

LEGISLATIVE COUNCIL

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2016-17 ANNUAL BUDGET ESTIMATES HEARINGS PROCEDURE POLICY

1. CONDUCT OF THE 2016-17 BUDGET ESTIMATES HEARINGS

- 1.1 The Estimates and Financial Operations Committee (Committee) has the function of considering the estimates of expenditure laid before the Council each year. The conduct of the estimates 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 estimates 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 The Committee will determine which departments/agencies are to be reviewed. The Committee Members have been authorised to talk to other Members about agencies they would like to appear.

3. TABLING OF TIMETABLE REPORT AND INVITATIONS PRIOR TO THE HEARINGS

- 3.1 At the earliest possible opportunity, the Committee will:
 - table a report containing the timetable of the estimates hearings, including the departments/agencies that will attend, the date and time of the hearings and this Procedure Policy
 - send an invitation to heads of departments/agencies and the responsible Minister/Parliamentary Secretary to attend the estimates hearings and reserving the Committee's right to request officers with specific expertise to attend.

4. INFORMATION FOR WITNESSES DOCUMENT

- 4.1 Departmental/agency staff and any Ministerial advisors appearing before the Committee will be required to complete a 'Information for Witness' (a copy is attached at Appendix A). All the information sought is necessary to allow Hansard to meet various requirements involved in producing a final and correct transcript.
- 4.2 Ministerial staff cannot be a substitute for a Minister/Parliamentary Secretary at a hearing.

5. QUESTIONS LODGED PRIOR TO THE ESTIMATES HEARINGS

- 5.1 A reasonable number of questions prior to the estimates hearings may be lodged by Members of the Legislative Council with the Committee Clerk via the Estimates email inbox (Icefoc@parliament.wa.gov.au) no later than **10.00am, Monday, 23 May 2016**.

- 5.2 As a guide each Member may lodge two pages of questions using the template attached as Appendix B with the Committee Clerk no later than **10.00am, Monday, 23 May 2016**. If a Member submits more than two pages of questions it will be at the Chair's discretion, in limited circumstances, to allow the questions to be submitted.
- 5.3 Questions should be submitted by email, in Word format, or a signed hard copy. Multiple page responses are to include page numbers.
- 5.4 Questions will be forwarded to the department/agency via the responsible Minister at the discretion of the Chair. Responses to these questions are required to be provided to the Committee Clerk by **12.00 midday, Thursday, 9 June 2016**. Upon receipt of the department/agency's written response, the Committee will consider the answers and make them public at its discretion. The agency should indicate that it wishes the answers to be kept private and the reasons why.
- 5.5 If a department/agency believes that more time is needed to answer questions, it should seek an extension in writing for those questions not able to be answered by the due date by contacting Committee Staff prior to the deadline of **12.00 midday, Thursday 9 June 2016** and provide reasons for needing an extension.

6. ASKING OF QUESTIONS DURING THE HEARING

- 6.1 Each Member may pose 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 will then be invited to ask questions.
- 6.4 Questions should relate to:
- the estimates of expenditure laid before the Council in the 2016-17 Budget Papers; and
 - any matter relating to the financial administration of that agency.
- 6.5 Questions should not be:
- hypothetical; or
 - seek an opinion on government policy, unless directed towards the Minister (Standing Order 182).
- 6.6 The Chair has the discretion to rule a question out of order.
- 6.7 As a general guide for Members, the rules governing questions in the Chamber will be followed (Standing Order 104).
- 6.8 Questions will only be permitted during the time allocated for the hearing.

7. QUESTIONS TAKEN ON NOTICE DURING THE HEARING

- 7.1 Questions that are asked during the estimates hearings which the departmental/agency representatives are unable to answer prior to the end of the hearing will be taken on notice. Each question taken on notice during the hearing will be allocated a number by the Chair to facilitate identification of the question in Hansard.
- 7.2 After the conclusion of estimates hearings on Friday, 17 June 2016 the Committee Clerk will forward a copy of the uncorrected transcript highlighting questions on notice to the office of the Minister responsible for the relevant department/agency. A copy will also be forwarded to the relevant department/agency.
- 7.3 Departments/agencies responding to questions taken on notice should do so through their responsible Minister. Answers to questions should be provided in both hard copy and an electronic copy via e-mail. This is to be in Word format and in accordance with the format set out in Appendix B. Multiple page responses are to include page numbers.
- 7.4 Answers are required within **ten working days** of the Committee Clerk's initial forwarding date of questions to the responsible Minister. Upon their receipt, the Committee will consider the answers and make them public at its discretion. The agency should indicate that it wishes the answers to be kept private and the reasons why. The answers remain private until they are made public and published by the Committee.
- 7.5 If a Department/Agency believes that more time is needed to answer the Questions taken on Notice, it should seek an extension in writing for those questions not able to be answered by the due date by contacting Committee Staff prior to the end of the ten working day period and provide reasons for needing an extension.

8. ADDITIONAL QUESTIONS AFTER THE HEARING

- 8.1 The Chair may authorise Additional Questions relevant to the estimates hearings be directed to the relevant department/agency for an answer in writing.
- 8.2 A reasonable number of Members' Additional Questions should be submitted by email in Word format and sent to the Committee via the Estimates e-mail inbox (icefoc@parliament.wa.gov.au) by **12.00 midday on Monday, 20 June 2016** to allow for forwarding to the department/agency via the responsible Minister. They should also be in accordance with the format set out in Appendix B.
- 8.3 As a guide each Member may lodge two pages of Additional Questions using the template attached as Appendix B. If a Member submits more than two pages of questions it will be at the Chair's discretion, in limited circumstances, to allow the questions to be submitted.
- 8.4 Answers to these additional questions will be requested from the relevant department/agency within **ten working days** of issue.
- 8.5 Upon receipt of written answers, the Committee will consider and make them public at its discretion. The agency should indicate if it wishes the answers to be kept private and the reasons why. The answers remain private until they are made public and published by the Committee.

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- 8.6 If a department/agency believes that more time is needed to answer Additional Questions, it should seek an extension in writing for those questions not able to be answered by the due date by contacting Committee Staff prior to the end of the ten working day period and provide reasons for needing an extension.

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 chair 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 chair may invite you to make an opening statement to the committee.
5. The chair 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 chair 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 chair 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 QUESTIONS AND ANSWERS

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:...