



Chief Scientist

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Mr John Carter

Secretary

Senate Employment, Workplace Relations and Education References Committee

Parliament House

CANBERRA ACT 2600

Dear Mr Carter

Following my appearance at the Committee on 2 July 2004 I agreed to provide further information on a range of matters to Senator Brown: they are listed below. I am taking this opportunity to also respond to the questions on notice submitted by Senator Ludwig.

Senator Brown:

1 In the Hansard Proof, page 39, Senator Brown sought advice about Rio Tinto's code of conduct on ethics and conflict of interest. The details can be found in the paper, *The way we work*, which can be accessed through:
http://www.riotinto.com/library/reports/PDFs/corpPub_BusPract_English.pdf

2 As reported in the Hansard Proof, page 42, I noted: I think the IPCC and others are laying out this course and it is one in which there is increasing engagement and—I might add of course—debate. I do have a course on how to get there. I have outlined this course in public arenas and quite consistently, I might add, for quite some time. I am happy to expand on that if we have time.

Senator Brown responded: You might just present it to us in writing, if you would?

In subsequent dialogue with Senator Brown as reported in Hansard Proof, page 42, I provided this detail of the four directions that need to be followed through to ensure Australia achieves deep reductions in its emissions levels by 2050.

3 As reported in the Hansard Proof, page 56, I agreed to ask Rio Tinto for further details about the Roam material that was provided to the PMSEIC Working Group: *Beyond Kyoto, Innovation and Adaptation*. Rio Tinto has provided this advice to me:

Rio Tinto notes your request and advises that it is our understanding that the output from the high level model using data sourced by David Cain from Roam Consulting and provided to the PMSEIC Working Group has already been passed to the

Department of Education, Science and Training. Subsequently the Minister for Science provided this to the Senate in response to a question. There was no report produced by Roam Consulting.

The questioning of the Committee around the Roam Consulting data seemed to imply that other data was not utilised. The reality is different. PMSEIC working groups include key players from across the Australian community interested and skilled in the subject under consideration. In this case from the University of NSW, the University of Queensland, Universal Carbon Exchange, Rio Tinto, Bureau of Rural Sciences and CSIRO and technical support from the Australian Greenhouse Office, the Bureau of Transport and Regional Economics and the Department of Agriculture, Fisheries and Forestry. Information was shared and debated as in other working groups. The practice common to each working group is to make every attempt to reflect the breadth of views and input among the expert members. Their discussion prioritises the material and their report reflects their valued assessment.

Committee members may be interested in the letter dated 29 June 2003 from Dr Ian Rose, Managing Director, Roam Consulting Pty Ltd to Senator Brown in which the writer notes 'it is apparent that the information we prepared has been used as only one of several inputs into the assessment that has been conducted by PMSEIC.'

Senator Ludwig:

a) Have you been asked to appear at Senate Estimates? If so, what was your response? *I note that any invitation to me to appear before Senate Estimates has been considered by the Minister for Science, the Hon. Peter McGauran MP. The Minister has the view that it is not appropriate for me to appear before Senate Estimates as:*

- *I am contracted to the Minister. I am neither a public servant nor part of the Department of Education, Science and Training*
- *I have a remit to promote linkages and to provide independent policy advice to Government across a number of portfolio; and*
- *I have no Government decision making authority and no role on budgetary matters or line management within the Department of Education, Science and Training.*

b) If not, are you prepared to appear at Senate Estimates depending on availability if asked or permitted as Chief Scientist?

See above.

c) Has the Department of Education, Science and Training indicated to you its view about whether you can or should not appear at Senate Estimates?

See (a) above.

d) Have you ever taken advice from Rio Tinto in respect of the issues of conflict of interest? If so, can you outline that advice?

No.

e) Have you sought advice from other sources? For example, professional bodies in respect of the issues of conflict of interest? If so can you provide details?

I have not sought advice from other sources in respect of any conflict of interest. When contracted to the Minister for Science in 1999 the matters relating to the conflict of interest provisions in the contract were drawn to my attention. I have received advice on conflict of

interest from the Australian Research Council of which I am an ex officio member and the Cooperative Research Centres Committee as part of my involvement in these activities.

- f) Have you a view about what model the Office of the Chief Scientist should have? For example, US, UK or the full time position as previously used in Australia or the current model?

This is a matter for the Government but note my personal views as reported in the Hansard Proof, page 34.

- g) Can you articulate what the "Firewall" is and outline the process for handling conflicts of interest?

Rio Tinto has provided to the Department a letter from the Company Secretary which states that a "firewall" is in place so that I "do not receive or discuss matters related to CRCs when a conflict of interest would be possible".

- h) Have you sought advice as to whether the firewall and process is a valid mechanism for dealing with conflicts of interest?

Yes.

- i) If so, can you provide details?

The oral advice given to me attested to the efficacy of the firewall.

- j) If not, why not?

See above.

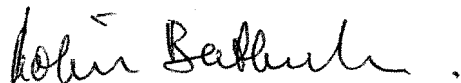
- k) In the submission by Greenpeace, at page two "recommends that given Rio Tinto's interest in the..... Dr Batterham should not participate further in duties as Chief Scientist relating to this matter." Do you agree? If not, why not?

I do not agree. Within the terms of my contract with the Minister of Science, Ministers may seek or receive any advice from the Chief Scientist, subject to the conflict of interest provisions of the contract.

- l) What actions have you taken to allay the concerns expressed by Greenpeace?

I do not believe the concerns are valid.

Yours sincerely



Robin Batterham
16 July 2004