

40TH PARLIAMENT



Report 71

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2017-18 Budget Estimates Hearings

Presented by
Hon Alanna Clohesy MLC (Chair)
August 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

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REPORT 71

**STANDING COMMITTEE ON ESTIMATES AND FINANCIAL
OPERATIONS**

2017-18 BUDGET ESTIMATES HEARINGS

REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2017-18 BUDGET ESTIMATES HEARINGS

1 TIMETABLE FOR THE 2017-18 BUDGET ESTIMATES HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (Committee) will hold its 2017-18 Budget Estimates hearings from Monday 16 October 2017 to Friday 20 October 2017 inclusive.
- 1.2 The majority of the hearings will be held in the Legislative Council Chamber from Tuesday 17 October 2017 to Thursday 19 October 2017 inclusive. Additional hearings will be conducted in the Legislative Council Committee Office. The hearing timetable will be finalised following the release of the 2017-18 Budget. Members of the Legislative Council will be advised electronically.
- 1.3 The Committee has not yet determined which agencies will be invited to attend the hearings. The Committee will report to the Legislative Council when those details have been finalised. Legislative Council Members are invited to nominate agencies for appearance at hearings. These nominations should be emailed to Committee staff by 4.00pm, Tuesday 12 September 2017. The Committee's e-mail address is icefoc@parliament.wa.gov.au. Nominations will be considered by the Committee.
- 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 listed in the budget papers, irrespective of whether the agency will appear before the Committee. This year, these questions will be submitted via the recently developed Electronic Lodgement System. Details of this are contained in the Procedure Policy.
- 1.6 The Committee requests that Answers to Questions from agencies be returned to Committee staff by 12.00pm, Tuesday 10 October 2017. The Committee's practice is to make these Answers public prior to the hearings.
- 1.7 The Committee welcomes Member participation in its Budget Estimates hearings.



Hon Alanna Clohesy MLC

Chair

23 August 2017

APPENDIX 1

PROCEDURE POLICY

2017-18 BUDGET ESTIMATES HEARINGS

1 CONDUCT OF THE 2017-18 BUDGET ESTIMATES HEARINGS

- 1.1 The Estimates and Financial Operations Committee (Committee) considers and reports on 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 HEARD

- 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 4:00pm, Tuesday 12 September 2017. The Committee's e-mail address is lcefoc@parliament.wa.gov.au.
- 2.2 The Committee will determine which agencies will appear at the hearings. At the earliest possible opportunity, the Committee will invite heads of agencies and the responsible Minister or Parliamentary Secretary to attend the hearings. The Committee reserves the right to request the attendance of officers with specific expertise.

3 INFORMATION FOR WITNESSES DOCUMENT

- 3.1 Agency staff and any Ministerial advisors appearing before the Committee will be required to complete an *Information for Witnesses* document, a copy of which is attached at Appendix A. All the information sought is necessary to produce a final and correct transcript.
- 3.2 Ministerial staff cannot be a substitute for a Minister or Parliamentary Secretary at a hearing.

4 ELECTRONIC LODGEMENT OF QUESTIONS PRIOR TO THE HEARINGS

- 4.1 For the first time, this year a reasonable number of Questions Prior to Hearings may be lodged by Members of the Legislative Council using the recently developed Electronic Lodgement System (ELS).
- 4.2 The ELS will open at 8.30am, Friday 8 September 2017, the day after the release of the State Budget. All Legislative Council Members will be notified of this by email. The ELS will close at 5:00pm, Thursday 21 September 2017. All Legislative Council Members will be notified by email that the ELS has closed.
- 4.3 Agencies must provide the Answers to the Committee Clerk by 12.00pm, Tuesday 10 October 2017 via the mailbox at lcefoc@parliament.wa.gov.au. Answers must be signed by the Minister and use the format set out in Appendix B. Multiple page responses must include page numbers.
- 4.4 An agency should indicate what Answers it requests be kept private and the reasons why.

4.5 If an agency is unable to answer all questions by the due date, it should seek an extension for the outstanding questions. A request for an extension must be in writing and provide reasons for the extension.

4.6 Upon receipt of the agency's Answers, the Committee will assign a status and forward those given a public status to the relevant Member on Monday 16 October 2017. The Answers will also be uploaded to the Committee's website.

5 ASKING OF QUESTIONS DURING THE HEARING

5.1 Each Member may pose a number of questions at the discretion of the Chair.

5.2 The Chair will facilitate the asking of questions by all Members present at a particular hearing (subject to time constraints).

5.3 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.

5.4 Questions should relate to:

- the estimates of expenditure laid before the Council in the 2017-18 Budget Papers; and
- any matter relating to the financial administration of that agency.

5.5 Questions should not be:

- hypothetical; or
- seek an opinion on government policy, unless directed towards the Minister (Standing Order 182).

5.6 The Chair has the discretion to rule a question out of order.

5.7 As a general guide for Members, the rules governing questions in the Chamber will be followed (Standing Order 104).

5.8 Questions will only be permitted during the time allocated for the hearing.

6 QUESTIONS TAKEN ON NOTICE DURING THE HEARING

6.1 Questions asked during the hearings which agency witnesses are unable to answer 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.

6.2 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 Minister responsible for the relevant agency. A copy will also be forwarded to the relevant agency.

6.3 Agencies answering questions taken on notice should do so through their responsible Minister. Answers should be provided electronically via e-mail and use the format set out in Appendix B. Multiple page responses must include page numbers.

6.4 Answers are required within ten working days of the Committee Clerk's initial forwarding date of questions to the responsible Minister, that is, by Monday

23 October 2017. 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.

- 6.5 If an agency is unable to answer all questions by the due date, it should seek an extension for the outstanding questions. A request for an extension must be in writing and provide reasons for the extension.

7 ADDITIONAL QUESTIONS AFTER THE HEARINGS

- 7.1 The ELS will re-open for Additional Questions once hearings commence and remain open until 12:00pm, Monday 23 October 2017.
- 7.2 Answers to these Additional Questions will be requested from the relevant agency by 12:00pm, Wednesday 8 November 2017.
- 7.3 Upon receipt of the 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.
- 7.4 If an agency is unable to answer all questions by the due date, it should seek an extension for the outstanding questions. A request for an extension must be in writing and provide reasons for the 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 AGENCIES TO ANSWERS QUESTIONS

Department of [insert name of department/agency] **Page Number**

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:...

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.'



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