



WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

**PROCEDURE AND PRIVILEGES
COMMITTEE**

**Report
on the
Operation of Estimates Committees**

Presented by:
Mrs Dianne Guise, MLA
Deputy Speaker

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Operation of Estimates Committees**

COMMITTEE MEMBERS

Chairman

Hon. Fred Riebeling, MLA
(Speaker of the Legislative Assembly)

Members

Mrs Dianne Guise, MLA
(Deputy Speaker and Member for Wanneroo)

Ms Katie Hodson-Thomas, MLA
(Member for Carine)

Mr Norm Marlborough, MLA
(Member for Peel)

Mr Dan Sullivan, MLA
(Deputy Leader of the Opposition and Member for Mitchell)

STAFF

Clerk to the Committee

Mr John D. Mandy
(Deputy Clerk (Procedure) of the Legislative Assembly)

Mr Peter J. McHugh
(Clerk of the Legislative Assembly)

Mr Doug Carpenter
(Deputy Clerk (Committees) of the Legislative Assembly)

REPORT ON THE OPERATION OF ESTIMATES COMMITTEES

1. Your Committee reviewed comments made in the House by Legislative Assembly members on 16 October 2001 when the Reports of the Estimates Committees were being debated. Issues raised were -

Crowded conditions in the Legislative Assembly Committee Room (Estimates Committee B)

2. Several members requested a review of the method used to allocate meeting rooms to the bigger agencies. They argued that smaller agencies should be allocated to Estimates Committee B located in the Legislative Assembly Committee Room.

3. Plainly, being much larger, the Chamber should be allocated to the bigger agencies. The Leader of the House, when drafting the estimates program for the Management Committee's consideration, should ensure the committee room is allocated to the smaller agencies, taking into account the estimated number of advisers attending with each Minister. This will alleviate problems of insufficient room for advisers, the general public and the media, but given the physical constraints, will not eliminate the problem entirely for the committee room.

Recommendation

Your Committee recommends –

1. That the Leader of the House, when drafting the estimates program for the Management Committee's consideration, ensures the Legislative Assembly Committee Room is allocated to the smaller agencies.

Completion of Parts or Portfolios early or the time allocated expires before completion

4. The Leader of the House raised this issue of scheduling and indicated he was happy to enter into discussion with members of both sides of the House about whether there can be a compromise and that he welcomed positive suggestions on how to improve the process.

5. Your Committee agreed that assessing the amount of time for each part of the programme is a matter for continuing consideration by the Leader of the House and the Opposition when the estimates programme is being prepared for the Management Committee's consideration.

6. Your Committee notes that the use of the allocated time within each part or portfolio is a matter for members of the respective estimates committees. The Chair may remind members about the amount of time left to consider remaining divisions but is unable to take any further action.

Recommendation

Your Committee recommends -

2. That the allocation of time for parts or portfolios within the estimates should continue to be fully considered by the Leader of the House and the Opposition before the estimates programme is presented to the Management Committee for its consideration.

Flexibility to cover exceptional circumstances (interruptions)

7. The Leader of the House suggested there needed to be sufficient flexibility built in to the Estimates system to take into account exceptional circumstances such as the bomb scare which occurred last year.

8. Your Committee considered while the established programme must be adhered to, if exceptional circumstances recur and if it is considered warranted, an agreement could be reached between the Leader of the House and the Leader of the Opposition to allocate additional time for further consideration of the relevant items at the end of the first sitting day after the estimates committees have met. Your Committee believes that no further remedy is needed.

Examination of off-budget authorities and agencies

9. The Leader of the House, when mentioning complaints by members about not being permitted to ask questions on items not in the Budget, said it was a perennial question which had the potential to widen the debate so much that it could not be controlled.

10. In the Budget Paper No. 3, 2001-2002 *Economic and Fiscal Outlook*, the Treasurer published a list of Public Non-Financial Corporations, and Public Financial Corporations which are the off-budget authorities members wish to examine. This standing practice of listing should be continued as a part of the budget papers.

11. Your Committee agrees that off-budget authorities should be examined under an identical system to that for budget authorities and that extra time be provided for this purpose during the estimates committees process. If any member makes a request, within one week of presentation of the budget, representatives of an off-budget authority should attend and answer questions. The request should be made to the Leader of the House who will advise the relevant Minister to arrange for the Chief Executive Officer or a nominee to attend at the appropriate time. A minimum of an extra half-hour should be scheduled, at the end of the time already allotted for their estimates, for those Ministers who have off-budget authorities within their responsibilities. As no appropriation is involved, the estimates committees will be able to ask questions but no 'vote' will be considered.

12. Consequently, minor changes need to be made to the Estimates Committees Standing Orders to facilitate examination of these additional bodies.

Recommendation

Your Committee recommends -

3. (a) That off-budget Public Non-Financial Corporations and Public Financial Corporations be identified annually in the Budget Papers and that they be subject to examination; and
- (b) That a minimum of an additional half-hour be allocated to Ministers where an examination has been requested for an off-budget authority within their portfolio responsibilities.

Recommendation

Your Committee recommends –

4. That Standing Orders 222, 223, and 230 be amended as shown, with underlined words to be inserted and struck through words to be deleted –

Bills referred to estimates committees

222. (1) After the second reading of the Appropriation bill or bills which provide for the main recurrent and capital appropriations, the consideration in detail stage will be replaced by Estimates Committees A and B.

(2) The estimates committees will examine the bills and proposed expenditure contained in the Estimates and report on proposed expenditure by the Parliament and government departments and agencies funded from the Consolidated Fund.

(3) The estimates committees may also examine off-budget public corporations and ask questions regarding their budgets and operations.

Management committee

223. (1) There will be a management committee which will comprise the Leader of the House, one member nominated in writing to the Speaker by the premier, and two members similarly nominated by the Leader of the Opposition

(2) Before the estimates committees first meet, the Leader of the House will present to the House the report of the management committee, which report will prescribe —

- (a) which parts of the Estimates are to be considered by each committee; ~~and~~
- (b) the time allotted for consideration of each part or any division or program of the Estimates and the budgets of those agencies referred to in Standing Order 222 ~~(2);~~ and
- (c) where any member has so requested the Leader of the House within one week of the presentation of the budget, the time allotted for off-budget public corporations.

*Recommendation 4 continued***Ministerial advisers**

230. (1) Advisers who are present at an estimates committee to assist Ministers will not directly answer questions or otherwise address the committee except with the approval of and in the presence of a Minister or Parliamentary Secretary.

(2) Representatives of off-budget public corporations are treated as Ministerial advisers for the purposes of this standing order.

Teleconferencing

13. The Leader of the House indicated that the use of telephone conferencing by Estimates Committee B was successful and he thought it could continue in 2002. However, another member was particularly critical that, through the use of teleconferencing, some CEOs did not personally appear before the Estimates Committees with their Minister.

14. Your Committee considers that there is considerable value in members meeting face-to-face with Ministerial advisers and consequently audio- or tele-conferencing should only be used in exceptional circumstances where Ministerial advisers are unable travel to Perth to appear with their respective Ministers before the Estimates Committees.

Recommendation

Your Committee recommends -

5. That audio- or tele-conferencing for Estimates Committees only be used in exceptional circumstances where Ministerial advisers are unable travel to Perth.

Allocation and type of questions**(a) 'Dorothy Dix' questions**

Several members questioned the apparent use of 'Dorothy Dix' questions by Government members.

(b) Allocation of questions on a rotational basis

Some members argued that the allocation of questions on a rotational basis between Opposition and Government members was denying or reducing the Opposition's opportunities to scrutinise the Government's activities.

(c) Use of a series of questions

There was also criticism of the practice of allowing a series of questions to be asked by one member, as that was to the detriment of other members seeking to ask questions of a Minister.

15. Your Committee agreed that nothing precludes a member from asking a question irrespective of the source of the question.

16. It is recognised that the Estimates Committees are a very important part of parliamentary scrutiny of the Government's financial performance and expenditure priorities. Taking this into account, the Chair should achieve some balance in allocating the call for questions while also providing a reasonable opportunity in the circumstances for a member to follow a particular line of questioning. A series of connected questions may be allowable.

17. As there is no relationship between further questions in Estimates Committees and 'supplementary questions' in Question Time, the use of the term 'Supplementary Question' should be discouraged, and understands that the Speaker will convey that to the Deputy Speaker and the Acting-Speakers.

18. Your Committee also noted that, while the member chairing may ask questions during proceedings, that should not operate so as to interrupt the flow of proceedings or unduly preclude other members from contributing. The balance of questions should not be interrupted by the Chair's questions.

Recommendation

Your Committee recommends -

6. That questions in an Estimates Committee be allocated to achieve some balance between members while also allowing a reasonable opportunity in all the circumstances for a member to follow a particular line of questioning.

Supplementary information

19. Several members were concerned that supplementary information was provided late in 2001 (in some instances after the third reading of the Appropriation Bills). Other members raised concerns about not being able to clearly identify supplementary information requests within the *Hansard* transcripts. Ministerial and Government staff also experienced some difficulty in identifying requests when preparing the information.

20. Members have a reasonable expectation that supplementary information which Ministers agree to provide will be available before the third reading of the Appropriation Bill.

21. Your Committee is aware that as a result of the expression of members' concerns, a new process is being implemented which numbers each item of supplementary information a Minister agrees to provide to an estimates committee. When confirming a Minister's agreement to provide supplementary information, the member presiding will advise what number has been allocated and that number will appear in *Hansard*.

22. This system will clearly identify each agreement to provide supplementary information and allow a computer search of *Hansard* for that. No further action or recommendation by this committee is required.

Presentation of Estimates papers

23. A Member mentioned difficulties experienced with budget CD Roms not being paginated to match the hard copy version of the estimates papers. Given increasing use of the electronic version to prepare notes and questions prior to the estimates committees meeting the capacity for members to cross reference their notes with the hard copy version used during committee proceedings would be valuable. Your Committee agreed that the pagination in the electronic copy of estimates papers should match the hard copy used by the estimates committees.

24. Your Committee also agreed that the index to the estimates papers should include direct references to appropriations for Community Service Obligations and other Administered Appropriations.

25. Your Committee also received a request that a separate list of departments and agencies covered within each division should be provided by Treasury to all members. It is noted that Chapter 1 of Budget Paper No. 2 provides a summary of the Consolidated Fund Expenditure Estimates, set out in portfolio order, divided into divisions and referenced to the volume and page of the detailed agency information. No further listing should be needed by members.

Recommendation

Your committee recommends –

7. That the presentation of the estimates papers be improved by –
 - (a) Ensuring pagination in the electronic version matches the hard copy of the Estimates, and
 - (b) Providing a comprehensive index that includes direct reference to the appropriation of administered funds.

Options for future Estimates Committees' structure

26. A member suggested that there be –

- One estimates committee operating over a 2 week period; or
- Two estimates committees with Estimates Committee A considering major portfolios in the first week when the House is not sitting; and Estimates Committee B considering smaller portfolios in the second week when the House is sitting.

27. Your Committee considers that the allocation of an additional sitting week for option 1 is not warranted as there is relatively little conflict for most members when deciding which Estimates Committee to attend. The second option is likely to create programming problems for the House because over a whole sitting week many members are likely to have a conflict between attending the broad-ranging and somewhat unpredictable proceedings in the House and the estimates committee. Consequently, no recommendation for change will be made.

Relevance - Items falling within Estimates

28. A member raised the issue of a matter being ruled out of order, arguing that the activity clearly fell within the estimates. Your Committee acknowledges that the Speaker has already raised this issue with the relevant Acting-Speakers, and intends again to provide the Deputy Speaker and Acting-Speakers with a comprehensive briefing, prior to estimates committees week, where the general parameters of what matters fall within the estimates, and other aspects of chairing, will be covered.

29. Generally your Committee believes questions should be allowed where a member is able to demonstrate a reasonable link with the estimates then currently before the committee. The Committee agreed that no further action is required.

**APPENDIX A
OFF-BUDGET AUTHORITIES*****Agriculture, Forestry and Fisheries***

- Forest Products Commission
- Perth Market Authority
- Potato Marketing Corporation of Western Australia
- The Grain Pool of WA
- Western Australian Egg Marketing Board

Energy

- Electricity Corporation (Western Power Corporation)

Government Enterprises

- Bunbury Water Board
- Busselton Water Board
- Gold Corporation
- Insurance Commission of Western Australia
- Lotteries Commission
- Riskcover
- Water Corporation

Health

- Animal Resources Authority

Housing and Works

- Country Housing Authority
- Government Employees Housing Authority
- Keystart Housing Scheme (Keystart Bonds Ltd; Keystart Loans Ltd; Keystart Support Ltd; Keystart Support (Subsidiary) Pty Ltd)
- The State Housing Commission

Local Government and Regional Development

- Fremantle Cemetery Board
- Metropolitan Cemeteries Board

Minister Assisting the Minister for Planning and Infrastructure

- The Eastern Goldfields Transport Board

Planning and Infrastructure

- Albany Port Authority
- Broome Port Authority
- Bunbury Port Authority
- Dampier Port Authority
- East Perth Redevelopment Authority
- Esperance Port Authority
- Fremantle Port Authority
- Geraldton Port Authority
- Metropolitan (Perth) Passenger Transport Trust
- Midland Redevelopment Authority
- Port Hedland Port Authority
- Subiaco Redevelopment Authority
- The Western Australian Government Railways Commission
- Western Australian Coastal Shipping Commission
- Western Australian Land Authority

Racing and Gaming

- Totalisator Agency Board

Tourism

- Rottnest Island Authority

Treasurer

- Western Australian Treasury Corporation