

40TH PARLIAMENT



Report 72

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2016-17 Annual Report Hearings

Presented by
Hon Alanna Clohesy (Chair)

November 2017

Standing Committee on Estimates and Financial Operations

Members as at the time of this inquiry:

Hon Alanna Clohesy MLC (Chair)

Hon Diane Evers MLC

Hon Aaron Stonehouse MLC

Hon Tjorn Sibma MLC (Deputy Chair)

Hon Colin Tincknell MLC

Staff as at the time of this inquiry:

Mr Andrew Hawkes, (Advisory Officer)

Ms Tracey Sharpe (Committee Clerk)

Ms Anne Turner, B.Juris LLB (Advisory Officer (Legal))

Ms Samantha Parsons (Committee Clerk)

Address:

Parliament House

4 Harvest Terrace, West Perth WA 6005

Telephone: 08 9222 7300

Email: lcco@parliament.wa.gov.au

Website: www.parliament.wa.gov.au

ISBN 978-1-925578-12-6



REPORT 72

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

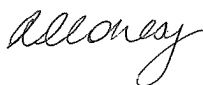
2016-17 ANNUAL REPORT HEARINGS

REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

REPORT 72: 2016-17 ANNUAL REPORT HEARINGS

1 TIMETABLE FOR THE 2016-17 ANNUAL REPORT HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (Committee) will hold its 2016-17 Annual Report hearings on the week of Monday 12 February 2018.
- 1.2 The hearing timetable will be finalised as soon as practicable and Members of the Legislative Council will be advised electronically. Hearings will be conducted in the Legislative Council Committee Office.
- 1.3 The Committee has not yet determined which agencies will be invited to attend the hearings. Legislative Council Members are invited to nominate agencies to appear at the hearings. These nominations should be e-mailed to Committee staff by 5.00pm, Friday 24 November 2017. The Committee's e-mail address is lcefoc@parliament.wa.gov.au.
- 1.4 The Committee has prepared a Procedure Policy for the hearings. The Policy sets out the process and key dates by which the Committee will conduct its hearings. The Policy is attached to this report (Appendix 1).
- 1.5 Members may submit a reasonable number of Questions Prior to Hearings to any agency that produces an annual report, irrespective of whether the agency will appear before the Committee. The questions will be submitted via the Electronic Lodgement System. Details of this system are contained in the Procedure Policy. Questions are due by 5.00pm, Wednesday 13 December 2017.
- 1.6 The Committee requests that Answers to Questions Prior to Hearings be returned to Committee staff by 12.00pm, Wednesday 24 January 2018. The Committee's practice is to make these Answers public prior to the hearings.
- 1.7 The Committee welcomes Members participation in its 2016-17 Annual Report hearings.



Hon Alanna Clohesy MLC

Chair

9 November 2017

APPENDIX 1

2016-17 ANNUAL REPORT HEARINGS PROCEDURE POLICY

1 CONDUCT OF THE 2016-17 ANNUAL REPORT HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (Committee) has resolved to consider agencies' annual reports laid before the Legislative Council this year. The conduct of the Annual Report hearings is determined by the Committee in accordance with the Standing Orders of the Legislative Council.
- 1.2 A Member of the Committee will preside over the hearings and has those powers necessary or incidental to the maintenance of the orderly conduct of its proceedings.

2 SELECTION OF AGENCIES TO BE REVIEWED

- 2.1 Legislative Council Members are invited to nominate which agencies they would like to appear at hearings. These nominations should be e-mailed to Committee staff by 5.00pm, Friday 24 November 2017. The Committee's e-mail address is icefoc@parliament.wa.gov.au.
- 2.2 The Committee will determine which agencies will appear at the hearings.

3 TIMETABLE FOR HEARINGS AND INVITATIONS PRIOR TO THE HEARINGS

- 3.1 At the earliest possible opportunity, the Committee will:
- e-mail Members the timetable of hearings, including the agencies that will attend, the location, date and time of the hearings
 - invite heads of agencies and the responsible Minister/Parliamentary Secretary to attend the hearings, reserving the Committee's right to request officers with specific expertise to attend.

4 INFORMATION FOR WITNESSES DOCUMENT

- 4.1 Agency staff and any Ministerial advisors appearing before the Committee will be required to complete an *Information for Witnesses* form (a copy is attached at Appendix A). This information is necessary to produce a final and correct transcript.
- 4.2 Ministerial staff cannot be a substitute for a Minister/Parliamentary Secretary at a hearing.

5 ELECTRONIC LODGEMENT OF QUESTIONS PRIOR TO HEARINGS

- 5.1 A reasonable number of Questions Prior to Hearings may be submitted via the Electronic Lodgement System (ELS). Questions Prior to Hearings may be asked of any agency. The ELS will open at 8.30am, Monday 27 November 2017. The ELS will close at 5.00pm, Wednesday 13 December 2017. Committee staff will e-mail all Legislative Council Members when the ELS is opened and closed.
- 5.2 Questions will be forwarded to the agency via the responsible Minister. Answers must be provided to the Committee Clerk by 12.00pm, Wednesday 24 January 2018 via the mailbox at

Icefoc@parliament.wa.gov.au. Answers must be signed by the Minister and use the format set out in Appendix B. Multiple page responses are to include page numbers.

- 5.3 The Minister should indicate which Answers should be kept private and the reasons why.
- 5.4 If the Minister is unable to answer all questions by the due date, the Minister should seek an extension of time for the outstanding questions prior to the due date. A request for an extension must be in writing and provide reasons for the extension.
- 5.5 Upon receipt of the Minister's Answer, the Committee will assign the response a status. Answers with a public status will be forwarded to the relevant Member and uploaded to the Committee's website.

6 ASKING OF QUESTIONS DURING THE HEARING

- 6.1 Each Member may ask a number of questions at the discretion of the Chair.
- 6.2 The Chair will facilitate the asking of questions by all Members present at a particular hearing (subject to time constraints).
- 6.3 The calling of questions is at the Chair's discretion. During the hearings, questions should be directed through, and be acknowledged by, the Chair. Committee members have priority in the asking of questions. Other Members of the Legislative Council will then be invited to ask questions.
- 6.4 The Chair has the discretion to rule a question out of order.
- 6.5 As a general guide for Members, the rules governing questions in the Chamber will be followed (Standing Orders 104 to 106 inclusive and Standing Orders 181 to 182).

7 QUESTIONS TAKEN ON NOTICE DURING THE HEARING

- 7.1 Questions asked during the hearings that are unable to be answered prior to the end of the hearing will be taken on notice. The Chair will allocate each question taken on notice a number to facilitate identification of the question in Hansard.
- 7.2 At the conclusion of hearings, the Committee Clerk will forward a copy of the uncorrected transcript highlighting questions on notice to the office of the responsible Minister. A copy will also be forwarded to the agency.
- 7.3 Agencies responding to questions taken on notice should do so through their responsible Minister. Answers should be provided via e-mail and use the format set out in Appendix B. Multiple page responses are to include page numbers.
- 7.4 Answers are required within 10 working days of the Committee Clerk's initial forwarding date of questions to the responsible Minister.
- 7.5 The Minister should indicate if the Answers should be kept private and the reasons why.
- 7.6 If the Minister is unable to answer all questions by the due date, the Minister should seek an extension of time for the outstanding questions prior to the due date. A request for an extension must be in writing and provide reasons for the extension.

- 7.7 Upon receipt of the Minister's Answer, the Committee will assign the response a status. Answers with a public status will be forwarded to the relevant Member and uploaded to the Committee's website.

8 ADDITIONAL QUESTIONS

- 8.1 The ELS will re-open for Additional Questions once hearings commence and will remain open until 5.00pm, Monday 19 February 2018.
- 8.2 Answers to these Additional Questions are to be provided to the Committee Clerk by 12.00pm, Wednesday 8 March 2018 via the mailbox at icefoc@parliament.wa.gov.au.
- 8.3 The Minister should indicate if the Answers should be kept private and the reasons why.
- 8.4 If the Minister is unable to answer all questions by the due date, the Minister should seek an extension of time for the outstanding questions prior to the due date. A request for an extension must be in writing and provide reasons for the extension.
- 8.5 Upon receipt of the Minister's Answer, the Committee will assign the response a status. Answers with a public status will be forwarded to the relevant Member and uploaded to the Committee's website.

APPENDIX A



Committee Hearings Information for Witnesses

Important: Please read the following notes before giving evidence.

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

Title of Position Held:

Business Name and Address:

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 3-10 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:
 - a. to state your full name, address and the capacity in which you appear before the committee; and
 - b. if you have read and understood the information contained in this document.
4. The chairperson may invite you 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 in closing.

Parliamentary privilege

7. Parliamentary privilege provides protection for what is said in parliamentary proceedings, so that, for instance, what is said in such proceedings may not be the basis of a suit in defamation. However, it is only the authorised Hansard report, or that of an accredited media reporter, which is protected when what is said in the proceeding is related outside the confines of Parliament. Similarly, parliamentary privilege means that what you have said to a committee cannot be used against you in civil or criminal proceedings in a court or tribunal. The purpose of parliamentary privilege is to enable parliamentarians and witnesses to speak candidly without fear of legal repercussions.

Your entitlements

8. 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?

9. 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.
10. It is important that any request 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 confidential. If the committee grants your request, the public and media will be excluded from the hearing.
11. 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.
12. 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.

If you are a public servant

13. 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

14. 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:
- a. constitute a contempt of the Legislative Council; and
 - b. mean that the publication or disclosure of the relevant material is not subject to parliamentary privilege.

Transcript of your evidence

15. 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

16. 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.

APPENDIX B

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE FORMAT FOR ANSWERS TO QUESTIONS

Department of [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:...

Page No of

Standing Committee on Estimates and Financial Operations

Date first appointed:

30 June 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'3. Estimates and Financial Operations Committee

3.1 *An Estimates and Financial Operations Committee* is established.

3.2 The Committee consists of 5 Members, 3 of whom shall be non-Government Members.

3.3 The functions of the Committee are to –

(a) consider and report on –

(i) the estimates of expenditure laid before the Council each year;

(ii) any matter relating to the financial administration of the State; and

(iii) any Bill or other matter relating to the foregoing functions referred by the Council;

and

(b) consult regularly with the Auditor General.'



Parliament House
4 Harvest Terrace, West Perth WA 6005
Telephone: 08 9222 7300
Email: lcco@parliament.wa.gov.au
Website: www.parliament.wa.gov.au