



## 2019-20 BUDGET ESTIMATES PROCEDURE POLICY

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## **1 GENERAL INFORMATION**

- 1.1 The Standing Committee on Estimates and Financial Operations (Committee) is required to consider and report on the estimates of expenditure laid before the Legislative Council each year. The Committee resolved to hold hearings with agencies on the 2019-20 Budget on Tuesday 18 June 2019 to Friday 21 June 2019 in the Legislative Council Chamber.
- 1.2 The hearings will be conducted in accordance with Standing Orders of the Legislative Council and this Procedure Policy. The Chair will preside over the hearings and has those powers necessary or incidental to the maintenance of the orderly conduct of these proceedings.
- 1.3 Committee staff can be contacted on (08) 9222 7428 or [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au) for further information.

## **2 INFORMATION FOR MEMBERS**

- 2.1 The Committee encourages Members of the Legislative Council to participate in the evidence gathering process for the Committee's consideration of the 2019-20 Budget Estimates. Members may:
- nominate agencies to appear for a hearing
  - submit questions either prior to or after hearings, via the Electronic Lodgement System (ELS)
  - participate in hearings.

### **Key dates**

• ELS for questions prior to hearings will open	shortly after the budget has been released, Thursday 9 May 2019
• Nominations for agencies to appear for hearings due	5:00pm, Tuesday 14 May 2019
• ELS for questions prior to hearings will close	5:00pm, Tuesday 21 May 2019
• Hearings week	Tuesday 18 June 2019 to Friday 21 June 2019
• ELS for additional questions will open	when hearings commence
• ELS for additional questions will close	5:00pm, Friday 28 June 2019

### **Nominating agencies to appear for a hearing**

- 2.2 Individual Members may nominate agencies for hearings at which they intend to participate. Nominations should be emailed to [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au)
- 2.3 The Committee will determine which agencies will appear, guided by the strength of interest expressed by Members and the Committee's priorities. The Committee will circulate a timetable to Members once it is finalised.

### Submitting questions to agencies

- 2.4 Members may submit a reasonable number of questions to any agency through the ELS. Questions not submitted by the ELS close will not be circulated to Ministers.
- 2.5 Committee staff will provide Members with instructions on how to use the ELS.
- 2.6 The Committee will make answers to submitted questions public (where appropriate) and staff will advise Members when those answers are available.

### Hearings

- 2.7 The Chair will allocate each attending Member with a specific amount of time to ask questions. The time allocated will depend on the number of Participating Members attending and time allocated to that hearing.
- 2.8 Questions should be directed through, and acknowledged by, the Chair. The Chair has the discretion to rule a question out of order.
- 2.9 Questions should not be hypothetical or seek an opinion on government policy, unless directed towards the Minister, Minister Representing or Parliamentary Secretary.
- 2.10 Members may wish to submit unasked questions through the ELS as additional questions.

### 3 INFORMATION FOR MINISTERS, MINISTERS REPRESENTING, PARLIAMENTARY SECRETARIES AND PUBLIC OFFICIALS

- 3.1 The Committee values the contribution made by Ministers<sup>1</sup>, witnesses and other officials during this process.

### Key dates

• Questions prior to hearings will be distributed	by Monday 27 May 2019
• Answers to questions prior to hearings due	5:00pm, Wednesday 5 June 2019
• Completed 'Information for Witnesses' sheet due	5:00pm, Tuesday 11 June 2019
• Hearings week	Tuesday 18 June 2019 to Friday 21 June 2019
• Uncorrected transcripts will be distributed	as soon as possible after the hearing
• Supplementary Information and additional questions will be distributed	by Thursday 4 July 2019
• Corrections to uncorrected transcripts due	5:00pm, five working days after receipt
• Answers to Supplementary Information and additional questions due	5:00pm, Wednesday 24 July 2019

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<sup>1</sup> Ministers includes references to Ministers Representing and Parliamentary Secretaries.

## **Submitting answers to questions**

- 3.2 Ministers should provide all requested information to the Committee. If a Minister decides not to provide certain information to the Committee, the Minister should consider advising each House of Parliament and the Auditor General, as required by section 82 of the *Financial Management Act 2006*.
- 3.3 If the Minister considers that an answer provided should remain private, the Minister should advise the Committee accordingly. The Minister should also provide an explanation as to why that answer should remain private. The Committee will consider any request presented by a Minister.
- 3.4 If the Minister considers that more time is needed to answer questions, the Minister should seek an extension in writing for those questions not able to be answered by the due date. The Minister should provide those answers that are available in that response and the reasons why the remaining answers cannot be provided.
- 3.5 Ministers should provide answers to questions in the format set out at Appendix B. The Minister should sign or initial each page of the response. A pdf version of the answer should be emailed to [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au)

## **Hearings**

- 3.6 The Committee will consult with Ministers and witnesses to finalise the hearing timetable.
- 3.7 Any witness appearing before the Committee is required to complete an 'Information for Witnesses' document (see Appendix A). The information sought is necessary for Hansard to produce a final and correct transcript. Signed information sheets should be emailed to [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au)
- 3.8 Ministerial staff cannot be a substitute for a Minister or Parliamentary Secretary at a hearing.
- 3.9 Questions that witnesses are unable to answer prior to the end of the hearing will be taken on notice. These questions are identified as 'Supplementary Information' in the Hansard transcript.
- 3.10 Committee staff will provide the Minister and witnesses with an uncorrected transcript of the hearing. Ministers and witnesses will be asked to identify typographical and transcription errors. Corrections to the uncorrected transcript should be emailed to the Committee at [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au). The uncorrected transcript will also highlight requests for Supplementary Information (with a formal request for information to follow).

## APPENDIX A

# Committee Hearings Information for Witnesses



**Important: Please read the following notes before giving evidence.**

**Full Name: (Title) (First Name) (Last Name)**

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**Title of Position Held:**

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**Business Name and Address:**

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**Telephone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Introduction

1. A committee hearing is a proceeding in Parliament. As such, you must not deliberately mislead the committee and you must respect the members of the committee and the committee's orders and procedures. If you do not comply with these requirements, you may be subject to legal penalties.

### What happens at a hearing?

2. Committees are made up of members of Parliament. Usually there are 4-8 members on a committee.
3. You will be escorted to the committee's meeting room by one of the committee's staff. After you are seated, the chairperson of the committee may ask you to take an oath or affirmation. The chairperson will then ask you:
  - to state your full name, address and the capacity in which you appear before the committee
  - if you have read and understood the information contained in this document.
4. You may be invited to make an opening statement to the committee.
5. The chairperson will then ask you a series of questions, following which other members of the committee may ask you more questions. With limited exceptions (discussed below) you must answer questions you are asked.
6. The chairperson may invite you to make any additional comments at the end of the hearing.

## **Parliamentary privilege**

7. Evidence given to Parliamentary committees is protected by Parliamentary Privilege. This means what you say to a committee, so long as it is not deliberately false, cannot be questioned or used against you in a court, tribunal or similar proceedings. Privilege is important as it allows you to be honest and direct in your evidence to a committee without fear of being sued.
8. It is important to note the protection is strictly limited to the evidence you give to the Committee during the hearing. If you repeat or publish your statements elsewhere they will not be protected by Parliamentary Privilege.
9. If you are concerned about the evidence you are going to give you should tell the Committee.

## **Your entitlements**

10. Subject to order, any person examined before a Committee is entitled to –
  - a. access to relevant documents before and during examination;
  - b. benefit of counsel;
  - c. request that the evidence be deemed private or *in camera*;
  - d. be informed prior to the examination of the right of objection provided by section 7 of the *Parliamentary Privileges Act 1891*;
  - e. a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct made against the witness if the allegations are relevant to the Committee's inquiry;
  - f. a reasonable opportunity to correct errors of transcription in a transcript of evidence;
  - g. an opportunity to provide supplementary or new evidence; and
  - h. any additional entitlements as determined by the Council.

## **Is your evidence public or private?**

11. Most committee hearings are public. In other words, members of the public and the media may attend the hearings and the proceedings may be reported. In contrast, a committee may conduct a private hearing, which means that members of the public and the media may not attend. If you are uncertain as to whether your hearing is private or public, ask the committee's staff before the hearing or the chairman of the committee before you start giving evidence.

## **Requests to give evidence in private**

12. You can ask the committee to take your evidence in a private session. It is important that any request for a private hearing, for the committee to prohibit publication of all or part of your evidence, or your identity, be made *prior* to giving the relevant evidence. You should be prepared to state why you want your evidence to remain private. If the committee grants your request, the public and media will be excluded from the hearing.
13. The committee may also decide that all, or part, of the hearing should be in private, particularly if the evidence adversely reflects on a third person or the matter being investigated is subject to legal proceedings.
14. You should note that the committee retains the power to publish any private evidence. The Legislative Council may also authorise publication. This means that even your private evidence may become public.
15. Evidence given *in camera* can only be disclosed by an order of the Legislative Council. It is rare for a committee to agree to evidence being given in camera.

## **Broadcasting**

16. The Committee may decide to broadcast the public hearing on the internet. If this is the case the hearing will also be recorded and may be available online for viewing after the hearing. If you object to the hearing being broadcast, you should advise staff at the earliest opportunity and provide an explanation for your request not to broadcast the hearing. The Committee will consider your request and you will be advised of their decision.

## **If you are a public servant**

17. Public servants appearing before a committee in that capacity are entitled to refuse to answer a question asking to give an opinion on a matter of policy. The committee must direct all such questions to the responsible Minister.

## **You must not disclose evidence given in private session**

18. You must not publish or disclose any evidence given to a committee in private session unless that evidence has been reported to the Legislative Council in a public document. Premature publication or disclosure may:
- constitute a contempt of the Legislative Council
  - mean that the publication or disclosure of the relevant material is not subject to parliamentary privilege.

## **Transcript of your evidence**

19. A transcript of your evidence will be made and sent to you for correction of typographical and transcription errors. Please see the letter that will accompany the uncorrected transcript in this regard.

## **Threats or intimidation**

20. If you have been threatened or intimidated by any person in respect of giving your evidence to the committee, you should immediately inform the committee or one of its staff. If this occurs after you have given evidence you should notify the committee staff. It is a criminal offence to threaten, punish or injure a witness.

## APPENDIX B

### LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

#### ANSWERS TO [IDENTIFY IF IT IS A QUESTION PRIOR TO HEARING, SUPPLEMENTARY INFORMATION OR ADDITIONAL QUESTION]

[Insert name of department/agency]

Hon [insert Member's name] asked:

1) [Insert question 1]

[If a question has a number of parts]

a) [Insert first part of question]

Answer:...

i) [Insert any sub questions]

Answer:...

ii) [etc.]

Answer:...

iii) [etc.]

Answer:...

b) [Insert second part of question etc.]

Answer:...

i) [Insert any sub questions]

Answer:...

ii) [etc.]

Answer:...

iii) [etc.]

Answer:...

[etc.]

2) [Insert question 2]

Answer:...

Initialed by \_\_\_\_\_

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