



THIRTY-NINTH PARLIAMENT

REPORT 53

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

**2015/16 BUDGET ESTIMATES HEARINGS –
SITTING SCHEDULE**

Presented by Hon Ken Travers MLC (Chair)

May 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 Martin Aldridge 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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REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

IN RELATION TO THE

2015/16 BUDGET ESTIMATES HEARINGS – SITTING SCHEDULE

1 TIMETABLE FOR THE 2015/16 BUDGET ESTIMATES HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (the Committee) has finalised its timetable for the 2015/16 Estimates Hearings. Please see Appendix 1.
- 1.2 The Estimates Hearings will be conducted in accordance with the Committee's Annual Budget Estimates Hearing Procedure Policy. Please see Appendix 2.
- 1.3 Members of the Legislative Council are invited to submit a reasonable number of Questions Prior to Hearings across all Agencies, to Committee Staff by **4.00pm, Friday, 22 May 2015**.
- 1.4 The Committee will request answers from Agencies be returned to Committee Staff by **4.00pm, Wednesday, 10 June 2015**. The Committee expects to make these answers Public prior to the hearings.
- 1.5 Members Questions Prior to Hearings may be submitted regarding any Agency listed in the budget papers, irrespective of whether the Agency will appear before the Committee at a hearing in June 2015.
- 1.6 The Committee acquaints the Legislative Council accordingly.



Hon Peter Katsambanis MLC
Deputy Chair
19 May 2015

APPENDIX 1

2015/16 BUDGET ESTIMATES HEARINGS – JUNE HEARINGS

APPENDIX 1

2015/16 BUDGET ESTIMATES HEARINGS – JUNE HEARINGS

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Monday, 15 June 2015	10.00am-12.30pm	Department of Treasury	Hon Helen Morton MLC, Minister for Mental Health; Disability Services; Child Protection representing the Minister for Health

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Tuesday, 23 June 2015	9.30am – 12.30pm 3hrs	Department of Education	Hon Peter Collier MLC, Minister for Education
	Lunch		
	1.30pm – 3pm 1.5hrs	Department of Commerce	Hon Michael Mischin MLC, Minister for Commerce
	3.15pm – 4.15pm 1hr	Building Commission	Hon Michael Mischin MLC, Minister for Commerce
	4.15pm – 6.00pm 1hr 45 mins	Department of Aboriginal Affairs	Hon Peter Collier MLC, Minister for Aboriginal Affairs
	Dinner		
	7.00pm – 9.30pm 2.5hrs	Department of Housing	Hon Colin Holt MLC, Minister for Housing

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Wednesday, 24 June 2015	9.30am – 12.30pm 3hrs	Department of Health	Hon Alyssa Hayden MLC, Parliamentary Secretary representing the Minister for Health
	Lunch		
	1.30pm – 3.30pm 2hrs	Disability Services Commission	Hon Helen Morton MLC, Minister for Disability Services
	Afternoon Tea		
	4.00pm – 6.00pm 2hrs	Department for Child Protection and Family Services	Hon Helen Morton MLC, Minister for Child Protection
	Dinner		
	7.00pm – 9.00pm 2 hrs	Mental Health Commission	Hon Helen Morton MLC, Minister for Mental Health

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Thursday, 25 June 2015	9.30am – 11.00 1.5 hrs	Department of Parks and Wildlife	Hon Helen Morton MLC, Minister for Mental Health; Disability Services; Child Protection representing the Minister for Environment
	11.00 – 12.30 1.5hrs	Department of Fire and Emergency Services	Hon Michael Mischin MLC, Attorney General; Minister for Commerce representing the Minister for Emergency Services

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
	Lunch		
	1.30pm – 3.30pm 2hrs	Main Roads WA	Hon Jim Chown MLC, Parliamentary Secretary representing the Minister for Transport
	3.45pm – 6.00pm 2hrs 15 mins	Department of Transport	Hon Jim Chown MLC, Parliamentary Secretary representing the Minister for Transport
	Dinner		
	7.00pm – 9.00pm 2hrs	Public Transport Authority	Hon Jim Chown MLC, Parliamentary Secretary representing the Minister for Transport

Date	Time	Department	Minister / Parliamentary Secretary
Friday, 26 June 2015	9.30am – 12.30pm 3 hrs	Department of Agriculture and Food	Hon Ken Baston MLC, Minister for Agriculture and Food
	END OF HEARINGS		

APPENDIX 2

2015/16 BUDGET ESTIMATES HEARINGS – JUNE HEARINGS

APPENDIX 2

2015/16 BUDGET ESTIMATES HEARINGS – JUNE HEARINGS

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2015/16 ANNUAL BUDGET ESTIMATES HEARINGS PROCEDURE POLICY

1 CONDUCT OF THE 2015/16 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 CIRCULATION OF NOTICES, INVITATIONS AND PROCEDURAL GUIDELINES PRIOR TO THE HEARINGS

- 3.1 At the earliest possible opportunity, the Committee will issue notices, invitations and procedural guidelines 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 estimates hearings, 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) a notice to all members of the Legislative Council advising of the estimates hearings including the departments/agencies that will attend, the date and time of the hearings and this Procedure Policy.

4 WITNESS INFORMATION SHEET

- 4.1 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.
- 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 Questions prior to the Estimates Hearing may be lodged by Members of the Legislative Council with the Committee Clerk no later than **4:00pm on Friday 22 May 2015**.
- 5.2 The procedure for handing up questions prior to the Hearing is as follows:
- a) questions must be provided by e-mail or a signed hard copy, 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 limited number of questions to each department/agency; and
 - c) questions must comply in all other respects with this Procedure Policy.
- 5.3 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 **4:00pm on Wednesday 10 June 2015**. Upon receipt of the department/agency’s written response, the Committee will consider the answers and make the answer public at their discretion, unless the agency clearly indicates that it wishes the responses to be kept private. The responses remain private up until they are made public and published by the Committee.

6 ASKING OF QUESTIONS DURING THE HEARING

- 6.1 Each Member may provide 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.
- 6.4 After questions by Committee Members or their nominees, Members will be selected to ask questions in rotation and in a balanced and fair way.

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- 6.5 Questions must relate to the 2015/16 Budget Papers and should not be:
- a) hypothetical; or
 - b) questions asking for 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 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 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.
- 7.3 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.
- 7.4 The department/agency's response to the questions on notice, and other supplementary information, should be provided in both hard copy and electronic e-mail, in Word format.
- 7.5 Responses are required within **ten working days** of the Committee Clerk's initial forwarding date of questions to the responsible Minister. Upon receipt of the department/agency's written response, the Chair will authorise the distribution of the response to the Member who asked the question.
- 7.6 If a Department/Agency believes that more time is needed to answer the Questions taken on Notice, it should contact Committee Staff prior to the end of the ten working day period and seek an extension.

8 ADDITIONAL QUESTIONS AFTER THE HEARING

- 8.1 The Chair may (**at their sole discretion**) authorise Additional Questions relevant to the Estimates Hearings be directed to the relevant department/agency for a response in writing.

- 8.2 Additional Questions should be in readable electronic format and submitted to the Committee via the Estimates e-mail inbox (**lcefoc@parliament.wa.gov.au**) as soon as possible after the hearing for forwarding to the department/agency via the responsible Minister.
- 8.3 Responses to these additional questions will be requested from the relevant department/agency within **ten working days** of issue.
- 8.4 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 Chair will authorise the distribution of the response to Committee Members and the Member who asked the question.
- 8.5 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.

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:	Fax:	
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 3-8 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:
 - 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 hearings of standing committees are public. In other words, members of the public and the media may attend the hearings and the proceedings may be reported. In contrast, most hearings of select committees are private, which means that members of the public and the media may not attend them. 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 shall not be asked to give an opinion on a matter of policy.

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

QUESTIONS ON NOTICE/ADDITIONAL QUESTIONS

Ministerial officers should follow the format shown below when answering questions on notice asked during the Hearing /additional questions received after the Hearing.

Wednesday, 16 June 2012

Department of XXX

Question No. 171: Hon A Brown (not “the member for West Metropolitan”) asked -

(1) How many officers work on subprogram 1.2?

Answer: Subprogram 1.2 does not include staffing and running costs for the latest version of the ministry’s operational

(2) In which areas of the State are officers located?

Answer: ...

(3) When will the work that is expected to cost \$24,000 be completed?

Answer: ...