



THE SENATE

SELECT COMMITTEE ON FUEL AND ENERGY

18 March 2009

The Hon Wayne Swan MP
Treasurer of the Commonwealth of Australia
PO Box 6022
Parliament House
Canberra ACT 2600

Dear Treasurer

I am writing on behalf of the Senate Select Committee on Fuel and Energy (the Committee). As you are aware, the Committee is inquiring into a broad range of fuel and energy issues and is currently concentrating on the impact of an emissions trading scheme.

I refer to the orders of the Senate made on 4 February 2009 and 11 March 2009 and the statements made in the Senate on 5 February, 11 February and 17 March 2009 by the Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Stephens.

The government's failure to comply with the orders of the Senate is limiting the Committee's ability to properly scrutinise the Treasury modelling and is not in the public interest. The Committee has considered the government's continued claim of commercial harm to Monash University and Purdue University.

Monash University has waived its requirements regarding confidentiality on the basis that the 11 March 2009 order of the Senate applies to the disclosure of the information sought. I have attached a copy of the letter from Monash University for your information.

As stated in my letter of 6 February 2009, it is the judgement of the Committee, and the longstanding practice of the Senate, supported by its many orders and resolutions over the years, that contractual obligations to consultants do not constitute a valid reason for declining to produce information. Further, please note that given the information is required under an order of the Senate, parliamentary privilege overrides any relevant contractual obligations of the government.

With the specific intention of protecting commercial interests, the 11 March 2009 order of the Senate included specific confidentiality requirements relating to some of the material sought by the Committee, including that relating to the universities. Any disclosure or use of the information otherwise than in accordance with this order would be a contempt of the Senate and a criminal offence under the *Parliamentary Privileges Act 1987*.

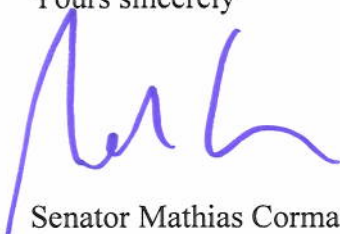
The government's claim of commercial harm relates to only part of the information required under the orders. It ignores the request for the majority of the information sought, and does not provide any reason as to why this information, for which no claims for secrecy have been made, is being withheld. The outstanding information includes:

- i. any information and documents generated by the government for the purpose of the composition of the information sought in the 4 February 2009 order of the Senate
- ii. for the two scenarios modelled for the CPRS (CPRS -5 per cent and the CPRS -15 per cent) and the reference scenario, the time series data per annum to 2050 for all states and territories of the following:
 - a. Industry growth output in millions of dollars;
 - b. Employment numbers;
 - c. Gross State Product;
 - d. Emissions; and
 - e. Household CPI changes.

The Committee therefore asks:

- i. that you provide all of the information as ordered by the Senate on 11 March 2009 by midday 19 March 2009; and
- ii. if you do not provide the information, that you provide a statement by close of business 19 March 2009 explaining:
 - a. the basis on which the government continues to refuse to provide the information sought by the Committee that does not relate to the intellectual property of Monash University or Purdue University, including all of the information required under 3(b) of the 11 March 2009 order of the Senate;
 - b. the basis on which the government continues to refuse to provide the information sought by the Committee that relates to Monash University given the university has waived its requirements of confidentiality; and
 - c. the reason the government continues to refuse to release to the Committee the information relating to Purdue University given the specific confidentiality requirements contained in the order.

Yours sincerely



Senator Mathias Cormann

CHAIR

SENATE SELECT COMMITTEE ON FUEL AND ENERGY



Professor Edwina Cornish
Deputy Vice-Chancellor and Vice-President (Research)
Office of the Deputy Vice-Chancellor

18 March 2008

The Hon Wayne Swan MP
Treasurer
PO Box 6022
House of Representatives
Parliament House ACT 2600

Dear Treasurer

Access to Monash Multi-Region Forecasting Model (MMRF)

I refer to a letter dated 12 March 2009, received from Senator Mathias Cormann, Chair of the Senate Select Committee on Fuel and Energy (copy of letter attached) and note I have been asked to respond by way of a letter to you.

I confirm that Monash University wishes to assist the Committee and in accordance with the above mentioned letter agrees to waive its confidentiality requirements on the basis that Order SJ61-11 March 2009 applies to the disclosure and that it overrides the provisions of Senate Standing Order 37 to the extent that Standing Order 37 would otherwise allow disclosure of information obtained from Monash University to persons other than those detailed in paragraph 4 of Order SJ61-11 March 2009.

Monash University waives its requirements of confidentiality on the basis that confidentiality is protected under the provisions of Order SJ61-11 March 2009 and disclosure will only be made to the persons referred to in paragraph 4 of Order SJ61-11 March 2009 who are subject to the confidentiality restrictions detailed in paragraph 5 of Order SJ61-11 March 2009.

Yours sincerely

Professor Edwina Cornish
Deputy Vice-Chancellor (Research)