



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

# **Information Manual**

## **ESTIMATES COMMITTEE**

*Appropriation Bill 2010-11*

### **PUBLIC HEARINGS**

**Friday 11 June 2010 and  
Tuesday 15 – Friday 18 June 2010**



## **Preface**

This document has been produced to provide information for relevant agency and Ministerial officers in respect of the administrative and procedural arrangements for the operation of the Estimates Committee process following the presentation of the Budget for year 2010/2011.

It should be noted that this document is consistent with the motion adopted by the Legislative Assembly on 5 May 2010.

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

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## **1. INTRODUCTION**

An Order agreed to by the Assembly on 5 May 2010, provides for the operation of an Estimates Committee. Unless otherwise stated, a reference to 'The Order' should be taken as reference to the Order adopted on 5 May 2010 - Estimates Committee Orders (at Appendix 1). The Order contains the Terms of Reference (TOR) for the 2010 Estimates Committee and Government Owned Corporations Scrutiny Committee.

Standing Orders or other Orders of the Assembly also apply to the operation of the Estimates Committee unless there are any inconsistencies. Accordingly, part of Chapter XXVII and XXII of Standing Orders (Appendix 2 and Appendix 3) and the Procedures for Witnesses appearing before Committees (Appendix 4) are also relevant.

The estimates of proposed expenditure contained in *Appropriation Bill 20010-11* and the related Budget papers have been formally referred to the Estimates Committee for examination and report to the Legislative Assembly.

The purpose of the Estimates Committee is to provide a forum and process whereby Government decisions which are reflected in the *Appropriation Bill* and related Budget papers can be examined in an open, orderly and informed way. The Committee's processes are designed accordingly.

### **1.1 Establishment and Membership**

1.1.1 The Chair and membership of the Estimates Committee are set out in the Order [TOR paragraphs 6 and 7].

1.1.2 All Members may participate in the Committee's deliberations, attending and questioning Ministers and witnesses [TOR paragraph 10].

## **1.2 Method of Operation**

1.2.1 The Estimates Committee discharges its function of examining proposed expenditure on an output-by-output basis by public hearings and subsequent deliberation and report to the Legislative Assembly.

1.2.2 At a hearing, questions relating to proposed expenditure and outputs are directed to the relevant Minister (or Speaker). Members cannot directly ask questions of agency officers. However, a Minister may refer a question to an agency officer [TOR paragraph 23].

## **1.3 Attendance of Minister**

1.3.1 The Minister (or Speaker), as the case may be, must attend the Committee's hearings at the scheduled time and may be accompanied by agency officers and/or advisors [TOR paragraph 23 & 24].

## **1.4 Attendance of Agency Officers**

1.4.1 Each Minister (or Speaker) determines for their Agency and relevant portfolio entities which officers should attend the public hearings in an advisory capacity.

1.4.2 The Committee may indicate that it proposes to examine an item of proposed expenditure in detail and the Minister (or Speaker) should ensure that appropriate advisors are present to assist the Minister (or Speaker) [TOR paragraph 23].

1.4.3 The Committee's notice of "Schedule of Appearance" shall be forwarded by the Committee Secretary to the Minister's office in writing.



## **2. MATTERS CONSIDERED BY COMMITTEES**

### **2.1 Schedule to Appropriation Bill and Documents**

2.1.1 The Committee will consider the *Appropriation Bill 2010-11* and the following related Budget papers:-

- Northern Territory Economy, 2010/2011;
- Northern Territory Economy Overview, 2010/2011;
- Budget Paper No. 1 – Budget Speech, 2010/2011;
- Budget Paper No. 2 – Fiscal and Economic Outlook, 2010/2011;
- Budget Paper No. 3 – The Budget, 2010/2011;
- Budget Paper No. 4 – The Infrastructure Program, 2010/2011;
- Regional Highlights, 2010/2011;
- Budget Overview 2010/2011; and
- Delivering Now for Families - Investing in the Territory's Future

## **3. PREPARATION FOR HEARINGS**

### **3.1 Preliminary Meetings**

3.1.1 The Chairman will arrange a preliminary meeting to, amongst other things, elect a Deputy Chairman, finalise the timetable for the Committee's hearings and to indicate if it proposes to examine particular areas of proposed expenditure in detail.

### **3.2 Order of Appearance by Agencies**

3.2.1 The Estimates Committee will meet in accordance with the dates and times in the schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman through the Committee Secretary to Ministers' offices and Agencies [TOR paragraphs 16 and 17].

Unless otherwise ordered by the Committee the Committee shall sit during the following periods:

- (a) Friday 11 June 2010 commencing 8.30am and adjourning at 6.30pm.
- (b) Tuesday 15 June 2010 commencing 8.30am and adjourning at 9:00pm.
- (c) Wednesday 16 June 2010 commencing 8.30am and adjourning at 11:00pm.
- (d) Thursday 17 June 2010 commencing 8.30am and adjourning at 8.00pm.
- (e) Friday 18 June 2010 commencing 8:30am and adjourning at 4:30pm

The Committee may suspend the hearings from time to time.

3.2.2 The Committee has adopted the following schedule for hearings:

**Friday 11 June 2010**

- 08.30 – 12.00 Treasurer (3.5 hours)
- 13.00 – 16.30 Treasurer (3.5 hours)
- 16.30 – 18.30 Speaker (2 hours)

**Tuesday 15 June 2010**

- 08.30 – 12.00 Chief Minister (3.5 hours)
- 13.00 – 16.30 Chief Minister (3.5 hours)
- 16.30 – 18.00 Minister (M) McCarthy (1.5 hours)
- 18:30 – 21:00 Minister (M) McCarthy (2.5 hours)

**Wednesday 16 June 2010**

- 08.30 – 12.00 Minister Burns (3.5 hours)
- 13.00 – 16.00 Minister Burns (3 hours)
- 16.00 – 18.00 Minister (G) McCarthy (2 hours)
- 18:30 – 23:00 Minister (G) McCarthy (4.5 hours)

**Thursday 17 June 2010**

- 08.30 – 12.00 Minister Vatskalis (3.5 hours)
- 13:00 – 16:00 Minister Vatskalis (3 hours)
- 16:00 – 18:00 Minister Hampton (2 hours)
- 18:30 – 20:00 Minister Hampton (1.5 hours)

**Friday 18 June 2010**

- 08.30 – 12.00 Minister Knight (3.5 hours)
- 13:00 – 13:30 Minister Knight (0.5 hours)
- 13:30 – 16:30 Government Owned Corporations (3 hours)

**3.3 Committee Staff**

- 3.3.1 The Committee will have assigned to it a Secretary who will liaise closely with the Chairman and, under the Chairman's direction, be responsible for administration and other operational matters.
- 3.3.2 The Committee will also have access to an Executive Assistant and support staff to help with the administrative aspects of the Committee's operations.
- 3.3.3 The Committee staff are available to assist all Members, Ministerial and Agency officers on any matters relating to the Estimates Committee process.

#### **3.4 Entry of Witnesses to Parliament House**

- 3.4.1 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.

#### **3.5 Lists of Witnesses**

- 3.5.1 Departmental contact lists should be provided to the Committee Secretary in advance of the Estimates Committee hearings. The list should contain all witnesses, the courtesy title, initial(s), and name and job title of each witness. Last minute changes to the published list must be advised to the Committee Secretariat by telephone on 89461485 or email to [lauren.copley@nt.gov.au](mailto:lauren.copley@nt.gov.au).

#### **3.6 Documents Provided by Witnesses**

- 3.6.1 If departments intend to provide any documents prior to or at the hearing they must supply sufficient copies to enable circulation to members at the hearing and for *Hansard*. Ten copies should be provided unless otherwise agreed.

## **4. AT THE HEARING**

### **4.1 Venue**

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

### **4.2 Recording of Proceedings**

4.2.1 The Estimates Committee hearing will be recorded and transcribed by *Hansard*.

4.2.2 Any document to be incorporated in the transcript needs to be clearly identified by the Chair for the benefit of *Hansard*.

### **4.3 Basic Procedures**

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

4.3.2 The Chair exercises a deliberative vote and, in the event of an equality of votes a casting vote [TOR paragraph 13].

4.3.3 Members who do not comprise the core membership may not vote on any matters before the Committee [TOR paragraph 9].

4.3.4 The quorum of the Committee is four of the members of the Committee.

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

4.3.6 However Members may move motions on and debate procedural issues, such as the early termination of a day's hearing, deferment of items until

later in the day's hearing or to move dissent to procedural rulings from the Chairman. If any debate is likely on a procedural motion, the Committee must go into private session. Only members of the Committee have a right to debate or vote on procedural motions.

#### **4.4 Swearing of Witnesses**

4.4.1 Witnesses are **not** sworn prior to questioning.

#### **4.5 Scope of Questions (Admissibility) and the Role of the Chairman**

4.5.1 The Minister in answering a question may call upon one of the 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 [TOR paragraph 24].

4.5.2 Significant latitude is generally allowed to questions at Estimates Committee hearings. It can be expected that the discussion will range from items of detail to broad policy matters. As a general guide, the Chairman will normally leave it to the Minister in attendance to object to the scope or relevance of the questioning.

4.5.3 In allocating the call, the Chairman shall maintain the order as detailed in his opening address.

4.5.4 If a dispute by a member as to the admissibility of a question does arise the Chairman will give a ruling in the first instance. If any objection is made to a ruling of the Chairman such objection must be taken at once and stated in writing.

4.5.5 Should any objection be taken to a decision or a ruling of the Chair, then recourse shall be had to the Speaker for resolution by way of a ruling [TOR paragraph 37].

## **4.6 Broadcasting of Proceedings**

- 4.6.1 The hearings will be broadcast within Parliament House unless the Committee orders otherwise.
- 4.6.2 Sound and vision broadcast and re-broadcast of the hearings of the Estimates Committee will be permitted subject to the same conditions applicable to sittings of the Assembly and as determined by the Committee.

## **4.7 Material Received at Hearings**

- 4.7.1 Documents may be tabled (i.e. presented) during the Estimates Committee hearings. If members or witnesses have material which they, or the Committee, wish to have included as part of the Committee's proceedings they may table it. This then becomes part of the official proceedings of the Committee. Alternatively, it may be included in the volume of "Additional Information" which the Committee tables in the Assembly [TOR paragraph 28].
- 4.7.2 The provisions of Standing Order 274 (Appendix 3) and section 22 of the *Legislative Assembly (Powers and Privileges) Act*, as applicable to the Committee, are limited to documents prepared for and submitted to the Committee, evidence taken by the Committee or a report of such evidence. [TOR paragraph 31].
- 4.7.3 Material which is provided but which is not suitable for reproduction due to its volume (e.g. books), or form (e.g. video or audiotapes) will be retained by the Committee Secretary and eventually archived with the Committee's material.

## **4.8 Confidential Documents**

- 4.8.1 A document provided to the Estimates Committee effectively becomes a *public document* [TOR paragraph 30]. It is important that agency contact officers pass this information on to the appropriate officers in their own agency. The Committee may determine to keep a tabled document

confidential and not table it in the Assembly. However, it should be clear to all participants that the Legislative Assembly has the authority to authorise, by its own Order, the publication of any documents received by a Committee.

- 4.8.2 Any requests for confidentiality should be made very clear to the Committee and witnesses be made aware of the conditions of the above paragraph.

#### **4.9 Authorisation to Publish Documents**

- 4.9.1 Documents tabled at the hearing, by the leave of the Committee, are deemed to be authorised for release by the Committee unless the Committee expressly orders otherwise [TOR paragraph 30].

#### **4.10 Questions Taken on Notice**

- 4.10.1 At the Minister's (or Speaker's) discretion questions unable to be answered at hearings may be taken "on notice" and subsequently answered in writing.
- 4.10.2 A data base will be established in which the full content of all questions taken on notice will be entered. This same database will also incorporate the full written reply and will be utilised to track the receipt of all answers.
- 4.10.3 The Committee Secretary is responsible for keeping track of questions taken on notice throughout the hearings, and must at any time be able to advise the Committee or the Minister if a particular question has been answered.
- 4.10.4 The Secretariat will be responsible for the production of a formal copy of the question taken on notice for the Chairman's signature within a reasonable period of time after the Hansard transcript of that day's proceedings have been made available.

- 4.10.5 Once signed by the Chairman, the formal copy of the questions taken on notice will be distributed to the appropriate Minister by the Secretariat.
- 4.10.6 To assist in the identification and subsequent publication by Hansard of a question taken on notice, the Chairman will have the role of monitoring the question for clarity and content at the time a member poses it to the Minister (or Speaker).
- 4.10.7 With the Chairman adopting a key role in ensuring that a question taken on notice by the Minister (or Speaker) is clearly understood for Hansard purposes, agency officers should be in a position where they can note the basic content of the question at the time, allowing for work on the answer commencing prior to receipt of the formal copy.
- 4.10.8 The timetable for the receipt of answers to questions taken on notice or additional information is at the discretion of the Committee. The final decision on the timetable is with the Committee [TOR paragraph 28].
- 4.10.9 If an answer becomes available while the Minister (or Speaker) is still appearing before the Committee, the option is available to either read the reply so that it forms part of the Hansard transcript or to submit the document as a tabled paper. A copy of all answers must also be provided to the Committee Secretary.
- 4.10.10 If the Minister (or Speaker) is no longer appearing before the Committee and a response to a question taken on notice becomes available, the reply should be provided directly to the Committee Secretary with a follow up electronic copy sent to [graham.gadd@nt.gov.au](mailto:graham.gadd@nt.gov.au).

#### **4.11 *In-Camera* Hearings**

- 4.11.1 Generally, a hearing of an Estimates Committee is public. However, the Committee can hold *in-camera* hearings in exceptional circumstances – such as where the matter involves commercially confidential information [TOR paragraph 19].



4.11.2 It is not the intention that the Estimates Committee should take *in-camera* evidence on a regular basis as the Committee operates in place of the Committee of the Whole and its purpose is to conduct proceedings in public [TOR paragraph 19].

#### **4.12 Other Matters (*Sub judice* Convention)**

4.12.1 A further matter bearing on the admissibility of questions is the *sub judice* convention voluntarily followed by the Assembly and its committees. This convention requires assessment of the risk that a particular line of questioning/answering 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 does the convention require the Committee to forego its right to pursue a particular matter.

4.12.2 There is no Standing Order of the Assembly relating to the *sub judice* convention and its application is a matter for the Committee, subject to the conventions observed by the Assembly and the rulings of the Speaker. If a *sub judice* issue arises at a hearing, an alternative to allowing, or disallowing questions is to have the questions put at an *in-camera* hearing. This avoids any immediate impact on the court proceedings. (However, the decision to take *in-camera* evidence may be disruptive to the proceedings of the Committee.)

### **5. AFTER THE HEARING**

#### **5.1 Distribution of Hansard**

5.1.1 Distribution of the *Hansard* report of Estimates Committee hearings will be as for the normal *Hansard* report of the Parliamentary sittings.

5.1.2 Agency officers (including ministerial staff) wishing to be informed when the transcript will be available should contact the Table Office on telephone 8946 1590.

5.1.3 As usual, an electronic copy of the daily transcript of the Estimates Committee hearings will be posted on the Internet/Intranet within approximately three hours after the end of each day's proceedings at: **<http://www.nt.gov.au/lant/hansard/hansard.shtml>**.

5.1.4 A daily hard copy of *Hansard* will be produced for Members only and will be available from the Table Sub-Office.

## **5.2 Corrections to Hansard**

5.2.1 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: **[helen.allmich@nt.gov.au](mailto:helen.allmich@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.

## **5.3 Tabling of Report in the Assembly**

5.3.1 The resolution of the Assembly referring the proposed expenditure to the Estimates Committee provides for the Estimates Committee's report to be presented by the Chairman to the Committee of the Whole and the report should contain any resolution or expression of the Committee [TOR paragraphs 38 to 39].

5.3.2 Time limits for consideration of the report are set out in the Order [TOR paragraph 40].

**APPENDIX 1: ESTIMATES COMMITTEE 2010/2011 ORDER OF THE  
ASSEMBLY DATED 5 MAY 2010**

**MOTION: 5 MAY 2010**

**Establishment of Estimates and Government Owned Corporations Scrutiny Committee**

**Dr BURNS (Leader of Government Business):** Madam Speaker, I move that the Assembly appoint an Estimates Committee 2010-11, and a Government Owned Corporations Scrutiny Committee 2010-11, pursuant to the terms circulated to members.

**A. INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed an Estimates Committee of the Legislative Assembly for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation Bill 2010/2011.
2. That the Schedule to the Appropriation Bill 2010/2011 and related budget documents be referred to the Estimates Committee for examination and report on proposed expenditure when the Bill has been presented.
3. That the Committee may not vote on but may examine and report on the proposed expenditure contained in the Bill by no later than 18 June 2010.
4. That the Committee examine the proposed expenditure contained in the Bill by portfolio units in accordance with the Schedule published by the Estimates Committee and that the proposed expenditure be considered on an output by output basis for each portfolio unit.
5. That the Committee consider the *Appropriation Bill* and related Budget Papers. To the extent that transactions of other public sector entities are included in the Budget Papers, these transactions can be questioned by the Committee. This would apply to Community Service Obligations paid to and dividends received from the Power and Water Corporation, a Government Owned Corporations under the *Government Owned Corporations Act*. The Statement of Corporate Intent for the Power and Water Corporation for 2010/2011 stands referred to the Government Owned Corporations Scrutiny Committee.

**B. MEMBERSHIP**

6. The membership of the Estimates Committee shall consist of the membership of the Public Accounts Committee.
7. The Chairman of the Public Accounts Committee shall be the Chairman of the Estimates Committee.
8. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.
9. Other Members of the Assembly may not vote on any matters before the Committee.
10. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven (7) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and one (1) Independent Member.
11. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided for in paragraph 10 above.
12. The Committee may proceed with business despite a vacancy in its membership.
13. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.
14. The quorum of the Committee is to be 4 of the members of the Committee.
15. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

**C. SITTING TIMES**

16. The Estimates Committee will meet in accordance with the dates and times in the Schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman.
17. Unless otherwise ordered by the Committee the Committee shall sit during the following periods:
- (a) on Friday 11 June 2010;
  - (b) on Tuesday 15 June, 2010;
  - (c) on Wednesday 16 June, 2010;
  - (d) on Thursday 17 June, 2010;
  - (d) on Friday 18 June, 2010; and
  - (e) the Committee arrange by published schedule the order, time allotted to Ministers, Speaker and Government Owned Corporations up to a maximum of 7 hours for each Minister and Government Owned Corporations hearing; and the overall maximum time for questioning during the Estimates and Government Owned Corporations Scrutiny Committees hearings being 50 hours;
  - (f) the Committee may suspend the hearings from time to time.
18. The Estimates Committee may sit only when the Assembly is not sitting.

**D. HEARING PROCEDURE**

19. All hearings of the Estimates Committee are open to the public unless the Committee otherwise orders.
20. The Committee will consider proposed expenditure on an output by output basis, following procedures agreed to by the Estimates Committee in accordance with the other provisions of this Order and Standing Orders.
21. Unless the Committee otherwise determines, the Minister (or Speaker) may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.
22. Members of the Committee may ask for explanations from a Minister (or Speaker) relating to proposed expenditure and outputs.

23. An initial question should be directed to the Minister (or Speaker) in the first instance and then officers of the relevant departments may provide assistance to a Minister (or Speaker) in providing information. Ministers (or Speaker) may defer to the Chief Executive Officer (who may defer to another officer) who may then be directly questioned on subsequent questions on the same subject. Questions may be ruled by the Chair as not appropriate for an officer to answer, whereupon a Minister (or Speaker) may choose to provide information or take such matters on notice.
24. Officers may answer questions at the request of the Minister (or Speaker), but shall not be required to comment on policy matters, including giving an opinion and the Minister (or Speaker) or CEO may at any time intervene and answer questions that are asked of departmental officers.
25. 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**

26. The Minister (or Speaker) may advise the Estimates Committee that an answer to a question or part of a question will be provided later to the Committee.

At that time the Chairman 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 Speaker) by the Committee Secretariat.

27. A Minister (or Speaker) may also give the Committee additional information about an answer given by them or on their behalf.
28. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than the next sittings of the Assembly 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**

29. The Clerk of the Legislative Assembly is authorised to publish an unedited transcript of the Estimates Committee proceedings in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.
30. 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.
31. The provisions of Standing Order 274 and section 22 of the *Legislative Assembly (Powers and Privileges) Act* as applicable to the Committee are limited to documents prepared for and submitted to the Committee, evidence taken by the Committee or a report of such evidence.

**G. BROADCASTING AND TELEVISIONING OF PROCEEDINGS**

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

**H. DISORDER**

33. At an Estimates Committee hearing the Chairman may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chairman, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.
34. A member ordered to withdraw in accordance with the direction of the Chairman must immediately withdraw for the stated period.
35. If a Member persistently disrupts the business of the Committee:
- (a) The Chair may name the Member;
  - (b) If the Member named is a member of the Estimates Committee, suspend the sittings until the Chair has reported the offence to the Speaker;
  - (c) If the Member named is not a member of the Estimates Committee, orders that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.

36. As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Estimates Committee be replaced.
37. 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 advises the Speaker who makes a ruling on the matters; and
  - (c) The Estimates 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**

38. A report of the Estimates Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
39. When the Report of the Estimates Committee is presented it shall be taken into consideration forthwith, together with the Report of the Government Owned Corporations Scrutiny Committee.
40. 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 committees in relation to the proposed expenditure or outputs with reference to the Appropriation Bill 2010/2011; 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, a Government Owned Corporation under the *Government Owned Corporations Act*, 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.



41. 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".

42. 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 2010/2011**  
**TERMS OF REFERENCE**

**A. INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed a Committee of the Legislative Assembly to be known as the Government Owned Corporations Scrutiny 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 2010/2011.

**B. MEMBERSHIP**

2. The membership of the Government Owned Corporations Scrutiny Committee shall consist of the membership of the Public Accounts Committee.
3. The Chairman of the Public Accounts Committee shall be the Chairman of the Government Owned Corporations Scrutiny Committee.
4. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.
5. Other Members of the Assembly may not vote on any matters before the Committee.
6. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven (7) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and one (1) Independent Member.
7. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided in for paragraph 6 above.
8. The Committee may proceed with business despite a vacancy in its membership.

9. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.
10. The quorum of the Committee is to be 4 of the members of the Committee.
11. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

**C. SITTING TIMES**

12. The Government Owned Corporations Scrutiny Committee will meet in accordance with the dates and times in the Schedule published by the Government Owned Corporations Scrutiny Committee and advised by the Chairman.
13. The Government Owned Corporations Scrutiny Committee may sit only when the Assembly is not sitting.
14. The Committee shall sit on Friday 18 June 2010 for 3 hours from 1.30pm to 4.30pm.

**D. HEARING PROCEDURE**

15. All hearings of the Committee are open to the public unless the Committee otherwise orders.
16. 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.
17. Unless the Committee otherwise determines, the Chairman of the Board of the Power and Water Corporation may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.
18. Members of the Committee may ask questions for the purpose of examining the activities, performance, practices and financial management of the Power and

Water Corporation with reference to its Statement of Corporate Intent for 2010/2011.

**E. QUESTIONS**

19. Questions shall be put directly to the Chairman of the Board of the Power and Water Corporation, the Managing Director and other officers may assist the 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 23, 24 and 25.
  
20. The 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 Chairman of the Committee will invite the Chairman or the witnesses to give the reasons for the request.
  
21. Questions and explanations should be brief and avoid irrelevance and tedious repetition.

**F. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION**

22. The Chairman of the Power and Water Corporation may advise the Committee that an answer to a question or part of a question will be provided later to the Committee.
  
23. At that time the Chairman of the Committee 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 Chairman of the Power and Water Corporation by the Committee Secretariat.
  
24. The Chairman of the Power and Water Corporation may also give the Committee additional information about an answer given by the witnesses or on their behalf.
  
25. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than

the next sittings of the Assembly and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

**G. HANSARD REPORT AND OTHER TABLED DOCUMENTS**

26. The Clerk of the Legislative Assembly is authorised to publish an unedited transcript of the Government Owned Corporations Scrutiny Committee proceedings in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.

27. 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.

28. The provisions of Standing Order 274 and section 22 of the *Legislative Assembly (Powers and Privileges) Act* as applicable to the Committee are limited to documents prepared for and submitted to the Committee, evidence taken by the Committee or a report of such evidence.

**H. BROADCASTING AND TELEVISION OF PROCEEDINGS**

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

**I. DISORDER**

30. At a Committee hearing the Chairman may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chairman, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.

31. A Member ordered to withdraw in accordance with the direction of the Chairman must immediately withdraw for the stated period.

32. If a Member persistently disrupts the business of the Committee:

- (a) The Chair may name the Member;
- (b) If the Member named is a member of the Government Owned Corporations Scrutiny Committee, suspend the sittings until the Chair has reported the offence to the Speaker;
- (c) If the Member named is not a member of the Government Owned Corporations Scrutiny Committee, orders that the

Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.

33. As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Government Owned Corporations Scrutiny Committee be replaced.
34. 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 advises the Speaker who makes a ruling on the matters; and
  - (c) The Government Owned Corporations Scrutiny Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

**J. REPORT OF GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE**

35. A report of the Government Owned Corporations Scrutiny Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
36. When the Report of the Committee is presented it shall be taken into consideration forthwith, together with the Report of the Estimates Committee.
37. 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 committees in relation to the proposed expenditure or outputs with reference to the *Appropriation Bill* 2010/2011, or the activities, performance, practices and financial management of the Power and Water Corporation with reference to its Statements of Corporate Intent for 2010/2011, 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 2:           STANDING ORDERS CHAPTER XIX - COMMITTEE OF THE  
WHOLE ASSEMBLY**

**210. QUORUM**

The quorum in a Committee of the Whole shall consist of the same number of Members as is requisite to form a quorum of the Assembly.

**211. APPOINTMENT**

Except as otherwise provided in these Standing Orders, a Committee of the Whole shall be appointed by resolution that the Assembly resolve itself into a Committee of the Whole either immediately or at a future time.

**212. ORDER OF THE DAY**

Whenever an order of the day is read for the Assembly to resolve itself into a Committee of the Whole, the Speaker shall leave the Chair without putting any question, and the Assembly shall thereupon resolve itself into a committee unless a motion for an instruction or other relevant motion, of which notice has been given, is moved.

**213. CHAIR PRESIDES**

As soon as the Speaker has left the Chair, the Deputy Speaker and Chair shall preside in the Committee of the Whole at the Table.

**214. PROGRESS REPORTED**

When a matter has been partly considered in committee and the Deputy Speaker and Chair has been directed to report progress and ask leave to sit again, and the Assembly has ordered that the committee shall sit again at a later hour or on a particular day, the Speaker, when the order for the committee has been read, shall forthwith leave the Chair and the Assembly shall again resolve itself into such committee.

**215. TERMS OF REFERENCE**

A committee shall consider such matters only as shall have been referred to it by the Assembly.

**216. QUESTIONS DECIDED BY MAJORITY**

Every question in committee shall be decided in the same manner as in the Assembly itself.

**217. NO CONTRADICTIONARY MOTIONS**

A motion contradictory to a previous decision of the committee shall not be entertained in the same committee.

**218. DIVISIONS**

Divisions shall be taken and decided in committee in the same manner as in the Assembly itself and the Deputy Speaker and Chair shall be entitled to a deliberative vote, which vote shall be optional, and shall also, where there is an equality of votes on any question, have a casting vote.

**219. RULES OF BUSINESS**

Except as provided by these Standing Orders, the same rules for regulating the conduct of business shall be observed in committee as in the Assembly itself, the Deputy Speaker and Chair of Committees being vested with the same authority as the Speaker for the preservation of order, but disorder in a committee may only be censured by the Assembly on receiving a report.

**220. DISSENT FROM RULING**

If any objection is taken to a ruling of the Chair, such objection shall be stated at once and a motion of dissent, to be submitted in writing, moved, which shall be forthwith decided by the committee without debate. The proceedings shall then be resumed where they were interrupted.

**221. DISORDER**

If any sudden disorder shall arise in committee the Speaker may resume the Chair in the Assembly.

**222. NO QUORUM ON DIVISION**

If it appears upon a division in committee, that a quorum of Members is not present, the Deputy Speaker and Chair shall leave the Chair of the committee, and shall inform the Speaker thereof, but make no further report. No decision of the committee shall be considered to have been arrived at by such division.



### **223. NOTICE OF QUORUM**

If any Member shall take notice that a quorum of Members is not present, the Deputy Speaker and Chair shall count the committee, and if, the bells having been rung, a quorum be not present within three minutes the Chair shall inform the Speaker thereof, but shall make no further report. If a quorum be present, the committee shall proceed with the business where it was so interrupted.

### **224. DIRECTION TO REPORT**

When all matters referred to a committee have been considered the Chair shall be directed to report the same to the Assembly.

### **225. REPORTING PROGRESS**

A motion may be moved during the proceedings of a committee “that the Chair do report progress and ask leave to sit again”, and such question shall be put forthwith and decided without amendment or debate. On the Chair reporting to the Assembly and the Assembly having adopted the report, a motion may be moved to fix a time for the Assembly to resolve itself again into the committee: otherwise further consideration in the Committee of the Whole becomes an order of the day for a later hour.

### **226. MOTION THAT CHAIR LEAVE THE CHAIR**

A motion “that the Chair do now leave the Chair”, which question shall be put forthwith and decided without amendment or debate, will, if carried, supersede the proceedings of a committee; but the committee may, on motion after notice, be revived and the proceedings shall be resumed at the point where they were interrupted.

### **227. DILATORY MOTIONS: LIMIT AS TO**

Motions “that the question be now put”, “that the Chair do report progress and ask leave to sit again”, and “that the Chair do now leave the Chair”, should not be repeated within 15 minutes of any of these motions having been negatived: provided that the Member in charge of a bill or the Member who has moved the motion under consideration, or a Minister, may at any time move to report progress and ask leave to sit again.

## **228. RESOLUTIONS REPORTED**

The resolutions reported from a committee may be taken into consideration forthwith and may be agreed to or disagreed to by the Assembly, or recommitted to a committee, or the further consideration thereof postponed.

## **APPENDIX 3: 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 4: 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.**