



THIRTY-NINTH PARLIAMENT

REPORT 55
STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS
2014-2015 ANNUAL REPORT HEARINGS -
TIMETABLE

Presented by Hon Ken Travers MLC (Chair)

October 2015

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. Standing Committee on Estimates and Financial Operations

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.”

Members as at the time of this inquiry:

Hon Ken Travers MLC (Chair)

Hon Peter Katsambanis MLC (Deputy Chair)

Hon Liz Behjat MLC

Hon Alanna Clohesy MLC

Hon Rick Mazza MLC

Staff as at the time of this inquiry:

Michael Ryan (Advisory Officer)

Andrew Hawkes (Advisory Officer)

Mark Warner (Committee Clerk)

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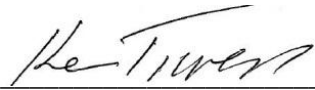
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REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

REPORT 55: 2014-2015 ANNUAL REPORT HEARINGS - TIMETABLE

1 2014-15 ANNUAL REPORT HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (the Committee) has finalised its timetable for most agencies it intends to examine during its 2014-15 Annual Report Hearings. This timetable is attached at Appendix 1.
- 1.2 The Committee also intends to hold hearings with the Department of Treasury in 2016 and State Training Providers (the TAFE colleges), following the tabling of their annual reports.
- 1.3 These hearings will be conducted in accordance with the Committee's Annual Report Hearings Procedure Policy. This policy is attached at Appendix 2.
- 1.4 The Committee wishes to thank Members who submitted questions prior to hearings. As noted in Report 54, the Committee expects to make the answers to those questions public no later than the week commencing 30 November 2015.
- 1.5 The hearings will be held in the Legislative Council Committee Room 1, unless otherwise advised.
- 1.6 The Committee welcomes Member participation in its Annual Report hearings.



Hon Ken Travers MLC
Chair

22 October 2015

APPENDIX 1

2014-15 ANNUAL REPORT HEARINGS TIMETABLE

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Monday, 16 November 2015	2.30pm – 3.30pm 1.00hr	Department of the Legislative Council and Parliamentary Services Department	Hon Barry House MLC, President of the Legislative Council
	Lunch		
Monday, 7 December 2015	9.30am – 12.30pm 3.00hrs	Western Australia Police	Hon Michael Mischin MLC, Minister representing the Minister for Police
	Lunch		
	1.30pm – 3.30pm 2.00hrs	Department of Corrective Services	Hon Michael Mischin MLC, Minister representing the Minister for Corrective Services
	Break		
	3.45pm – 5.00pm 1.25hrs	Building Commission	Hon Michael Mischin MLC, Minister for Commerce
Tuesday, 8 December 2015	9.30am – 12.30pm 3.00hrs	Department of Education	Hon Peter Collier MLC, Minister for Education
	Lunch		
	1.30pm – 3.30pm 2.00hrs	Department of the Premier and Cabinet	Hon Peter Collier MLC, representing the Premier
	Break		
	3.45pm – 5.00pm 1.25hrs	Department of Fire and Emergency Services	Hon Michael Mischin MLC, Minister representing the Minister for Emergency Services
Wednesday, 9 December 2015	9.30am – 11.00am 1.50hrs	Department of Planning	Hon Helen Morton MLC, Minister representing the Minister for Planning

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
	Break		
	11.15am – 12.30pm 1.25hrs	Western Australian Planning Commission	Hon Helen Morton MLC, Minister representing the Minister for Planning
	Lunch		
	1.30pm – 2.30pm 1.00hr	Metropolitan Redevelopment Authority	Hon Helen Morton MLC, Minister representing the Minister for Planning
	Break		
	2.45pm – 3.45pm 1.00hr	Department of Lands	Hon Colin Holt MLC, Minister representing the Minister for Lands
	Break		
	4.00pm – 5.00pm 1.00hr	Corruption and Crime Commission	Hon Michael Mischin MLC, Attorney General
Thursday, 10 December 2015	9.30am – 11.30pm 2.00hrs	Department of Health	Hon Helen Morton MLC, Minister representing the Minister for Health
	Break		
	11.45am – 1.00pm 1.25hr	Housing Authority	Hon Colin Holt MLC, Minister for Housing
	Lunch		
	2.00pm – 3.30 1.50hrs	Department of Parks and Wildlife	Hon Helen Morton MLC, Minister representing the Minister for Environment
	Break		
3.45pm – 5.00pm 1.25hrs	Department of Fisheries	Hon Ken Baston MLC, Minister for Fisheries	

APPENDIX 2

PROCEDURE POLICY

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2014-15 ANNUAL REPORT HEARINGS

PROCEDURE POLICY

2 CONDUCT OF THE 2014-15 ANNUAL REPORT HEARINGS

- 2.1 The Estimates and Financial Operations Committee (Committee) has the function of considering the annual reports laid before the Council each year. The conduct of the Annual Report Hearings is determined by the Committee in accordance with the Standing Orders of the Legislative Council.
- 2.2 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.

3 SELECTION OF DEPARTMENTS/AGENCIES TO BE REVIEWED

- 3.1 The Committee has determined which departments/agencies are to be reviewed. The Committee Members were authorised to talk to other Members about departments/agencies that they would like to appear.
- 3.2 The Committee has invited Members of the Legislative Council to submit questions in relation 2014-15 Annual Reports for any agencies/departments in which Members have an interest.
- 3.3 The Committee may call departments/agencies when inadequate responses to Questions Prior to Hearings have been received, or where the response indicates issues requiring further inquiry. Members who have submitted Questions Prior to Hearing for that department/agency will get priority in the hearing with that agency, along with Committee Members.

4 CIRCULATION OF NOTICES, INVITATIONS AND PROCEDURAL GUIDELINES PRIOR TO THE HEARINGS

- 4.1 At the earliest possible opportunity, the Committee will issue invitations with these Procedural Guidelines attached and reports to the House as follows:
 - a) an invitation to the Chief Executive Officer (CEO) and the responsible Minister/Parliamentary Secretary for each department/agency to be examined by the Committee to attend the hearing, including the date and time of the hearing and this Procedure Policy and reserving the Committee's right to request officers with specific expertise to attend; and
 - b) where practicable, a report to the Legislative Council advising of the timetable for hearings.

5 WITNESS INFORMATION SHEET

- 5.1 Ministerial advisors and departmental/agency staff appearing before the Committee will be requested to complete a “Witness Information Sheet” (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 document.
- 5.2 Ministerial staff cannot be a substitute for a Minister/Parliamentary Secretary at a hearing.

6 QUESTIONS PRIOR TO HEARING

- 6.1 The Committee will receive Questions Prior to Hearing from Members in relation to the 2014-15 Annual Reports for any agency or department.
- 6.2 Questions Prior to Hearing were lodged by Members of the Legislative Council with the Committee no later than **midday on Monday, 12 October 2015**.
- 6.3 The procedure for handing up Questions Prior to Hearing is as follows:
- a) questions must be provided by e-mail and must clearly identify:
 - the name of the Member asking the question; and
 - the correct name of the department/agency required to answer the question;
 - b) each Member may provide a maximum of two pages of questions to each department/agency. Questions submitted prior to hearing should be in accordance with the format set out in Appendix B; and
 - c) questions must comply in all other respects with this Procedure Policy.
- 6.4 Responses to these questions are required to be provided to the Committee Clerk by **midday on Monday, 9 November 2015**. Upon receipt of the department/agency’s written response, the Committee will consider the answers and make the answer public at their discretion. The responses remain private up until they are made public and published by the Committee.
- 6.5 Where departments/agencies believe that an answer should not be made public, they should clearly identify that the response is requested to be kept private and state the reasons for this request.

7 ASKING OF QUESTIONS DURING THE HEARING

- 7.1 Each Member may ask a number of questions at the discretion of the Chair.
- 7.2 The Chair will facilitate the asking of questions by all Members present at a particular hearing (subject to time constraints).
- 7.3 The calling of questions is at the Chair’s discretion. During the hearings, questions should be directed through, and be acknowledged by, the Chair.
- 7.4 After questions by Committee Members or their nominees, Members who submitted Questions Prior to Hearings for that department/agency will be given priority during the hearing, followed by other Members, who will be selected to ask questions in rotation and in a balanced and fair way.
- 7.5 Questions must relate to the 2014-15 Annual Report.

- 7.6 The Chair has the discretion to rule a question out of order.
- 7.7 As a general guide for Members, the rules governing questions in the Chamber will be followed (Standing Orders 104 to 109 inclusive and Standing Orders 181 and 182).
- 7.8 Questions will only be permitted during the time allocated for the hearing.

8 QUESTIONS TAKEN ON NOTICE DURING THE HEARING

- 8.1 Questions that are asked during the 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.
- 8.2 Following each hearing, the Committee Clerk will forward a copy of all questions taken on notice, as they appear highlighted within the uncorrected Hansard, to the office of the Minister responsible for the relevant department/agency, copied to the relevant department/agency CEO.
- 8.3 Departments/agencies responding to questions taken on notice should do so through their responsible Minister. Responses to questions should be in accordance with the format set out in Appendix B.
- 8.4 The department/agency's response to the questions taken on notice during the hearing and other supplementary information should be provided in both hard copy and electronic e-mail, in Word format.
- 8.5 Responses are required from agencies/departments within **ten working days** of the Committee Clerk's initial forwarding date of questions to the responsible Minister, or as otherwise resolved by the Committee.
- 8.6 If a department/agency believes that more time is needed to answer the questions taken on notice during the Hearing, it should contact Committee Staff prior to the end of the ten working day period and seek an extension, giving reasons as to why an extension is required. The Committee expects that any questions that can be answered will be provided by the due date.
- 8.7 Where departments/agencies believe that an answer should not be made public, they should clearly identify that the response is requested to be kept private and state the reasons for this request.

9 ADDITIONAL QUESTIONS

- 9.1 The Chair may (**at their sole discretion**) authorise Additional Questions relevant to the Hearings be directed to the relevant department/agency for a response in writing.
- 9.2 Additional Questions should be in word format and submitted to the Committee via the Estimates e-mail inbox (lcefoc@parliament.wa.gov.au) by **10am** on **Monday, 14 December 2015**.

- 9.3 Responses to these additional questions will be requested from the relevant department/agency by **close of business on 11 January 2016**. The deadline has previously been ten working days, so Ministers should work with agencies to ensure that responses are returned by the due date.
- 9.4 Responses to questions should be in accordance with the format set out in Appendix B. Upon receipt of the department/agency's written response, the Committee will consider whether the response should be given a private or public status and whether they will be published on the internet.
- 9.5 If a department/agency believes that more time is needed to answer Additional Questions, it should contact Committee Staff prior to the end of the ten working day period and seek an extension, giving reasons as to why an extension is required. The Committee expects that any questions that can be answered will be provided by the due date.
- 9.6 Where departments/agencies believe that an answer should not be made public, they should clearly identify that the response is requested to be kept private and state the reasons for this request.

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 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:...