	Policy Transition Group Secretariat	<p>Senator BRANDIS—I understand that. I have a series of questions that I am going to direct to you, Mr Parker, in relation to the mining tax—and can I use that phrase to comprehend both the RSPT and the MRRT just for shortness—but, if there are other officers of Revenue Group who are more immediately concerned in the topics that I want to cover, no doubt</p>	E56-57 21/10/2010	02/02/2011	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>the question can be referred to them. Mr Parker, which officers of Treasury sit on the secretariat of the Policy Transition Group?</p> <p>Mr Parker—There are a number of officers and if you want me to give you a complete list then I am happy to do that, but I do not have the complete list in my head.</p> <p>Senator BRANDIS—That is fine. You can take that on notice...</p>			
SBT 213	Treasury (Revenue Group)	Brandis	Treasury document on how mining tax would operate	<p>Senator BRANDIS—All right. I just want to ask you a number of questions about the document itself before we get into the content of it. On what date was the Treasury advice—that is the first two pages of the document—prepared?</p> <p>Mr Parker—I see. I do not have that information in my head, Senator. I do have the information in my head about the date of the AGS advice. If you like, I will take that on notice.</p> <p>Senator BRANDIS—I will come to that. I just want to take you through this in a methodical way. May we take it that the reference to the RSPT means that this document was prepared before the abandonment of the RSPT or its re-announcement as the MRRT on 2 July?</p> <p>Mr Parker—Yes, that would be right. The freedom of information request by the <i>West Australian</i>, specifically Shane Wright, was, through a number of stages, limited to documents which were briefings to the Treasurer in the period between the announcement of the RSPT and the announcement of the MRRT.</p> <p>Senator BRANDIS—And the RSPT was announced, was it not, on 2 May?</p> <p>Mr Parker—Correct.</p> <p>Senator BRANDIS—So this document was prepared in either May or June of this year?</p> <p>Mr Parker—That is correct.</p> <p>Senator BRANDIS—All right. Can you do any better than that or are there any other officers in the room who can assist with the actual date of the minute?</p> <p>Mr Parker—No.</p> <p>Senator BRANDIS—All right. You will take that on notice, will you?</p> <p>Mr Parker—Yes.</p> <p>Senator BRANDIS—Are you able to do any better in locating the date?</p>	E58 21/10/2010	20/10/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				Was it in May or was it in June, do you know? Mr Parker —I am not certain, Senator. I will take it on notice.			
SBT 214	Treasury (Revenue Group)	Brandis	Request to produce instructions to AGS	Senator BRANDIS —Of April. All right. Thank you. It was presumably received in response to a written request from Treasury to the AGS; is that right? Mr Parker —Yes, that is right. Senator BRANDIS —What was the date of that request? Mr Parker —I understand the date of the request was 14 April. Senator BRANDIS —14 April. All right. Can a copy of the request be tabled, please? Mr Parker —Senator, clearly we are going to be talking eventually in this process about matters of legal privilege and so forth. So I would presume—and I do not pretend to be a lawyer, although I do have legal qualifications—that the issue of legal professional privilege may also attach to the request. Senator BRANDIS —Privilege has been waived by you, Mr Parker, by producing the advice. Mr Parker —Certainly privilege has been waived in respect of the material that has been put on the public record. Senator BRANDIS —A partial disclosure of advice in this form, as a general rule, waives the privilege in the entire document and that principle would apply by extension to the request—if, indeed, it is right to say that the request is covered by the privilege at all. Mr Parker —Senator, that may well be your view. I am not able to express a legal opinion on that matter. CHAIR —Mr Parker, you are taking that request on notice, are you? Mr Parker —Yes, I am taking it on notice and I am simply not conceding the point that it waives legal professional privilege.	E59 21/10/2010	20/10/2010 <i>(updated response provided 16/02/11)</i>	10/02/2011 <i>(updated response tabled 03/03/11)</i>
SBT 215	Treasury (Revenue Group)	Brandis	Author of instructions to AGS	Senator BRANDIS —Mr Parker, who was the author of the instructions to the Australian Government Solicitor? Mr Parker —I believe that it was Andrew England, but I am not certain. So again, I can take that precise question on notice.	E59 21/10/2010	20/10/2010 <i>(updated response provided 16/02/11)</i>	10/02/2011 <i>(updated response tabled 03/03/11)</i>

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
SBT 216	Treasury (Revenue Group)	Brandis	Request for production of email between Mr Parker and AGS	<p>Senator BRANDIS—Thank you. Mr Parker, who made the decision to include and exclude from what was produced from the material? Was that your decision?</p> <p>Mr Parker—Yes, it was my decision.</p> <p>Senator BRANDIS—Was that decision made itself on the basis of legal advice?</p> <p>Mr Parker—Yes, it was.</p> <p>Senator BRANDIS—From?</p> <p>Mr Parker—From the Australian Government Solicitor.</p> <p>Senator BRANDIS—Was that legal advice documented?</p> <p>Mr Parker—No, it was oral advice.</p> <p>Senator BRANDIS—Was a minute prepared of that conversation?</p> <p>Mr Parker—No, a minute has not been prepared of that conversation.</p> <p>Senator BRANDIS—Is there any documentary record of that conversation?</p> <p>Mr Parker—There may be a documentary record of it in the form of an email. I would have to check and in the event of you requesting that then, again, I will take it on notice.</p> <p>Senator BRANDIS—I do request the production of any email of the kind that you have described.</p> <p>Senator CAMERON—I remember another search for an email!</p> <p>Senator BRANDIS—Mr Parker—</p> <p>Senator Sherry—We will take it on notice.</p>	E60 21/10/2010	16/02/2011	3/03/2011
SBT 217	Treasury (Revenue Group)	Brandis	AGS advice re constitutionality of proposed RSPT	<p>Senator BRANDIS—We could cut to the chase here. I withdraw the question, Mr Parker, so you do not need to worry about it. Minister, let me direct the question to you. You now know that at the time Mr Rudd announced the RSPT the government had been advised by the AGS that there was a risk that it was unconstitutional. If you read those portions of the advice that have been put into the public domain by Mr Parker's decision on 1 October—and I am paraphrasing here—a fair reading of that advice is that the view of the Australian Government Solicitor was that there was a substantial risk that this proposal was unconstitutional, in particular in relation to the rebating of royalties question. Why did the then government, the then Prime Minister, announce a major taxation measure knowing that in the view of the government's own legal</p>	E64 21/10/2010	03/03/2011	

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>advisers it was probably unlawful?</p> <p>Senator Sherry—We had a discussion about this yesterday at the resources committee hearing and obviously again some further discussion this afternoon. I do not have anything further to add about the development and finalisation of government policy. That was a matter for the Prime Minister and the Treasurer and other ministers of the day, and I was not involved. I cannot assist you directly. What I can do is take your question on notice and respond appropriately on behalf of the government.</p> <p>Senator BRANDIS—Thank you, Senator Sherry...</p>			
SBT 218	Treasury (Revenue Group)	Abetz	MMRT revenue forecasts	<p>Mr Parker—No, it has not released the assumptions regarding prices, volumes, the market value of the starting base, expected investment in the sector. All of those numbers were provided to the Commonwealth on a commercial-in-confidence basis by the group of companies which were involved in the final heads of agreement arrangement. I am happy to tell you the story around that if you wish. There are two elements to the commercial-in-confidence matter. Those issues are very sensitive to the companies involved. I am sure I do not need to rehearse before this committee the importance of the protection of commercial-in-confidence information. We have asked the companies if they would object to us providing that information. That question was put to them in the context of the freedom of information requests which have been talked about, and the companies objected to the release of that information. So on that basis those assumptions have not been released. I might add contextually that this issue has come up in discussions at the Policy Transition Group. In order to fill in the details of the tax, that group is consulting with companies. The group has asked the companies— not just the three companies related with the heads of agreement but more broadly—to provide to the Policy Transition Group information relating to the activities, prices and so forth of the companies. The Policy Transition Group has put out a model for companies to use to input the data to send back to the Policy Transition Group. The reason that that has been done is that, the more information we have, the better we can design the relevant detail. It has been a matter which companies have been particularly wont to emphasise that the information is commercial-in-</p>	E68 21/10/2010	02/02/2011	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>confidence. They have sought assurances to that effect and they have been given.</p> <p>Senator ABETZ—Mr Parker, thank you for that. Minister, I draw your attention to procedural order 9 of continuing effect, which requires that the Senate or a Senate committee shall not entertain any claim to withhold information from the Senate or a committee on the grounds that it is commercial-in-confidence unless the claim is made by a minister and is accompanied by a statement setting out the basis for the claim. Clearly you do not have a statement with you, but if you could take that on notice—</p> <p>Senator Wong—I will take that on notice.</p> <p>Senator ABETZ—and get back to the committee, with respect, as a matter of urgency in relation to the statement in relation to the commercial-in-confidence claim.</p> <p>Senator Wong—I suspect, Senator, the statement that I would provide on behalf of the Treasurer would bear some similarity to the reasons which have just been outlined, but if you feel a need for me to take it on notice and get someone to write it down and provide it, I will do so.</p>			
SBT 219	Treasury (Revenue Group)	Abetz	Various questions re meetings about proposed mining tax	<p>Senator ABETZ—What input to the discussions with the resource companies did the government’s experts in this field, that is officers from the Department of Resources, Energy and Tourism, have?</p> <p>Mr Parker—We can take that question on notice, if you like, Senator. A number of the early meetings, working on the modelling and price numbers, took place in the Department of Resources, Energy and Tourism.</p> <p>Senator ABETZ—Sorry, can you speak up, please.</p> <p>Mr Parker—Yes. I am saying that a number of the very early meetings in the process of reaching this agreed modelling approach took place in RET but, as I said, I do not know—</p> <p>Senator ABETZ—Was Mr Brown at the meetings? Who was at the meetings?</p> <p>Mr Brown—Senator, I was at some of those meetings and RET officers were present.</p> <p>Senator ABETZ—Excellent. Can you go into all the meetings you were present at? If not, take it on notice.</p>	E73-74, 75 21/10/2010	02/02/2011	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Mr Brown—I would take that on notice.</p> <p>Senator ABETZ—Yes. If you could then also tell us what the level of representation was by that department.</p> <p>Senator Wong—Senator, it might be better for these to be put on notice for that department. You are asking Treasury to give you advice, to respond to questions about the attendance of meetings of a department, which, as I recall, appeared earlier today. Or was it yesterday.</p> <p>Senator ABETZ—Who ran the meetings? Who provided the secretarial assistance for these meetings? Who kept the minutes of these meetings? Treasury? What is the difficulty?</p> <p>Mr Brown—Senator, as Mr Parker pointed out, the early meetings were actually held in RET offices and they provided facilities for the meetings.</p> <p>Senator ABETZ—They provided the facilities. I asked about the secretarial services, as in who organised the meeting, who invited people to the meeting, who took the minutes of the meeting. Was it Treasury or DRET?</p> <p>CHAIR—Perhaps you would like to take that one on notice.</p> <p>Senator ABETZ—I must say this is unbelievable. Surely somebody at the table must know who was in charge of secretarial services.</p> <p>CHAIR—Senator Abetz, the question has been taken on notice and will be answered in due course.</p> <p>Senator Wong—Perhaps you could be clear what you mean by ‘secretarial services’, Senator.</p> <p>Senator ABETZ—Organising the meeting, taking the minutes, inviting people to the meeting—who was responsible for that? DRET or Treasury?</p> <p>Senator Wong—We will take that on notice.</p> <p>Senator ABETZ—Oh, please! With all these officials in the room, not a single person knows who. Mr Brown, how did you get to the meetings? Who invited you and told you about the meeting? Was it from within Treasury or was it from DRET? This is not difficult, surely.</p> <p>Mr Brown—The invitation I received came from within Treasury.</p> <p>Senator ABETZ—From within Treasury?</p> <p>Mr Brown—But I was also having that relayed to me, so I cannot—</p> <p>Senator ABETZ—From whom in Treasury did you receive the</p>			

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>invitation to go?</p> <p>Senator PRATT—These are not the kinds of details officials he should be expected to remember.</p> <p>Senator ABETZ—What? Do you know, Mr Brown?</p> <p>Mr Brown—I would have to consult my diary and get that information.</p> <p>Senator ABETZ—What—your diary?</p> <p>Mr Brown—That would be something I would need to take on notice....</p> <p>Mr Brown—Senator, there were a number of meetings that were organised. I do not recall precisely who organised them. I would have to take it on notice. I would not like to mislead the Senate.</p>			
SBT 220	Treasury (Revenue Group)	Abetz	Dates of legal advice provided concerning the mining tax	<p>Senator ABETZ—How many pieces of legal advice have been received since the one that Senator Brandis and you discussed in relation to the constitutionality question?</p> <p>Mr Parker—I would have to take that on notice.</p> <p>Senator ABETZ—If you could, and if you could also take on notice whether that advice might be released and the dates of each.</p> <p>Mr Parker—I will take that on notice.</p> <p>Senator ABETZ—With respect, I think you will be able to provide us the dates of the advice, even if you do not actually provide us with the detail of the advice.</p> <p>Mr Parker—Yes, that is my understanding.</p> <p>Senator ABETZ—Thank you.</p>	E77 21/10/2010	20/10/2010	10/02/2011
SBT 221	ATO	Cameron	Sham Contracting (Odco. System)	<p>Senator CAMERON—Are you aware of this Odco system that is being peddled around various industries?</p> <p>Mr Quigley—Sorry, what was that particular term?</p> <p>Senator CAMERON—The Odco system.</p> <p>Mr Quigley—No, Senator, I am not.</p> <p>Senator CAMERON—I am quite surprised, because both the Australian Building and Construction Commission and the Fair Work Ombudsman have expressed concern about this system, which is being used to in some areas avoid tax and in some areas ensure workers do not have access to their legitimate entitlements. And you are not aware of this?</p> <p>Mr Quigley—I am not aware of that particular terminology, Senator. It</p>	E78-79 21/10/2010	09/12/2010	10/02/2011

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				<p>may be that some of my officers are actually looking at those types of arrangements. And, given that those other organisations are, I would suspect that we would be looking at something. But I am not aware of that particular—</p> <p>Senator CAMERON—Could you take it on notice so you can advise me in relation to whether the Taxation Office is aware of these issues and is doing anything about it?</p> <p>Mr Quigley—Sorry, could I clarify: we certainly are aware of those types of issues. What I am not familiar with is that particular term. But I certainly will take that on notice.</p>			
SBT 222	ATO	Cameron	Audits undertaking with regards to sham contracting	<p>Senator CAMERON—How many audits did you undertake?</p> <p>Mr Quigley—The exact number is 1,263 and, as I say, the average revenue per case was \$24,237.</p> <p>Senator CAMERON—What is the percentage of those audits where you had to take remedial action in terms of the taxpayer?</p> <p>Mr Quigley—I have not got figures to say how many of those 1,263. There were particular adjustments that were made. I have only the average figure that I have provided to you.</p> <p>Senator CAMERON—Would you not think that that would give you some idea, given that you have done these spot audits, as to what the proliferation of this problem is in the industry?</p> <p>Mr Quigley—Certainly. I am sure we have that figure, but I do not have it. I will take it on notice.</p> <p>Senator CAMERON—Can you take it on notice and provide me with that figure?</p> <p>Mr D'Ascenzo—Can I just add that they are not actually spot audits. We actually do a prioritisation and risk assessment. So they are actually targeted audits and you would expect that there would be a high rate of conversion of those in terms of people not doing the right thing.</p> <p>Senator CAMERON—Are you doing this across all industries?</p> <p>Mr D'Ascenzo—We are highlighting some specific industries that are more high risk than others, such as the building and construction industry.</p> <p>Senator CAMERON—Can you provide a list of those industries?</p> <p>Mr D'Ascenzo—Yes, we can.</p>	E79 21/10/2010	07/12/2010	10/02/2011

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				Senator CAMERON —Can you take that on notice...			
SBT 223	ATO	Cameron	Cost of tax evasion through sham contracting	<p>Senator CAMERON—Do you have any idea how much revenue is lost through sham contracting?</p> <p>Mr D'Ascenzo—When people talk about sham contracting, it is sometimes arrangements which are legal but which force onto the employee certain legal requirements that make them contractors under common law. Sometimes they work through companies that take them out of this dichotomy of employee or employer. So it is not that easy to work out which part of that industry practice—</p> <p>Senator CAMERON—So is it a legislative impediment? Have you actually been able to ensure that people pay the proper tax?</p> <p>Mr D'Ascenzo—I think it is a question of having to have a look at the individual arrangements of a range of employers and a range of employees to see whether or not they meet the legal requirements.</p> <p>Senator CAMERON—But that is not what I asked you. I asked you if you see any legislative impediment to being able to deal effectively with ensuring that people are properly classified and pay their proper tax.</p> <p>Mr D'Ascenzo—I think the answer I gave you is quite relevant, because it is a question of finding the arrangement and then examining it in terms of whether it meets the common or legislative processes. That is a very resource intensive exercise.</p> <p>Senator CAMERON—I do not intend doing a Senator Brandis or a Senator Abetz on you. I ask if you could take that on notice and see whether you consider there is any further information you can advise me of in relation to this question.</p>	E80 21/10/2010	07/12/2010	10/02/2011
SBT 224	ATO	Cameron	Approaches to tackling sham contracting sham contracting overseas	<p>Senator CAMERON—Could you provide me advice in relation to the legislative process in the countries that you have indicated that provide the taxation offices in those areas with a better approach on dealing with sham contracting?</p> <p>Mr Quigley—I did not say they had a better approach. I said because they have got reporting and withholding arrangements—and they may or may not be better approaches—</p> <p>Mr D'Ascenzo—We can provide the information about what we know is happening in other countries.</p> <p>Senator CAMERON—Yes. I should not have said ‘a better approach’,</p>	E81 21/10/2010	07/12/2010	10/02/2011

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				<p>but you did indicate that there was more information. I would have thought that was a better approach. Thanks, Mr D'Ascenzo. You will provide the information on how this issue is handled in other overseas administrations?</p> <p>Mr D'Ascenzo—We will do what we can in that regard.</p> <p>Senator CAMERON—Thanks very much.</p>			
SBT 225	ATO	Xenophon	Dates of conclusion of the ATO change program	<p>Senator XENOPHON—When was that decision made?</p> <p>Mr D'Ascenzo—That was done in the wrap-up of the change program. Mr Butler can give you greater detail.</p> <p>Mr Butler—The change program contract came to conclusion on 30 June this year. The negotiations with Accenture continued over a number of months before and after 30 June. I would need to check the exact dates that we finalised the negotiations.</p> <p>Senator XENOPHON—If you could take that on notice...</p>	E83 21/10/2010	07/12/2010	10/02/2011
SBT 226	ATO	Xenophon	ATO staffing and change program	<p>Senator XENOPHON—Just before Mr Butler does that, it might be useful to establish—and you may want to take this on notice—that I take it you have had to take on extra staff with respect to catching up with respect to the change program. If you could confirm that—the number of staff and the number of hours that have been put into this? Again, on notice would be fine.</p> <p>Mr D'Ascenzo—I am not sure—we will provide that on notice, but I just want to put the context to you, if I can. Every tax time we put on new staff. We have a range of casual and ongoing staff that we put on because tax time is our busiest time of the year. So it is hard to differentiate what is there because of normal tax time duties or what is there to catch up.</p> <p>Senator XENOPHON—But in terms of seasonal variations, for tax season you could establish how many staff you had in the previous couple of years?</p> <p>Mr D'Ascenzo—Yes, we can do that. We can give you the comparisons over time.</p> <p>Senator XENOPHON—That would be useful. And also whether it was anticipated that the new system would lessen the need to have that many staff—whether that was something that was anticipated in the initial</p>	E84 21/10/2010	07/12/2010	10/02/2011

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				contracts and the scoping for the change program. Mr D'Ascenzo —We will provide whatever information we can in that regard.			
SBT 227	Treasury (Revenue Group)	Xenophon	Overseas online sales	Senator XENOPHON —It is out of left field but it is perhaps to the minister and to Mr D'Ascenzo. I have been contacted by retailers who have complained to me about the issue of online sales in that if you purchase goods and books overseas you do not pay GST on that. I know that online sales are about \$30 billion a year, I think, of a \$300 billion a year retailing sector, and not all of them would be overseas. Has any consideration been given or any analysis done as to what potential revenue leakage there is with respect to, say, the GST on those overseas online purchases? I am happy for that to be taken on notice, but it is an issue that has been raised with me by small retailers. Senator Wong —From my perspective I would take that on notice. I do not know about Mr D'Ascenzo. Mr D'Ascenzo —We know the issue and that is the way that the law operates. There is not any inappropriate leakage through those processes other than what the law allows. CHAIR —And the minister will provide further information on notice? Senator Wong —Yes.	E86 21/10/2010	31/05/2011	
SBT 228	ATO	Bushby	Unclaimed superannuation payments	Senator BUSHBY —I will ask a question in the last 30 seconds, if I may, given that the tax commissioner is here—I have lots of questions to put on notice, which I will. I have asked questions about this change before, but I am interested to know how many individuals have had their superannuation balances paid to the commissioner under the Superannuation (Departing Australia Superannuation Payments Tax) Act 2007. Also, how many additional individuals have had superannuation balances paid to the commissioner under amendments made in 2009 to the Superannuation (Unclaimed Money and Lost Members) Act? If you could advise what the value of each of those amounts to. Mr Olesen —I can give you some aggregate figures quickly around the value of unclaimed moneys that we hold. As at 30 June 2010 we hold around \$390 million in unclaimed moneys. About \$323 million of that relates to temporary residents from the first three rounds of collections	E86-87 21/10/2010	07/12/2010	10/02/2011

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				<p>we have done. I think the amendments you were referring to are in relation to small accounts.</p> <p>Senator BUSHBY—Yes, I think so.</p> <p>Mr Olesen—The reporting on that is not due until the end of October, so we do not have any of that information at the moment.</p> <p>Senator BUSHBY—Good. Can you take on notice for me a break-up of the temporary residents for each of those three rounds?</p> <p>Mr Olesen—Absolutely, yes. We have got that information.</p> <p>Senator BUSHBY—Thank you.</p>			
SBT 229	Treasury (Revenue Group)	Bushby	Recommendations 18-20 of Henry Review	<p>Senator BUSHBY—Has your department done any analysis of the budgetary cost of implementing recommendations 18 through to 20 in the Henry review?</p> <p>Dr Henry—I would have to take that on notice, I am sorry.</p> <p>Senator BUSHBY—You are not sure whether they have done any modelling?</p> <p>Dr Henry—I am not, no. I would have to take that on notice.</p> <p>Senator BUSHBY—And there is nobody else in the room who is aware?</p> <p>Senator Wong—Senator, he has taken it on notice.</p>	E89 21/10/2010	02/02/2011	10/02/2011
SBT 230	Treasury (Revenue Group)	Bushby	Revenue impact of recommendations 18-20	<p>Senator BUSHBY—Okay. Can you tell me whether the net outcome of those three recommendations is positive or negative for the Commonwealth budget?</p> <p>Senator Wong—Senator, you are asking Dr Henry to tell you what the revenue impact of policy changes which are not government policy—what it would be; is that right?</p> <p>Senator BUSHBY—Three of the recommendations are contained in his report.</p> <p>Senator Wong—In his report. They are not government policy. You are asking him to cost his report.</p> <p>Senator BUSHBY—In the development of his report I am quite sure they did some modelling and an assessment of what impact it would have. I am asking him whether he is aware of whether it would have a net positive or negative impact on the Commonwealth budget.</p> <p>Dr Henry—I am sorry, Senator, I will need to take it on notice.</p>	E89 21/10/2010	02/02/2011	10/02/2011

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SBT 231	Treasury (Macro group)	Bushby	Interplay between monetary and fiscal policy	<p>Dr Henry—Sure there is. I am just suggesting that one needs to exercise caution about the use of simplistic rules of thumb on this trade-off between fiscal and monetary.</p> <p>Senator BUSHBY—Given your assessment of where the economy is currently and using the most commonly accepted rule of thumb, what—</p> <p>Senator Wong—He has just declined to—</p> <p>Senator BUSHBY—He has indicated that you have to take it very carefully. You have to take the results of those rules of thumb very carefully.</p> <p>Senator Wong—I thought that Dr Henry had declined to indicate to you what the—</p> <p>Senator BUSHBY—I asked him whether there were rules of thumb. I did not ask what they were.</p> <p>Senator Wong—You cannot do that. You cannot say, ‘I know you can’t tell me what X is, but now please do a calculation or make an assertion based on X.’</p> <p>Senator BUSHBY—I did not say ‘I know you can’t tell me’. I asked him were there rules of thumb. Dr Henry gave me a very considered reply to that.</p> <p>Senator Wong—Yes, he did.</p> <p>Senator BUSHBY—I will ask the question slightly differently. Have Treasury applied any of those rules of thumb or any of those methods of calculation of looking at the interplay between monetary and fiscal policy in a way that would indicate, say, how much you would need to tighten fiscal policy to offset the need for a rise in interest rates of 0.25 per cent?</p> <p>Dr Henry—Not to my knowledge. I will take that on notice, if you do not mind—but not to my knowledge. I would be a little loath myself to endorse any particular rule of thumb for the reason that I have mentioned.</p> <p>Senator BUSHBY—I understand why you do not want to endorse them. I am interested in hearing whether Treasury has actually used them.</p> <p>Dr Henry—Sure.</p>	E96 21/10/2010		
SBT 232	Treasury (Macro)	Bushby	Effects of stimulus spending in OECD	<p>Senator BUSHBY—I do. At the last estimates I asked about chart A on page 2-23 of Budget Paper No. 1 and you indicated that an error was</p>	E98 21/10/2010	16/02/2011	3/03/2011

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	Group)		countries	<p>made and pointed the committee to a new analysis of 26 OECD countries in which there was a statistically significant relationship between those countries applying more stimulus outperforming against forecasts relative to those that did not. Will you continue to provide the analysis for each of these countries showing relative performance against predictions as the stimulus payments wind down and the consequences of bringing forward spending and higher borrowings become evident?</p> <p>Dr Gruen—Senator, I think we had a discussion about how important I thought these results were and I think at the time I made the point that I thought it was a piece of evidence but it was not conclusive either way.</p> <p>Senator BUSHBY—Yes, that is right.</p> <p>Dr Gruen—So I had not been planning on doing so. I think the other problem is that the way this analysis was done was to compare outcomes with forecasts and I think the crucial period of time was 2009, if my memory serves, because that was the period of the significant budget interventions. To the extent that the analysis is trying to ask the question, ‘Did countries that used more fiscal stimulus outperform what the IMF expected they would do?’ and to the extent that that question is of any interest, it is of interest at the time when these fiscal stimuluses were being implemented. I guess one could redo it for 2010.</p> <p>Senator BUSHBY—No, I acknowledge that the further you get away, the less relevance it has. But clearly, you have to have a look at the impact of that stimulus while it is rolling out in order to get any value.</p> <p>Dr Gruen—Yes.</p> <p>Senator Wong—What are you seeking, Senator?</p> <p>Senator BUSHBY—I was just wondering whether they are were going to continue that for any further than what has been done.</p> <p>Senator Wong—I think Dr Green said that he was not intending to. If you are asking him to—</p> <p>Senator BUSHBY—I would be interested to see it for at least another year.</p> <p>Senator Wong—I would think the question will be taken on notice and the government will consider it.</p>			
SBT 233	Treasury (Fiscal	Bushby	Use of 10year bond rate	Senator BUSHBY —Are you aware of any instances where Finance or Treasury have used the 10-year bond rate to calculate costs or savings	E102-103 21/10/2010	15/12/2010	10/02/2011

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	Group)			<p>within government?</p> <p>Mr Ray—We used the 10-year bond rate to market the superannuation liability. I have just used that as an actual at FBO. We use a different interest rate at budget and at MYEFO, where we use the long-term cost rate that is developed by the Australian Government Actuary.</p> <p>Senator BUSHBY—Any other examples that you can think of?</p> <p>Mr Ray—Not off the top of my head. I am happy to take it on notice to see if there are any. But on PDI calculations, the methodology that we use is the same methodology that you and I have discussed, and that I have discussed with Senator Joyce on many occasions.</p>			
SBT 234	Treasury (Fiscal Group)	Bushby	Economic Stimulus package	<p>Senator BUSHBY—In September last year Treasury advised the Senate inquiry into the economic stimulus package that, over the course of 2010-11 and 2011-12, \$31 billion in stimulus money was still to be spent. In light of further delays in spending stimulus, such as in the case of Victoria where just 40 per cent of its \$2.5 billion school stimulus package has been spent, can you please now outline how much of the stimulus package is yet to be spent in 2010-11, 2011-12 and 2012-13?</p> <p>Senator Wong—Did you say \$31 billion?</p> <p>Senator BUSHBY—Yes, \$31 billion was the figure we pulled out.</p> <p>Senator Wong—You pulled out?</p> <p>Senator BUSHBY—I did not pull it out personally.</p> <p>Senator Wong—I do not think that is the figure that the government has advised in other estimates hearings.</p> <p>Mr Ray—If we are talking about the payments that are made through the states—</p> <p>Senator BUSHBY—I was talking about the total stimulus money.</p> <p>Mr Ray—I do not have that with me. I have only got what has been paid through the states, which is 78 per cent of it. I am happy to take it on notice.</p> <p>Senator BUSHBY—In doing so could you also provide a breakdown of the composition of such spending, transfers, investments, COAG reforms et cetera?</p> <p>Mr Ray—When you say ‘transfers’ you do not mean transfer payments in the normal sense; you mean transfers to the states?</p> <p>Senator BUSHBY—Yes, transfers to the states. Basically, I would like</p>	E103-104 21/10/2010	31/05/2011	

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				<p>as much detail as you can provide as to how it will be spent.</p> <p>Senator Wong—The figure to the states is the \$23 billion that Mr Ray outlined. So when you say ‘transfer payments’—</p> <p>Senator BUSHBY—I did not say ‘transfer payments’; Mr Ray clarified that for me. Have you managed to clarify whether the \$31 billion figure I mentioned was correct?</p> <p>Senator Wong—No.</p> <p>Senator BUSHBY—I will proceed on the basis that—</p> <p>Senator Wong—I have a recollection—and I do not have the details in front of me—of the government indicating \$23 billion. There was an additional amount over and above that which related, from memory, to COAG reform packages and the pension increase, but I do not recall the figure being \$31 billion.</p> <p>Senator BUSHBY—As I said, I did not pull that out myself. I have had staff assist me with that.</p> <p>Mr Ray—Why don’t we take on notice that we will check what it was 12 months ago and what it is today?</p>			
SBT 235	Treasury (Fiscal Group)	Bushby/ Abetz	Contingency Reserve	<p>Senator BUSHBY—Given that you have clarified that it has to be prepared in accordance with appropriate accounting standards, would those accounting standards limit the matters that are in the contingency reserve to those that are currently listed on page 6-54?</p> <p>Senator Wong—We would probably have to take that on notice. I do not know if Mr Ray has got that off the top of his head or whether that might even be something Finance—</p> <p>Mr Ray—I do not have the GFS manual with me, so I am happy to take it on notice.</p> <p>Senator BUSHBY—Okay.</p> <p>Mr Ray—Sorry—by definition, yes, those accounting standards will limit what is in the contingency reserve.</p> <p>Senator BUSHBY—They will limit it just to those matters that are currently incorporated within the contingency reserve for the purposes of this year’s budget. Could a government be pinged for—</p> <p>Mr Ray—I expect the answer to that is no, but I will take it on notice rather than—</p> <p>Senator Wong—Let me just be clear about the question. You are</p>	E111-112 21/10/2010	10/12/2010	10/02/2011

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				<p>asking—</p> <p>Mr Ray—The question is: could something else be in the contingency reserve other than what was in the contingency reserve under these categories in the 2010-11 budget? That is what you are asking?</p> <p>Senator BUSHBY—Yes.</p> <p>Mr Ray—We will take that on notice.</p> <p>Senator Wong—What would the GFS contemplate, if anything, over and above those categories? Is that a reasonable—</p> <p>Senator BUSHBY—That is reasonable, yes.</p> <p>Senator ABETZ—Could you draw our attention to the GFS statement, or whatever the relevant page is?</p> <p>Senator Wong—I do not have those accounting standards here.</p> <p>Senator ABETZ—No—on notice. Sorry, I presumed it would be on notice.</p>			
SBT 236	Treasury (Fiscal Group)	Bushby	Financing transactions	<p>Senator BUSHBY—Are there other transactions that would be considered financing transactions that are not equity injections and, if so, what?</p> <p>Mr Ray—Helplines for students, for example.</p> <p>Senator BUSHBY—Anything else?</p> <p>Dr Henry—Issuing or repaying Commonwealth debt.</p> <p>Senator BUSHBY—Okay. Is that an exclusive list? Could you take notice what else there might be?</p> <p>Mr Ray—You want us to take on notice all potential financing transactions?</p> <p>Senator BUSHBY—Just the types, not details.</p>	E113 21/10/2010	10/12/2010	10/02/2011
SBT 237	Treasury (Fiscal Group)	Bushby	Government Business Enterprises	<p>Senator BUSHBY—The then minister for finance made a number of comments relating to the budget treatment of the NBN in the press conference announcing the release of the implementation report. In particular I draw your attention to his claim that the implementation study ‘confirms that the government contribution is an investment and not a grant’ because ‘it will be earning a return and the government will get its money back’. It is to be accounted for as an investment and is therefore on the capital side of the budget and it is not recurrent spending, and it cannot be converted into spending without hitting the</p>	E113-114 21/10/2010	10/12/2010	10/02/2011

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				<p>recurrent spend bottom line. The budget papers provide that the government is treating NBN Co. as a public non-financial corporation under the government finance statistics. That is a reference at page 9-37 of Budget Paper No. 1. Is that correct, that it is being treated as a public non-financial corporation?</p> <p>Mr Ray—Yes, that is correct.</p> <p>Senator BUSHBY—What criteria must a government business enterprise satisfy to be categorised in that way?</p> <p>Senator Wong—That precise question was asked, I think by Senator Cormann, in the Finance estimates and there was quite a lengthy answer as to what are the characteristics of a—is it PNFC?</p> <p>Dr Henry—Yes.</p> <p>Senator Wong—If you want that information I am happy to take it on notice and we can provide that lengthy answer that Finance provided.</p> <p>Mr Ray—Again, it is in the GFS manual.</p> <p>Senator BUSHBY—I am content with it being taken on notice. Is it an accurate statement of the government’s position to say that, because its investments in NBN Co. are reasonably expected to return the government bond rate over the long term, this funding is treated as off budget?</p> <p>Mr Ray—That goes to the earlier question of what is required for it to be a public non-financial corporation. Essentially, it needs to earn an economic return. It is actually to do with the activities of the entity rather than the return to equity that determine the definition.</p> <p>Senator BUSHBY—Okay. How do you define ‘economic return’?</p> <p>Mr Ray—The language, again, is from the GFS manual. You are testing my memory but I think they have to charge ‘economically significant prices’. I think that is the language.</p> <p>Senator BUSHBY—So it does not even have to make a return in actual fact?</p> <p>Mr Ray—Well, there are plenty of private corporations that make losses. The definition is around the activity of the entity. As I said, the language in the GFS manual is around charging economically significant prices. If you want us to go further, we would need to take it on notice. This is a very technical issue. We and Finance consult with the ABS around these matters.</p>			

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				<p>Senator BUSHBY—Okay. In addition to the earlier question you have taken on notice with respect to what criteria a government business enterprise needs to satisfy, could you expand that to incorporate a summary explanation of that, that would be appreciated.</p> <p>Mr Ray—Certainly. The two questions are really asking the same question.</p>			
SBT 238	Treasury (Fiscal Group)	Bushby	Debt financing	<p>Senator BUSHBY—Okay. How much has been paid out in interest by the government since the budget went into deficit that could be attributed to debt financing of government activities?</p> <p>Mr Ray—That is a very complicated question because it would mean that we would need to unpack the interest bill—</p> <p>Senator BUSHBY—What is the overall interest bill, to start with?</p> <p>Senator Wong—Your question was in relation to deficit.</p> <p>Senator BUSHBY—That is right. I understand the reality of how the financing works. Even in times when you are running a net surplus you do not actually owe any debt. There is debt on the books at times, and I understand that would incur some interest. But I am interested in the consequences really of the interest paid against the net debt that we have experienced since we went back into that position.</p> <p>Mr Ray—That is in the final budget outcome. A part of the problem is that the budget went into deficit part way through a financial year as well. I think the safest thing is to take it on notice. I need to check whether we can actually do it but it would involve this unpacking.</p> <p>Senator BUSHBY—If you cannot unpack it, you can give me the unpacked information rather than come back and tell me that you cannot unpack it.</p> <p>Senator Wong—Hang on, the unpacked information would be a completely different question, which you acknowledged in the previous interchange.</p> <p>Senator BUSHBY—Then I will ask both questions and ask you to take them both on notice. What is the date of return of questions on notice?</p> <p>CHAIR—It is 10 December.</p> <p>Senator BUSHBY—I remind you of that date, 10 December.</p> <p>Mr Ray—The budget went into deficit in 2008-09. We actually had negative net interest in 2008-09. It illustrates the difficulty of answering</p>	E115-116 21/10/2010	10/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>this question.</p> <p>Senator BUSHBY—Can you in your answer provide details of how much interest was earned in 2008-09 and 2009-10 and how much interest was paid out in 2008-09 and 2009-10?</p> <p>Mr Ray—We can do that easily because that is actually published in various documents.</p> <p>Senator BUSHBY—Do you have the actual figure for 2009-10 yet? Is that published?</p> <p>Mr Ray—The actual figure from 2009-10, the net figure is \$2.4 billion.</p> <p>Senator BUSHBY—That would be an outward flow, presumably.</p> <p>Mr Ray—Yes. Total interest received was \$4.4 billion. I hope this is going to work out. Total interest on debt was \$6.4 billion. Then there are other financing costs of \$1.2 billion.</p> <p>Senator BUSHBY—What would they be comprised of?</p> <p>Mr Ray—I need to take that on notice. There are syndication fees and all sorts of things. Senator BUSHBY—Okay. What about 2008-09?</p> <p>Mr Ray—It would be in the 2008-09 final budget outcome and we do not have that with us.</p> <p>Senator BUSHBY—Could you take it on notice. And what are the projections for interest payments for the current financial year?</p> <p>Mr Ray—Interest receipts are about \$5 billion and interest paid is about \$9 billion.</p> <p>Senator BUSHBY—Do you have a figure there?</p> <p>Mr Ray—Yes, it is \$5.073 billion and \$9.240 billion. The most recent published estimates are in PEFO.</p> <p>Senator BUSHBY—If you could take on notice the questions I asked looking at unpacking it, I would appreciate that.</p> <p>Mr Ray—Sure.</p>			
SBT 239	AOFM	Bushby	Graph showing market yields data	<p>Senator BUSHBY—I anticipate that you may expect the question, but have you updated the graphs for each line offered through the AOFM and the rates achieved as we have in past estimates?</p> <p>Mr Bath—Yes, I have.</p> <p>Senator BUSHBY—Do you have copies of those with you?</p> <p>Mr Bath—I have a copy. Do you want me to table it?</p> <p>Senator BUSHBY—I imagine they are all in different colours?</p>	E119-120 21/10/2010	15/12/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Mr Bath—Yes, they are.</p> <p>Senator BUSHBY—So we will probably have difficulties photocopying them and distributing them.</p> <p>Mr Bath—There are several lines.</p> <p>Senator BUSHBY—I know—exactly. I think I may have asked at the last estimates whether it was possible to break it up into a number of graphs.</p> <p>Mr Hyden—I am unaware of that.</p> <p>Senator BUSHBY—I apologise if I did not ask, but I certainly was thinking about it. In future I will continue to ask for this graph. How many lines are on that page? How many lines do you currently offer?</p> <p>Mr Bath—The yield curve is quite flat at the moment, Senator, so you will just have to bear with me while I try to separate them.</p> <p>Senator Wong—Is it possible to take this on notice?</p> <p>Senator BUSHBY—Yes. Essentially, without—</p> <p>Senator Wong—I think you are asking for disaggregated—</p> <p>Senator BUSHBY—I am asking for disaggregated graphs—something that is a bit easier to read.</p> <p>Mr Bath—There are 14 lines, and I have got more lines there.</p> <p>Senator BUSHBY—Maybe if you could put it into two graphs so there are seven in each, and if you introduce new lines—</p> <p>Mr Bath—I am happy to give you the data and perhaps you could use excel to draw the graphs that you care to. You lose a lot of the detail in the colour if you break it up. I fear that if I give you what you ask for we will be here again in another three months and you will say, ‘Can I have it a different way?’</p> <p>Senator BUSHBY—Okay.</p> <p>Mr Bath—I am happy to give you the data, and perhaps you could slice it and dice it however you like.</p> <p>Senator BUSHBY—I get your emails advising of the results of every tender that you put out, and I have always intended to get my staff to actually start mapping it as it comes in, but—</p> <p>Mr Bath—This is a different chart. This is not a chart of our individual tender results; this is a chart of market yields each day. We do not issue every bond every day—</p> <p>Senator BUSHBY—No, I know that.</p>			

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Mr Bath—We issue one or two bonds a week.</p> <p>Senator BUSHBY—Okay, it is probably worth exploring that.</p> <p>Mr Hyden—I might say that this data is published on the RBA’s website.</p> <p>Senator BUSHBY—Yes, I have had a look at that data on the RBA website as well. When you put your tender out and you get a result, you do not know what the yield is going to be when you go to tender, do you? It depends on the bids that people put in as to how it ends up? That is correct, is it not?</p> <p>Mr Hyden—It is correct, yes.</p> <p>Senator BUSHBY—So how do the yields that end up on those tenders that are accepted relate to the yields that you have got mapped in that graph?</p> <p>Mr Bath—The graphs that we provide are I believe end of day revaluation yields, so they are the secondary market yields at probably 4.30 pm of each closing day, whereas we tend to run our bond tenders at 11 am. So the market is a 24-hour market from about 8.30 am on a Monday morning until very early Saturday morning I believe now. You have to take certain snapshots in order to get daily revaluation rates and it is those rates that we give you but we do not run our bond tenders at 4.30 in the afternoon because all the bond traders would be packing up and heading home. We tend to want them to be at their desk and ready to buy our bonds so we tend to run the bond tenders when they are going to be there.</p> <p>Senator BUSHBY—That makes sense. If you could provide that data to the committee on notice, I will see what we can do with that.</p>			
SBT 240	ATO	Colbeck	Luxury Car tax	How much has the Government collected from the Luxury Car Tax during 2007-08, 2008-09 and 2009-10?	Written (question transferred from DIISR on 05/11/2010)	07/12/2010	10/02/2011
SBT 241	Treasury	Fierravanti-Wells	COAG Health reforms	a) A key aspect of the so-called reforms is the clawback of GST funds from the states to enable the Commonwealth to say that it will provide 60% of hospital funding – that legislation was presented to the previous	Written (question transferred from DoHA on	20/10/2010	10/02/2011

Q No.	Division	Senator	Broad Topic	Question	Proof Hansard Page & Hearing Date or Written Q	Date Answered	Date Tabled
				<p>Parliament, but has not been re-introduced, why is that the case?</p> <p>b) When will the legislation be reintroduced into the Parliament to amend the GST funding agreement with states to enable the COAG health reforms to be implemented?</p> <p>c) What are the administrative implications for the implementation of the COAG health reforms if this legislation is not passed by 1 July 2011?</p>	23/11/2010)		