



# Opposition senators have a win

Estimates committee probing has begun to pay off, writes **Verona Burgess**.

Perhaps buoyed by the tiny shift in the polls, or perhaps just finally accepting that they did not win the 2007 election, some opposition senators did good solid work over this past fortnight scrutinising government departments.

Even after receiving what for them must have been bad news on the national accounts, they plugged on.

They may not have dared hope that by week's end they would have claimed the first scalp of a Rudd government minister.

Over the fortnight they continued to test the new continuing order, moved by West Australian Liberal Mathias Cormann, compelling witnesses to cite specific public-interest grounds for refusing to disclose information (as reported in our most recent two columns).

For the most part they banged their heads against the brick wall of departments and ministers using the old "advice-to-government" argument against disclosure.

But on Tuesday evening, Cormann homed in when Treasury officers and minister Stephen Conroy tried to take on notice a question asking for departmental analysis that showed the opposition's proposal to swap a rise in tobacco excise with private health insurance means testing would yield \$300 million more than the private health measure over the forward estimates.

Cormann pointed out that the advice (or its content) had already been provided to and published by several media outlets, so it could hardly be regarded as sacrosanct.

In due course, he extracted much of the information but did not get the actual analysis.

It is early days for the Cormann order but already it is beginning to focus the minds of witnesses and ministers on what reasons they should give for withholding information.

Its full worth will be tested over

time and more particularly when the government gets into hot water over something it is desperate to hide.

Elsewhere, the finance and public administration committee and the economics committee — arguably the two estimates flagships — benefited from the move of NSW Liberal Helen Coonan into the shadow finance portfolio.

Coonan is good on money and government process, can prioritise, conducts an intelligent discourse, is reasonable and makes good use of her experience as a former cabinet minister — especially on communications in general and the national broadband network in particular.

She made a bid (so far to no avail) for Treasury and Finance to appear jointly at budget estimates hearings so the financial and economic sides of the budget can be scrutinised together, citing the frustration of having to question each separately to learn that it cost \$61,314 to pulp and reprint Budget Paper No. 1 the night before the budget after an error was found.

Elsewhere, Queensland Liberal Russell Trood and WA Liberal David Johnston, among others, worked hard with the Department of Foreign Affairs and Trade, where deputy secretary David Ritchie has replaced Doug Chester as explainer-in-chief. (For reasons that are not entirely clear, DFAT secretaries haven't appeared at Senate estimates for a long time.)

DFAT is a tough nut to crack, as the officials are so well groomed, so pleasantly poker-faced and so unflappable that it is easy to fall under the spell of their utter reasonableness.

So it was that when Ritchie was being quizzed about Kevin Rudd's alleged vetoing of Hugh Borrowman's appointment as ambassador to Germany, the senators were given a good run-down of the process for appointing heads of missions without discovering any more about why Rudd skewered Borrowman's Berlin hopes.

On Wednesday, it was Defence's turn and secretary Nick Warner came, armed this time not only (somewhat belatedly) with the 30-page plan for defence savings but also with the

report of the inspector-general of intelligence and security, Ian Carnell, into alleged covert spying by Defence Signals Directorate staff on now ex-defence minister Joel Fitzgibbon.

Nobody had asked Carnell about it last week when he appeared at estimates.

In short, Carnell, who has draconian powers of coercion and protection of witnesses, found no evidence that anyone at DSD did the deed, nor that Defence's own conclusions that none of its staff did it were incorrect.

His inquiry included a forensic examination by a seconded Australian Federal Police expert of selected phone records and also of the computer systems in Defence, Parliament House and Fitzgibbon's own computers.

This leads us to the compelling question of where did the stories originate from.

Carnell said a good deal of the information was accessible in the public domain or known to a number of people in Parliament House or elsewhere.

A few items would have been known to relatively few people, but not only Defence employees. Most weren't available in the minister's electronic records and would have been known by other means "such as physical observation".

Only one item must have come from viewing the minister's records, but some people outside Defence had legitimate access to it.

"The significance of this is that the allegations against the minister could have been formulated without there having been unauthorised access to the minister's computing facilities."

Meanwhile, Fitzgibbon continued to shoot himself in the foot with another admission of failure to disclose sponsored accommodation, followed by a well-aimed series of questions from Johnston about Fitzgibbon's brother's role in lobbying for Defence health contracts.

Yesterday it was all over, Red Rover, for Fitzgibbon.

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**Effective presence . . . shadow finance minister Helen Coonan.**

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