



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Information Manual

ESTIMATES COMMITTEE & GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE

PUBLIC HEARINGS

**Tuesday 12 – Thursday 14 June 2012
&
Tuesday 19 – Thursday 21 June 2012**

As at 31 May 2012

Preface

This document has been produced to provide information to agency and Ministerial officers on the administrative and procedural arrangements for the Estimates Committee for 2012-13.

The manual is an overall guide to procedures and does not cover every matter which may arise during the course of the Estimates Committee process.

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1 INTRODUCTION

1.1 Establishment and Authority of the Committee

- 1.1.1 The Estimates and Government Owned Corporations Scrutiny Committees were established by a resolution of the Legislative Assembly on 2 May 2012 (see Appendix A). That resolution provides the primary rules for the operation of the Committees.
- 1.1.2 The Committees are also empowered by, and subject to, applicable Standing Orders of the Legislative Assembly, subject to the resolution of 2 May 2012. In particular, Standing Orders 112 – 114 regarding questions and Chapter XXVII apply (Appendix B & C).
- 1.1.3 The resolution of the Assembly of 20 August 1992 regarding Witness Procedures (Appendix D) also applies.
- 1.1.4 The Committees are also governed, and empowered by, the *Legislative Assembly (Powers and Privileges) Act*.
- 1.1.5 On 3 May 2012, the Assembly referred the Budget Papers 2012-2013 together with the Appropriation (2012-2013) Bill 2012 (Serial 208) to the Estimates Committee, and the Power and Water Corporation Statement of Corporate Intent 2012/2013 to the Government Owned Corporations Scrutiny Committee for inquiry and report.

1.2 Membership

- 1.2.1 The Chair and membership of the Estimates Committee are the same as for the Public Accounts Committee:

Mr Michael Gunner MLA, Member for Fannie Bay (Chair)

Ms Marion Scrymgour, MLA, Member for Arafura

Ms Lynne Walker, MLA, Member for Nhulunbuy

Mr John Elferink, MLA, Member for Port Darwin

Mr Willem Westra van Holthe, MLA, Member for Katherine

Mr Gerry Wood, MLA, Member for Nelson

- 1.2.2 Any Members of the Assembly may participate in the Committees' deliberations, attending and questioning Ministers and witnesses, although the number of participating members cannot exceed seven at any one time and a quorum remains four members of the Committees.

1.3 Method of Operation

- 1.3.1 The Estimates Committee holds hearings where it may ask questions of the responsible Minister and Department about each output in the Budget.
- 1.3.2 The Minister (or Speaker), is to attend the Committee's hearings at the scheduled time and should be accompanied by the agency officers and advisors that the Minister considers appropriate to assist the Minister answering questions on the Budget outputs under consideration.
- 1.3.3 At a hearing, questions relating to proposed expenditure and outputs are directed to the relevant Minister (or Speaker). Members cannot initiate questions to agency officers. However, a Minister may refer a question to an agency officer. Once referred, Members may ask follow-up questions of an officer, although the Minister may intervene and take a question at any time.
- 1.3.4 The Committee shall issue a schedule setting out the times of Ministers' appearances and the order in which budget outputs will be considered.

1.4 Matters Considered By Committees

- 1.4.1 The Estimates Committee will consider the *Appropriation (2012-13) Bill 2012* and the following related Budget papers:-
- Budget Paper No. 1 – Budget Speech, 2012/2013 (Paper 1783);
 - Budget Paper No. 2 – Fiscal and Economic Outlook, 2012/2013 (Paper 1784)
 - Budget Paper No. 3 – The Budget, 2012/2013 (Paper 1785);
 - Budget Paper No. 4 – The Infrastructure Program, 2012/2013 (Paper 1786);
 - Northern Territory Economy, 2012/2013 (Paper 1788);
 - Northern Territory Economy Overview, 2012/2013 (Paper 1789);
 - Regional Highlights, 2012/2013 (Paper 1790);
 - Budget Overview 2012/2013 (Paper 1787).
- 1.4.2 The Government Owned Corporations Scrutiny Committee will consider *The Statement of Corporate Intent for the Power and Water Corporation for 2012/2013*.

2 ATTENDANCE AT HEARINGS

2.1 Order of Appearance by Ministers

2.1.1 The Committee has agreed to following schedule for hearings:

Tuesday, 12 June 2012

8.30 am Hon Delia Lawrie MLA (8 hours)

5.00 pm Hon Jane Aagaard MLA (1 hour)

Wednesday, 13 June 2012

8.30 am Hon Paul Henderson MLA (8 hours)

Thursday, 14 June 2012

8.30 am Hon Dr Chris Burns MLA (7 hours)

4.00 pm Hon Malarndirri McCarthy MLA (6 hours)

Tuesday, 19 June 2012

8.30 am Hon Kon Vatskalis MLA (7 hours)

4.00 pm Hon Karl Hampton MLA (6 hours)

Wednesday, 20 June 2012

8.30 am Hon Gerald McCarthy MLA (7 hours)

4.00 pm Hon Robert Knight MLA (6 hours)

Thursday, 21 June 2012

8.30 am Power and Water Corporation (4 hours)

2.1.2 Agencies should be prepared to support their Ministers during their scheduled times. While the order in which outputs will be considered will be included in the detailed schedule, the time for each agency's appearance will not.

2.1.3 Agencies should also be prepared to support the relevant Minister whenever an output under their administration is scheduled for consideration. For example, the Chief Minister's Department may need to be available at the time of the appearance of the Minister for Central Australia when considering the Alice Springs Transformation Plan output.

2.2 Committee Support

- 2.2.1 The Department of the Legislative Assembly's Committee Office, under the Chair's direction, is responsible for administration and other operational matters for the Committee.
- 2.2.2 The Committee Office staff are available to assist all Members, and Ministerial and Agency officers on matters relating to the Estimates Committee process. The Committee Office can be contacted on 8946 1485 or pac@nt.gov.au.

2.3 Entry of Witnesses to Parliament House

- 2.3.1 Entry will be through the main entrance to Parliament House, State Square. The direction through to the Litchfield Room on Level 3 will be signposted and assistance will be provided by front of house security staff in directing witnesses to the appropriate lift.

2.4 Lists of Witnesses

- 2.4.1 Departmental contact lists should be provided to the Committee Secretary in advance of the Estimates Committee hearings. The list should contain the courtesy title, name and job title of each witness. Last minute changes to the published list must be advised to the Committee Secretariat by telephone on 8946 1485 or email to pac@nt.gov.au.

2.5 Appearing before the Committee

- 2.5.1 Witnesses will be seated at tables opposite the Committee and immediately in front of the gallery to give evidence.
- 2.5.2 Typically, the Minister will be accompanied by the relevant Chief Executive for the outputs under consideration. Other officers who might be required to give evidence may be seated at the table if space allows or may sit in the gallery and be called to the table if required. Up to six witnesses can comfortably sit at the table.
- 2.5.3 To assist accurate recording, witnesses should identify themselves before speaking, both when first introduced to the Committee and whenever re-entering the discussion.
- 2.5.4 All the microphones at the table are normally on, although they can be manually turned off.

2.6 Documents Provided by Witnesses

2.6.1 If departments intend to provide any documents prior to or at the hearing they must supply at least ten copies unless otherwise agreed.

2.7 Facilities for witnesses and Government officers

2.7.1 The Elsey Room, which is opposite the Litchfield Room where the hearings will be held, will be available to witnesses and other Government officers as a waiting and communications room. The room will have:

- tea and coffee,
- television coverage of the hearing,
- computer, fax and phone,
- WiFi and cable access to the NT Government network.

2.7.2 Users of the Elsey Room are reminded to keep noise to a minimum so as not to interfere with the hearing and to allow other users listening to proceedings to hear.

2.7.3 WiFi will be available in the Litchfield and Elsey rooms for those set up to access the NT Government wireless network. Those intending to use WiFi will need to ensure their agency has given them appropriate access before attending the hearing.

2.8 Mobile phones and tablet computers

2.8.1 Mobile phones must be silent and no conversations should be conducted in or near the Litchfield Room. However, in contrast to previous years, the sound system should not be vulnerable to mobile interference so mobile phones and tablet computers may be used so long as this does not interfere with the hearing. As noted above, the NT Government wireless network will be accessible.

2.9 Catering

2.9.1 Tea, coffee and fruit will be available to departmental officers in the Elsey Room.

2.9.2 The Speaker's Corner Cafe will be open from 7.30 am to 4.00 pm.

2.9.3 With advanced notice, the cafe can also provide catering outside this time. For further details, menus and order forms call 8946 1439 or go to http://karensheldoncatering.com/speakers_corner_cafe.

2.9.4 Self catering for functions is not permitted in Parliament House.

3 CONDUCT OF THE HEARINGS

3.1 Venue

3.1.1 Estimates Committee public hearings are to be held in the Litchfield Room on Level 3 of Parliament House.

3.2 Basic Procedures

3.2.1 When the Estimates Committee considers proposed expenditure, the Chair shall declare the proposed expenditure open for examination and call for questions.

3.2.2 The Chair exercises a deliberative vote and, in the event of an equality of votes, a casting vote.

3.2.3 Participating Members who are not Members of the Committee may not move motions or vote on any matters before the Committee.

3.2.4 The quorum of the Committee is four of the Members of the Committee.

3.2.5 Motions relating to the substance of the proposed expenditure are not moved during public hearings. Rather, they may be dealt with at deliberative meetings at which the Committee determines the contents of its report to the Legislative Assembly.

3.2.6 Members may move motions on and debate procedural issues, such as the early termination of a day's hearing, deferral of items until later in the day's hearing or to move dissent to procedural rulings from the Chair. If any debate is likely on a procedural motion, the Committee must go into private session.

3.3 Swearing of Witnesses

3.3.1 Witnesses are **not** normally sworn prior to questioning.

3.4 Scope of Questions (Admissibility) and the Role of the Chair

3.4.1 The Minister answering a question may call upon agency officers to provide relevant information. Officers may answer questions at the request of the Minister, but shall not be required to comment on policy matters.

3.4.2 Significant latitude is generally allowed to questions at Estimates Committee hearings. Nevertheless, Standing Orders 112-4 and the need for relevance do apply. It can be expected that the discussion will range from items of detail to broad policy matters. As a general guide, the Chair will normally leave it to the Minister in attendance to raise any objection to the scope or relevance of questioning.

- 3.4.3 In allocating the call, the Chair shall maintain the order as detailed in his opening address.
- 3.4.4 If a dispute by a member as to the admissibility of a question does arise, the Chair will give a ruling. If any objection is made to a ruling of the Chair, such objection must be taken at once and stated in writing. The relevant proceeding will then be deferred and the objection will be referred to the Speaker for a ruling.

3.5 Recording of Proceedings

- 3.5.1 The Estimates Committee hearing will be recorded and transcribed by *Hansard*.
- 3.5.2 Transcripts of the hearings will be available through the Parliament's website within around 3 hours of the end of the hearing at <http://notes.nt.gov.au/lant/hansard/hansardd.nsf?OpenDatabase>.

3.6 Broadcasting and Media Access

- 3.6.1 The hearings will be broadcast within Parliament House and on the Internet unless the Committee orders otherwise. The webcast will be available from <http://www.nt.gov.au/lant/about-parliament/broadcast/broadcast.shtml>.
- 3.6.2 The Assembly has authorised the broadcast of the hearings, subject to the same conditions which apply to the sittings of the Assembly (see Appendix E) and as determined by the Committees.
- 3.6.3 Media will have access to the public galleries. An audio feed will be available from the media outlet panel at the back of the Litchfield Room and video will be available through the Chamber broadcast room off the main hall on level 2.

3.7 Material Received at Hearings

- 3.7.1 Documents may be presented to the Committees during their hearings. Unless the committee orders otherwise, documents presented to it are deemed to be made public. Such material may be placed on the Committee's website and included in information tabled in the Assembly.
- 3.7.2 Material which is provided but which is not suitable for reproduction due to its volume (e.g. books), or form (e.g. video or audio recording) may be retained by the Committee Secretary and archived with the Committee's material.

3.8 Confidential Documents

- 3.8.1 The Committee may resolve to treat a document presented to it as confidential. However, the Committee or the Assembly may, at a later time, order the publication of a document originally presented on a confidential basis.
- 3.8.2 Any requests for confidentiality should be made very clear to the Committee and witnesses are to be made aware of the conditions of the above paragraph.

3.9 Questions Taken on Notice

- 3.9.1 At the Minister's (or Speaker's) discretion, questions asked at hearings may be taken 'on notice' and subsequently answered in writing.
- 3.9.2 The Chair will ensure that the terms of a question on notice are clarified and will allocate the question a number.
- 3.9.3 The Committee Secretary will forward the question on notice to the Minister (or Speaker) after the production of the transcript for the hearing.
- 3.9.4 Unless the Committee orders an earlier date, **answers to questions on notice should be provided to the Committee Secretariat by 19 July 2012**. The Assembly has given the last date for the publication of answers of 20 July 2012 and the Committee cannot receive answers after this date.
- 3.9.5 The questions taken on notice and the answers received, once authorised for publication by the Committee, will be published on the Assembly's website.
- 3.9.6 Electronic copies of the answers should be forwarded to the Committee Secretariat at pac@nt.gov.au.

3.10 'Generic Estimates Questions' under Standing Orders 116 - 8

- 3.10.1 Question in the Assembly's Written Questions Paper, such as the questions in relation to portfolio areas of 30 and 31 March 2012, are formally questions from the Assembly rather than the Committees. These questions are administered separately from questions taken on notice by the Committees.
- 3.10.2 Standing Order 118 requires that the answers to the Written Questions be delivered to the Clerk of the Legislative Assembly for printing in the Assembly's Questions Paper within 30 days of receipt of the of the question by the Minister. If the Minister does not provide an answer to the Clerk within that time, the Minister is to provide an explanation to the Member asking the question.

3.10.3 Providing the substance of the Written Questions' answers to the Estimates Committee does not fulfil the formal obligation under Standing Order 118 to provide an answer to the Clerk for publishing in the Assembly's Questions Paper.

3.11 *In-Camera* Hearings

3.11.1 All hearings of the Committees are open to the public unless the Committee orders otherwise.

3.11.2 If an answer to a question includes information of a confidential nature, the witness may ask that the evidence be taken *in camera* and give reasons for that request. The Committee will then decide whether to close that part of the hearing to the public.

3.12 Other Matters (*Sub judice* Convention)

3.12.1 Other rules and conventions of the Assembly may determine whether an answer will be required or whether a hearing will go *in camera*.

3.12.2 One such matter is the *sub judice* convention, which requires an assessment of the risk that a particular line of questioning will prejudice proceedings presently before a court. The risk must be balanced against the benefit flowing from the right of the Committee to inquire into the matter. Only when the risk outweighs the benefit, and cannot be controlled by such procedures as going *in camera*, does the convention require the Committee to forego its right to pursue a particular matter.

4 AFTER THE HEARING

4.1 Distribution of Hansard

4.1.1 The *Hansard* report of the hearings will be published in a similar manner to the *Hansard* report of the Parliamentary sittings.

4.1.2 An electronic copy of the daily transcript will be posted on the Parliament's website within approximately three hours after the end of each day's proceedings.

4.1.3 Agency officers and ministerial staff wishing to be informed when the transcript will be available should contact the Table Office on telephone 8946 1590.

4.2 Corrections to Hansard

4.2.1 Ministers and Agency officers who give evidence are required to submit any corrections directly to *Hansard* within seven days of the hearing. This may be achieved by using the pre-printed forms included in Members *Hansard* copy, or by

sending material electronically to: graham.gadd@nt.gov.au. Hard copy material should be addressed to Hansard Editor, Parliament House, via internal mail or posted to GPO Box 3721, Darwin, NT, 0801.

4.3 Tabling of Report in the Assembly

- 4.3.1 The Committees' reports are to contain any resolutions or expressions of opinion of the Committee and be presented to the Committee-of-the-Whole Assembly when the Assembly sits on Thursday, 21 June 2012 following the conclusion of the hearing of the Government Owned Corporation Scrutiny Committee. The Committee-of-the-Whole will then debate the question "that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the Committee in relation to the proposed expenditure or outputs under the Appropriation (2012-2013) Bill, and the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from the Power and Water Corporation, be noted."
- 4.3.2 The maximum time for this debate is 5 hours, with Ministers and Shadow Ministers limited to 20 minutes each and other Members limited to 10 minutes each.

**APPENDIX A: TERMS OF REFERENCE, ESTIMATES COMMITTEE AND
GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE**

Resolution of 2 May 2012:

The Legislative Assembly resolves that:

A. INTRODUCTION

1. Notwithstanding anything contained in Standing and Sessional Orders, there be appointed an Estimates Committee of the Legislative Assembly (the Committee) for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation (2012-2013) Bill 2012 and related budget documents.
2. The Appropriation (2012-2013) Bill 2012 (the Bill) and related budget documents be referred to the Committee at the conclusion of the Treasurer's second reading speech.
3. The Committee may not vote on but may examine and report on the proposed expenditure contained in the Bill by no later than 21 June 2012.
4. That the Committee examine the proposed expenditure contained in the Bill by portfolio units in accordance with the schedule to be published by the Committee and that the proposed expenditure be considered on an output by output basis for each portfolio unit.

B. MEMBERSHIP

5. The membership of the Committee shall consist of the membership of the Public Accounts Committee, subject to paragraph 34.
6. The Chair of the Public Accounts Committee shall be the Chair of the Estimates Committee.
7. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chair.
8. Members of the Assembly who are not Members of the Committee may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven Members comprising the Chair, two Government Members, three Opposition Members and one Independent Member.
9. Members of the Assembly who are not Members of the Committee may not vote on any matters before the Committee.
10. The Committee may proceed with business despite a vacancy in its membership.
11. The Chair of the Committee and the Deputy Chair when acting as Chair shall have a deliberative and a casting vote.
12. The quorum of the Committee is to be 4 of the members of the Committee.
13. If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and date to be fixed.

C. SITTING TIMES

14. Unless otherwise ordered by the Committee, the Committee shall sit on the following days:
 - (a) Tuesday, 12 June 2012;
 - (b) Wednesday, 13 June 2012;
 - (c) Thursday, 14 June 2012;
 - (d) Tuesday, 19 June 2012;

- (e) Wednesday, 20 June 2012; and
 - (f) Thursday, 21 June 2012.
15. The Committee shall publish a schedule of the times allotted for hearing from Ministers, the Speaker and the Government Owned Corporation.
 16. The maximum time of the appearance of each of the Chief Minister and the Treasurer shall be 8 hours and for each other Minister, the Speaker and Government Owned Corporation shall be 7 hours; and the maximum total time for hearings of the Estimates and Government Owned Scrutiny Committees hearings shall be 60 hours; and
 17. The Committee may sit only when the Assembly is not sitting.

D. HEARING PROCEDURE

18. All hearings of the Committee are open to the public unless the Committee orders otherwise.
19. The Committee will consider proposed expenditure by outputs, following procedures agreed to by the Committee in accordance with the other provisions of this Order and Standing Orders.
20. Unless the Committee otherwise determines, the Minister or the Speaker may make an opening statement lasting up to five minutes, which may be extended with the leave of the Committee.
21. Members of the Committee may ask for explanations from a Minister or the Speaker relating to proposed expenditure and outputs.
22. An initial question should be directed to the Minister or the Speaker in the first instance and then officers of the relevant departments may provide assistance in providing information. Ministers or the Speaker may defer to the Chief Executive (who may defer to another officer) who may then be directly questioned on subsequent questions on the same subject. If a question is ruled by the Chair as not appropriate for an officer to answer, the Minister or the Speaker may choose to provide information or take such matters on notice.
23. Officers may answer questions at the request of the Minister or the Speaker, but shall not be required to comment on policy matters, including giving an opinion, and the Minister, the Speaker or Chief Executive may at any time intervene and answer questions that are asked of departmental officers.
24. All questions should conform to Standing Orders 112, 113 and 114 (general rules for questions).

E. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION

25. The Minister or the Speaker may advise the Committee that an answer to a question or part of a question will be provided later to the Committee. At that time the Chair shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Minister or the Speaker by the Committee Secretariat.
26. A Minister or the Speaker may also give the Committee additional information about an answer given by them or on their behalf.
27. The additional information or answer is to be written and given by a time decided by the Committee and may be presented to the Assembly in accordance with Standing Order 280 by the Chair of the Committee at the time of its report, or at a later date, which shall be no later than 20 July 2012, and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

F. HANSARD REPORT AND OTHER TABLED DOCUMENTS

28. The Clerk of the Legislative Assembly is authorised to publish a transcript of the Committee proceedings, whether or not it has been edited, in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.
29. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.

G. BROADCASTING AND TELEVISIONING OF PROCEEDINGS

30. Sound and vision may be broadcast and re-broadcast of the hearings of the Committee, subject to the same conditions which apply to the sittings of the Assembly and as determined by the Committee.

H. DISORDER

31. At a hearing of the Committee, the Chair may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chair, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.
32. A member ordered to withdraw by the Chair must immediately withdraw for the stated period.
33. If a Member persistently disrupts the business of the Committee, the Chair may name the Member and:
 - (a) If the Member named is a member of the Committee, suspend the sittings until the Chair has reported the offence to the Speaker; or
 - (b) If the Member named is not a member of the Committee, order that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.
34. On the naming of a Member:
 - (a) The Chair shall advise the Speaker of the Naming of a Member as soon as practicable.
 - (b) If the Member named was a Member of the Committee, the Speaker shall declare that the Member named is no longer a Member of the Committee and give notice to that effect to the Member, the Chief Minister, Leader of the Opposition and Chair of the Committee and:
 - (i) if the named Member was a Government Member, ask the Chief Minister to nominate a Government Member to the Committee or,
 - (ii) if the Member was an Opposition Member, ask the Leader of the Opposition to nominate an Opposition Member to the Committee.
 - (c) Any such change to the Estimates Committee membership also applies to the Government Owned Corporations Committee but does not affect the membership of the Public Accounts Committee.
 - (d) If the Member named was not a Member of the Committee, the Speaker shall declare that the Member may no longer participate in the proceedings of the Estimates or Government Owned Corporations Committees and give notice to that effect to the Member, the Chief Minister, Leader of the Opposition and Chair of the Committee
35. If any objection is taken to a ruling or decision of the Chair:
 - (a) the objection must be taken at once and stated in writing;
 - (b) the Chair, as soon as practicable, shall advise the Speaker who shall make a ruling on the matter; and

- (c) the Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

I. REPORT OF ESTIMATES COMMITTEE

36. A report of the Committee will be presented by the Chair to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
37. When the report of the Committee is presented it shall be considered forthwith, together with the Report of the Government Owned Corporations Scrutiny Committee.
38. The following time limits shall apply to consideration of the reports of the Committees on the question:
- “that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the Committee in relation to the proposed expenditure or outputs under the Appropriation (2012-2013) Bill, and the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from the Power and Water Corporation, be noted.”
- Ministers, Leader of the Opposition and Shadow Ministers: 20 minutes;
 - Any other Member: 10 minutes,
 - The maximum period for consideration shall be 5 hours.
39. When the consideration of the reports of the Committees has been completed the following question is proposed and put forthwith:
- “that the remainder of the Bill be agreed to”.
40. When the Bill has been agreed to by the Committee-of-the-Whole and reported to the Assembly, the third reading may be taken into consideration forthwith.

GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE 2012-13 TERMS OF REFERENCE

The Legislative Assembly resolves that:

A. INTRODUCTION

1. Notwithstanding anything contained in Standing and Sessional Orders, there be appointed a Committee of the Legislative Assembly to be known as the Government Owned Corporations Scrutiny Committee (the Committee) for the purpose of examining and reporting on the activities, performance, practices and financial management of the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*, with reference to the Power and Water Corporation’s Statement of Corporate Intent for 2012-13.

B. MEMBERSHIP

2. The membership of the Government Owned Corporations Scrutiny Committee shall consist of the membership of the Public Accounts Committee, subject to paragraph 29.
3. The Chair of the Public Accounts Committee shall be the Chair of the Government Owned Corporations Scrutiny Committee.
4. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chair.

5. Members of the Assembly who are not Members of the Committee may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven Members comprising the Chair, two Government Members, three Opposition Members and one Independent Member.
6. Members of the Assembly who are not Members of the Committee may not vote on any matters before the Committee.
7. The Committee may proceed with business despite a vacancy in its membership.
8. The Chair of the Committee and the Deputy Chair when acting as Chair shall have a deliberative and a casting vote.
9. The quorum of the Committee is to be 4 of the members of the Committee.
10. If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and date to be fixed.

C. SITTING TIMES

11. The Committee will meet in accordance with the dates and times in the Schedule published by the Committee and advised by the Chair.
12. The Government Owned Corporations Scrutiny Committee may sit only when the Assembly is not sitting.
13. Unless otherwise ordered by the Committee, the Committee shall sit on Thursday 21 June 2012.

D. HEARING PROCEDURE

14. All hearings of the Committee are open to the public unless the Committee orders otherwise.
15. The Committee will examine the financial and budgetary activities of the Power and Water Corporation following similar procedures to that of the Estimates Committee and in accordance with the provisions of this Order and Standing Orders.
16. Unless the Committee otherwise determines, the Ministers and Chairman of the Board of the Power and Water Corporation (Board Chairman) may make an opening statement lasting up to five minutes, which may be extended with the leave of the Committee.

E. QUESTIONS

17. Questions shall be put directly to either the Portfolio Minister, the Shareholding Minister or the Board Chairman. The Managing Director and other officers may assist the Board Chairman in the provision of relevant information. Otherwise, questions shall adhere with the general terms and conditions applying to questioning of the Estimates Committee at paragraphs 22, 23 and 24.
18. The Board Chairman or other witnesses will advise when evidence is of a commercially sensitive or confidential nature and may request that such evidence be heard in camera. The Chair of the Committee will invite the Board Chairman or the witnesses to give the reasons for the request.
19. Questions and explanations should be brief and avoid irrelevance and tedious repetition.

QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION

20. The Minister or Board Chairman may advise the Committee that an answer to a question or part of a question will be provided later to the Committee. At that time the Chair shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Minister or Board Chairman by the Committee Secretariat.

21. A Minister or Board Chairman may also give the Committee additional information about an answer given by them or on their behalf.
22. The additional information or answer is to be written and given by a time decided by the Committee and may be presented to the Assembly in accordance with Standing Order 280 by the Chair at the time of its report, or at a later date, which shall be no later than 20 July 2012, and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

F. HANSARD REPORT AND OTHER TABLED DOCUMENTS

23. The Clerk of the Legislative Assembly is authorised to publish a transcript of the Committee proceedings, whether or not it has been edited, in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.
24. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.

G. BROADCASTING AND TELEVISIONING OF PROCEEDINGS

25. Sound and vision may be broadcast and re-broadcast of the hearings of the Committee, subject to the same conditions which apply to the sittings of the Assembly and as determined by the Committee.

H. DISORDER

26. At a hearing of the Committee, the Chair may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chair, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.
27. A member ordered to withdraw by the Chair must immediately withdraw for the stated period.
28. If a Member persistently disrupts the business of the Committee, the Chair may name the Member and:
 - (a) If the Member named is a member of the Committee, suspend the sittings until the Chair has reported the offence to the Speaker; or
 - (b) If the Member named is not a member of the Committee, order that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.
29. On the naming of a Member:
 - (a) The Chair shall advise the Speaker of the Naming of a Member as soon as practicable.
 - (b) If the Member named was a Member of the Committee, the Speaker shall declare that the Member named is no longer a Member of the Committee and give notice to that effect to the Member, the Chief Minister, Leader of the Opposition and Chair of the Committee and:
 - (i) if the named Member was a Government Member, ask the Chief Minister to nominate a Government Member to the Committee or,
 - (ii) if the Member was an Opposition Member, ask the Leader of the Opposition to nominate an Opposition Member to the Committee.
 - (c) Any such change to the Government Owned Corporations Committee membership also applies to the Estimates Committee but does not affect the membership of the Public Accounts Committee.
 - (d) If the Member named was not a Member of the Committee, the Speaker shall declare that the Member may no longer participate in the proceedings of the Estimates or Government Owned Corporations Committees and

give notice to that effect to the Member, the Chief Minister, Leader of the Opposition and Chair of the Committee.

30. If any objection is taken to a ruling or decision of the Chair:
- (a) the objection must be taken at once and stated in writing;
 - (b) the Chair, as soon as practicable, shall advise the Speaker who shall make a ruling on the matter; and
 - (c) the Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

I. REPORT OF GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE

31. A report of the Committee will be presented by the Chair to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
32. When the report of the Committee is presented it shall be considered forthwith, together with the Report of the Estimates Committee.
33. The following time limits shall apply to consideration of the reports of the Committees on the question:

“that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the Committee in relation to the proposed expenditure or outputs under the Appropriation (2012-2013) Bill, and the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from the Power and Water Corporation, be noted.”

- Ministers, Leader of the Opposition and Shadow Ministers: 20 minutes;
- Any other Member: 10 minutes,
- The maximum period for consideration shall be 5 hours.

APPENDIX B: STANDING ORDERS 112, 113 & 114 - QUESTIONS

112. GENERAL RULES

The following rules shall apply to questions —

- (1) Questions cannot be debated.
- (2) Questions should not contain —
 - (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
 - (b) arguments;
 - (c) inferences;
 - (d) imputations;
 - (e) epithets;
 - (f) ironical expressions; or
 - (g) hypothetical matter.
- (3) Questions should not ask Ministers —
 - (a) for an expression of opinion;
 - (b) to announce new policy of the government, but may seek an explanation regarding the policy of the government and its application; or
 - (c) for a legal opinion.
- (4) Questions should not refer to proceedings in committee not reported to the Assembly.

113. ANSWERS

An answer shall be **succinct, concise and directly** relevant to the question.

114. REPEATING QUESTIONS

A question fully answered cannot be renewed.

APPENDIX C: STANDING ORDERS CHAPTER XXVII - COMMITTEES

260. APPOINTMENT

All committees, be they Standing, Select or Sessional, shall be appointed on motion, and shall, unless otherwise ordered, consist of the mover and other Members to be nominated; but if there be more nominations than places available on a committee, Members shall be appointed by ballot.

261. DAY FOR REPORT

For every committee other than a Standing Committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the final report of the committee shall be presented by the Member chairing the committee, unless further time be moved and granted; but the Assembly may at any time prior to such day receive the final report of the committee.

262. DISCHARGE

- (a) Members may be discharged from attending a committee, and other Members appointed, either by nomination or ballot, after notice has been given.
- (b) Special arrangements are required for a change in membership when the Assembly is not sitting and is not expected to meet for at least two weeks. The relevant Whip or Independent member must nominate any appointment or discharge of a Member of a committee in writing to the Speaker. The change in membership shall take effect from the time the Speaker receives the written nomination. At the next sitting, the Speaker shall report the change to the Assembly and the Assembly shall resolve the membership of the committee.

263. SPEAKER AND DEPUTY SPEAKER ON COMMITTEES

The Speaker and Deputy Speaker shall only be appointed to a committee if a Standing or other order requires the appointment, or if the office holder consents.

264. MEMBER WITH PECUNIARY INTEREST NOT TO SIT ON INQUIRY

No Member may sit on a committee if that Member has a particular direct pecuniary interest in a matter under inquiry by the committee. If the eligibility of a Member to sit on a committee is challenged, the committee may report the matter to the Assembly for resolution.

265. QUORUM

Subject to Standing Order 270A, in all committees, a majority of the committee shall form a quorum, unless otherwise ordered; and, if at any time a quorum be not present, the Member chairing shall suspend the proceedings of the committee until a quorum be present, or shall adjourn the committee.

266. MEETING LAPSES

If a quorum be not present within 15 minutes from the time appointed for the meeting of a committee, any Member present may retire after recording their name with the Secretary attending the committee who shall convene a meeting for another time.

267. MEETINGS

Notice of first and subsequent meetings shall be given by the Secretary attending the committee:

- (a) pursuant to resolution of the committee;
- (b) on instruction of the Member chairing the committee; or upon a request by a quorum of Members of the committee.

268. ELECTION OF MEMBER CHAIRING

- (a) Every committee, at its first meeting, before the commencement of business, shall elect one of its number to be the Member chairing the committee, provided that a Member chairing has not been appointed pursuant to the committee's Terms of Reference.
- (b) The Member chairing shall have two votes: a deliberative and a casting vote.

269. RECORDS OF PROCEEDINGS AND DOCUMENTS

- (a) The Secretary shall record the proceedings of the committee or subcommittee in the Minutes of Proceedings. The minutes shall be confirmed by the committee or subcommittee and then signed by the Member chairing.
- (b) Documents presented to the committee or subcommittee shall be recorded in the Minutes of Proceedings.

270A. PROCEEDINGS AND SITTINGS OF COMMITTEE

- (a) A committee or subcommittee may conduct proceedings using any means approved by the Assembly and in the following manner:
 - (i) in private meeting;
 - (ii) by hearing witnesses, either in public or in private; and
 - (iii) in the form of any other meeting, discussion or inspection conducted under the practice of committees of the Assembly.
- (b) A committee may resolve to conduct proceedings using audio-visual or audio links with members of the committee or witnesses not present in one place. If audio-visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location.
- (c) A committee or subcommittee may conduct proceedings at any time or place as it sees fit, except whilst the Assembly is sitting.
- (d) A committee or subcommittee shall not meet during sittings of the Assembly except by order of the Assembly.

270B. POWER TO CALL FOR WITNESSES AND DOCUMENTS

- (a) A committee or subcommittee may call for witnesses to attend and for documents to be produced.
- (b) The Member chairing a committee or subcommittee shall direct the Secretary of the committee or subcommittee to invite or summon witnesses and to request or require documents to be produced as determined by the committee or subcommittee.

270C. POWER TO MAKE USE OF RECORDS OF PREVIOUS COMMITTEES

A committee or subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Assemblies.

271. EXAMINATION OF WITNESSES

- (a) The examination of witnesses before a committee shall be conducted by the Members of the committee in accordance with procedures agreed to by the committee and subject to the rules of the Assembly.
- (b) The examination of witnesses shall be recorded in a transcript of evidence.

272. STRANGERS ADMITTED

When a committee is examining witnesses, strangers may be admitted but shall withdraw if requested by the Member chairing the committee or any Member of the committee and shall always withdraw when the committee is deliberating.

273. MEMBERS ADMITTED

A Member of the Assembly, although not a member of a committee, may participate in its public sessions and question witnesses, unless the committee orders otherwise, but shall not vote and shall always withdraw when the committee is deliberating or taking evidence *in-camera*.

274. PUBLICATION OF EVIDENCE

- (a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.
- (b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a Member of the committee or a parliamentary employee assigned to the committee) unless they have been:
 - (i) reported to the Assembly; or
 - (ii) authorised by the Assembly, the committee or the subcommittee.
- (c) A committee may resolve to:
 - (i) publish media releases, discussion papers or other documents or preliminary findings; or
 - (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment.
- (d) A committee may resolve to authorise a Member of the committee to give public briefings on matters related to an inquiry. An authorised Member may not disclose evidence, documents, proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.
- (e) Evidence taken by, documents presented to, minutes of proceedings and reports of a committee that have not been reported to the Assembly shall not, unless authorised by the Assembly or the committee, be disclosed or published by any Member of such committee or by any other person.

275. POWER TO REPORT FROM TIME TO TIME

By leave of the Assembly, a committee may present to the Assembly, from time to time, progress reports of its proceedings with or without the evidence received.

276. DRAFT REPORT CONSIDERED

- (a) The Member chairing a committee shall prepare a draft report and present it to the committee at a meeting convened for report consideration.
- (b) The report may be considered at once if copies have been circulated in advance to each member of the committee. The report shall be considered paragraph by paragraph. When consideration of the chapters of the report is completed, the appendices shall be considered in order.
- (c) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.
- (d) A Member objecting to any portion of the report may vote against it or move an amendment when the particular paragraph or appendix is under consideration.
- (e) A Member protesting about the report or dissenting from all or part of it may add a protest or dissenting report from the main report.

277. ALTERNATIVE DRAFT

If any Member, other than the Member chairing the committee, submits a draft report to the committee, the committee shall first decide upon with which report it will proceed.

278. ADOPTION OF REPORT

When a committee has settled consideration of a draft report or reports, it shall resolve to adopt a report or the report.

279. ENDORSEMENT OF REPORT AND PAPERS

- (a) Every report of a committee shall be signed by the Member chairing the committee;
- (b) Any papers laid before the committee shall be endorsed by the Secretary of the committee;
- (c) Any protest or dissenting report shall be signed by the member or members protesting or dissenting.

280. PRESENTATION AND TABLING OF REPORT

- (a) The report of a committee shall be presented to and tabled in the Assembly by the Member chairing the committee, who may make a Tabling Statement.
- (b) Special arrangements are required for times when the Assembly is not sitting and a committee has completed a report of an inquiry. The committee may send the report to the Speaker or Deputy Speaker if the Speaker is unavailable. When the Speaker or Deputy Speaker receives the report:
 - (i) the report may be published; and
 - (ii) the Speaker or Deputy Speaker may give directions for the printing and circulation of the report.

The Member chairing the committee must then present the report to the Assembly as soon as possible.

281. ACTION ON REPORT

Upon presentation of a report, the Member chairing the committee or a Member nominated by the Member chairing the committee shall move without notice "that the report be printed" and may move "that the report be noted" or "that the report be adopted".

APPENDIX D: WITNESS PROCEDURES
20 AUGUST 1992 [REMAINS IN FORCE]

Resolution of the Legislative Assembly in respect of witnesses appearing before Parliamentary Committees

Mr PALMER (Karama)(by leave): Mr Speaker, I move that, unless otherwise ordered and notwithstanding anything contained in the Standing Orders, the following procedures be followed by committees of the Assembly when dealing with prospective witnesses:

- (1) A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summonsed to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
- (2) Where the committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
- (3) A witness shall be given reasonable notice of a meeting at which the witness is to appear and shall be supplied with a copy of the committee's terms of reference, a statement of the matters expected to be dealt with during the witness' appearance, and a copy of these procedures. Where appropriate, a witness may be supplied with the transcript of relevant evidence already taken.
- (4) If possible, a witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.
- (5) Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness' submission or the evidence the witness is to give before the witness appears at a meeting.
- (6) A witness shall be given reasonable access to any documents that the witness has produced to the committee.
- (7) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of the reasons for that decision.
- (8) Only in the most extraordinary circumstances shall the committee table in the Assembly or publish evidence given in private session and, before giving any evidence in private session, a witness shall be informed that it is within the power of the committee to authorise publication of such evidence and that the Assembly has the power to order the production and publication of such evidence.
- (9) A member, in a protest or dissent added to a report, shall not disclose evidence taken *in-camera* unless so authorised by the committee.
- (10) Should the committee consider it essential that evidence given or information received in private session be published, or that it is essential that such evidence or information be included in the committee's report, the chairman or secretary of the committee shall make every effort to discuss the matter with the relevant witness in an effort to minimise any potential damage to the witness which may flow from that publication or usage.
- (11) The chairman shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of the committee requests discussion of a ruling of the chairman on this matter, the

- committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.
- (12) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which the objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session and, where a witness declines to answer a question to which the committee has required an answer, the committee shall report the facts to the Assembly.
 - (13) Where the committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.
 - (14) Where a witness gives evidence reflecting adversely on a person, and the committee is not satisfied that the evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence and to forbidding the publication of that evidence.
 - (15) Where evidence is given which reflects adversely on a person, and action of the kind referred to in paragraph (14) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.
 - (16) A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, the committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision.
 - (17) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.
 - (18) An officer of a department of the Territory or the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.
 - (19) Reasonable opportunities shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before the committee additional material supplementary to their evidence.
 - (20) Where the committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclosed that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been

given before the committee, the committee shall report the facts and its conclusions to the Assembly.

Motion agreed to.

APPENDIX E: ORDERS & DETERMINATION REGARDING BROADCASTING

Broadcasting and Televising of Assembly Proceedings

That, unless otherwise ordered, this Assembly, for the purposes of section 23 of the Legislative Assembly (Powers and Privileges) Act,

- (1) authorizes—
 - (a) the direct public broadcasting and or televising;
 - (b) the recording and rebroadcasting and or repeat televising; and
 - (c) the filming and screening, of the whole or part of the proceedings of the Assembly or its committees on such occasions and under such rules as the Speaker may, from time to time, determine; and
- (2) as soon as possible after each such determination has been made, the Speaker report his/her action to the Assembly.

(Motion moved by the Leader of Government Business, (Mr Hanrahan) agreed to 26 February 1985.)

Broadcast and Rebroadcast of Assembly Proceedings

That, unless otherwise ordered the Assembly, for the purposes of section 23 of the Legislative Assembly (Powers and Privileges) Act, authorises the broadcasting by radio and television stations and Internet broadcasters of excerpts of its proceedings in accordance with the following conditions:

Conditions governing the broadcasting of excerpts of proceedings by radio and television stations

- (1) Access to the proceedings of the Assembly for the recording and broadcasting of excerpts of proceedings is subject to an undertaking to observe, and to comply with, the following conditions and guidelines.
- (2) Recordings and broadcasts may be made only from the Legislative Assembly sound and vision monitoring system, unless otherwise approved by the Speaker or his or her delegates and in accordance with guidelines adopted by the Assembly from time to time.
- (3) Sound and vision recordings and broadcasts are restricted to Questions, unless otherwise ordered or otherwise approved by the Speaker or his or her delegates.
- (3A) Sound recordings and broadcasts from the Internet audio sound stream of all Assembly Proceedings are authorised by an Approved Broadcaster in accordance with guidelines and conditions determined by the Speaker.
- (4) Broadcasts of excerpts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - (a) political party advertising or election campaigns;
 - (b) satire or ridicule; or
 - (c) commercial sponsorship or commercial advertising.
- (5) Reports of proceedings shall be such as to provide a balanced presentation of differing views.
- (6) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.

- (7) Excerpts must be placed in context. Commentators should identify Members, at least by name.
- (8) Events in the galleries are not part of the proceedings and excerpts in relation to such events, as far as is practicable, should not be used.
- (9) Qualified privilege only shall apply to broadcasters in the use of excerpts.
- (10) Where the excerpts are used on commercial networks, the station should try to ensure that advertising before and after excerpts is of an appropriate nature.
- (11) Where the audio excerpts of proceedings are used on television, their use may be that of audio over still frames, or overlay material.
- (12) The instructions of the Speaker or his or her delegates in respect of the broadcasting of excerpts, which are not inconsistent with these conditions, shall be observed.
- (13) Non-compliance with the guidelines listed above may incur penalties.

(Motion moved by Leader of Government Business (Ms Lawrie), agreed to 9 September 2008.)

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY SPEAKER'S DETERMINATION NO 5 OF 2009: MEDIA COVERAGE OF PARLIAMENTARY PROCEEDINGS

I, JANE LESLEY AAGAARD, Speaker of the Legislative Assembly of the Northern Territory, pursuant to resolution of the Assembly of 26 February 1985 granting me the power to exercise powers and carry out functions associated with authorising broadcasting and re-broadcasting of proceedings in the Legislative Assembly hereby determine the following policy and procedures for the broadcasting and rebroadcasting of parliamentary proceedings

AND pursuant to subsequent Order of the Assembly dated 9 September 2008 authorising broadcasting and re-broadcasting by media organisations of excerpts of Legislative Assembly proceedings in accordance with the terms set out therein HEREBY DETERMINE the following general conditions for media coverage of proceedings in the Assembly:

1. GENERAL

- 1.1 All media organisations wishing to cover proceedings of the Legislative Assembly of the Northern Territory must be accredited by the Speaker or the Speaker's delegate;
- 1.2 All individuals representing accredited media organisations to cover proceedings of the Legislative Assembly of the Northern Territory must be accredited by the Speaker or the Speaker's delegate.
- 1.3 Accreditation may be granted by the Speaker or Speaker's delegate upon receipt of a written request on behalf of a licensed electronic or print media organisation and may include requests for individual accreditation for nominated staff members of that organisation.
- 1.4 A licensed electronic or print media organisation may seek enduring accreditation for itself and/or nominated staff members by the method outlined in 1.3 above;
- 1.5 An accredited media organisation may seek to vary individual accreditation by making the relevant request to the Speaker in writing;
- 1.6 By requesting and being granted accreditation, a media organisation and/or staff member representing an organisation implicitly undertakes to observe and comply with the conditions set out in this Determination;

- 1.7 The Speaker or Speaker's delegate may at any time revoke accreditation for any media organisation or any individual representing a media organisation.

2. DEFINITIONS

- 2.1 'accredited' means an organisation or an individual representing that organisation, each of whom have been authorised by the Speaker or the Speaker's delegate as a Media/Press Gallery Member and who may carry out coverage of parliamentary proceedings pursuant to the conditions of this Determination;
- 2.2 'cover' means take notes or record by electronic means the proceedings of the Legislative Assembly subject to the limitations contained in this Determination. Coverage includes still and video photographic recordings and sound for electronic and print media and includes web cast of proceedings on the Legislative Assembly web site;
- 2.3 'electronic media' means licensed television and radio broadcasters and Internet-based news media;
- 2.4 'enduring accreditation' means authority to cover the proceedings of the Legislative Assembly pursuant to the conditions of this Determination for the life of that Assembly. That is, from the first time the Assembly convenes following a General Election until that Assembly is prorogued prior to the next General Election;
- 2.5 'galleries' means all galleries, both public and press/media, surrounding the Chamber of the Legislative Assembly;
- 2.6 'print media' means licensed publications, including newspapers and magazines;
- 2.7 'Proceedings of the Legislative Assembly' the Routine of business transacted by the Legislative Assembly on designated sitting days, including Estimates Committee and Government-Owned Corporations Scrutiny Committee proceedings.
- 2.8 'Questions without Notice' means Question Time in the Legislative Assembly, which usually runs from 2pm to 3pm each sitting day, but is subject to variation according to resolution of the Assembly in respect of the Routine of Business;
- 2.9 'record' means to take notes or use electronic means to capture proceedings of the Legislative Assembly subject to the limitations contained in this Determination. 'Record' includes still and video photographic vision and sound for electronic and print media and includes capturing the web cast of proceedings from the Legislative Assembly web site;
- 2.10 'report' means an excerpt of the proceedings of the Legislative Assembly and any commentary broadcast on electronic media or a written account of proceedings of the Legislative Assembly in print media.

3. CONDITIONS OF BROADCASTING OF PARLIAMENTARY PROCEEDINGS AT QUESTION TIME

- 3.1 Directions of the Speaker, Deputy Speaker or Acting Deputy Speaker on the floor of the Chamber shall be observed at all times;
- 3.2 That, unless otherwise ordered the Assembly, for the purposes of section 23 of the Legislative Assembly (Powers and Privileges) Act, the Speaker authorises the broadcasting by radio and television stations and Internet based media organisations of Assembly proceedings in accordance with the following conditions:

Conditions governing the broadcasting of excerpts of proceedings by radio and television stations

- (1) Access to the proceedings of the Assembly for the recording and broadcasting of excerpts of proceedings is subject to an undertaking to observe, and to comply with, the following conditions and guidelines.
 - (2) Recordings and broadcasts may be made only from the Legislative Assembly sound and vision monitoring system, unless otherwise approved by the Speaker or his or her delegates and in accordance with guidelines adopted by the Assembly from time to time.
 - (3) Sound recordings and broadcasts from the Internet audio web cast of all Assembly Proceedings are authorised by an accredited organisation in accordance with guidelines and conditions determined by the Speaker.
 - (4) Broadcasts of excerpts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - (a) political party advertising or election campaigns;
 - (b) satire or ridicule; or
 - (c) commercial sponsorship or commercial advertising.
 - (5) Reports of proceedings shall be such as to provide a balanced presentation of differing views.
 - (6) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.
 - (7) Excerpts must be placed in context. Commentators should identify Members, at least by name.
 - (8) Events in the galleries are not part of the proceedings and excerpts in relation to such events, as far as is practicable, should not be used.
 - (9) Qualified privilege only shall apply to broadcasters in the use of excerpts.
 - (10) Where the excerpts are used on commercial networks, the station should try to ensure that advertising before and after excerpts is of an appropriate nature.
 - (11) Where the audio excerpts of proceedings are used on television, their use may be that of audio over still frames, or overlay material.
 - (12) The instructions of the Speaker or his or her delegates in respect of the broadcasting of excerpts, which are not inconsistent with these conditions, shall be observed.
 - (13) Non-compliance with the guidelines listed above may incur penalties. 3.3 Recording of a Member who has the call shall be no closer than a head-and-shoulders shot of the Member concerned;
- 3.4 Under no circumstances shall a recording be made of papers on a Member's desk, material on a Member's computer screen or any Member who does not have the call of the Speaker;
- 3.5 The only exception to Conditions 3.3 and 3.4 above is for wide shots of the entire Chamber that do not encroach on any Member's privacy, papers on the Member's desk or images on the Member's computer screen;
- 3.6 No record of parliamentary proceedings taken by electronic or print media organisations gathered in any way contrary to these conditions shall be broadcast or printed.

4. CONDUCT OF ACCREDITED MEDIA PERSONNEL

- 4.1 Electronic instruments such as mobile telephones, pagers and modems must be switched off whilst media personnel are in the Chamber or galleries. Switching to 'silent' is not acceptable because it interferes with the Parliamentary sound and vision system;
- 4.2 Laptop computers are not permitted in the galleries at any time when the Assembly is sitting;
- 4.3 Media representatives shall observe silence whilst in the galleries and avoid any conduct that would draw attention to the galleries;
- 4.4 An appropriate dress standard shall be maintained whilst covering events in the Chamber;
- 4.5 No media representative shall signal or otherwise communicate (this includes text messaging) with camera operators on the floor of the Chamber;
- 4.6 Unacceptable conduct in the galleries includes draping items over the rail, standing in the doorway, conversing aloud and eating or drinking;
- 4.7 Accredited media representatives will be provided with access to Parliament House. The Director of Security should be contacted to arrange access;
- 4.8 Accredited media representatives shall not enter party rooms on Level 2 or the corridors adjacent to the Chamber on Level 2, nor shall they enter the dining areas, Members and Guests Lounge or CPA Lounge on Level 4 without the prior approval of the Speaker;
- 4.9 Media conferences and interviews are not permitted in the public areas of Parliament House.

5. DIRECT BROADCAST AND RE-BROADCAST OF PARLIAMENTARY PROCEEDINGS FROM INTERNET SOUND STREAM

- 5.1 Direct broadcast and re-broadcast of all parliamentary proceedings from the Internet web stream is authorised:
 - (a) through the Northern Territory Government Intranet/Internet web cast network; and
 - (b) through the public broadcast network line from Parliament House via the Darwin Exchange Government narrowcast splitter network to government buildings and offices in the Northern Territory;
- 5.2 Direct broadcast and re-broadcast of proceedings from the Internet web stream is authorised to an approved broadcaster subject to the conditions set out in this Determination.

This authorisation does not extend to broadcast or re-broadcast by any third party, or to pooled/shared footage or unauthorised material provided by a third party.

6. PENALTIES FOR NON-COMPLIANCE

- 6.1 Failure to comply with the conditions set out in this Determination may result in imposition of penalties by the House Committee.