

**ESTIMATES COMMITTEE TERMS OF REFERENCE
ORDER OF THE ASSEMBLY DATED 20 AUGUST 2002**

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 2002/2003.
- 2 That the Schedule to the Appropriation Bill 2002/03 and related budget documents should 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 20 September 2002.
- 4 That the Committee examine the proposed expenditure contained in the Bill by portfolio units in accordance with the Schedule and that the proposed expenditure be considered on an output by output basis for each portfolio unit.

B. MEMBERSHIP

- 5 The membership of the Estimates Committee shall consist of the membership of the Public Accounts Committee.
- 6 The Chairman of the Public Accounts Committee shall be the Chairman of the Estimates Committee.
- 7 The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.
- 8 Members of the Assembly may participate in the meetings of the Committee and have the right to receive documentation provided to the Committee, to attend the Committee's Hearings and participate in its deliberations.
- 9 In allocating the call, the Chairman should ensure a balanced distribution of questions, but accord preference to first, Committee Members followed by Shadow Ministers and other Members.
- 10 Other Members may not vote on any matters before the Committee.
- 11 If a vacancy occurs in the membership of the committee during its hearings, the Speaker may nominate a Member in substitution, but in so doing must have regard to the composition of the Committee as appointed by the Assembly.

- 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 3 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 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 Tuesday 17 September 2002 it commences at 11:00am and adjourns at 11.30pm;
 - (b) on Wednesday 18 September 2002 it commences at 9.00am and adjourns at 11.30pm;
 - (c) on Thursday 19 September 2002 it commences at 9.00am and adjourns at 7.00pm, and
 - (d) 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 Except where otherwise provided in this Order, or the Committee otherwise determines, in the Estimates Committee hearings consideration of proposed expenditure should follow as far as possible, procedures observed by the Committee-of-the-Whole Assembly.
- 21 The Committee will consider proposed expenditure on an output by output basis.
- 22 Unless the Committee otherwise determines, the Minister (or Speaker) may make an opening statement lasting up to five minutes which may be extended with the leave of the Committee.
- 23 Members of the Committee may ask for explanations from a Minister (or Speaker) relating to proposed expenditure and outputs.

- 24 The Minister who has been asked for explanations may be assisted, where necessary, by agency officers in the provision of relevant information.
- 25 Agency officers may answer questions at the request of the Minister, but shall not be required to comment on policy matters.
- 26 Questions and explanations should be brief and avoid irrelevance and tedious repetition.

E. WRITTEN QUESTIONS

- 27 Prior to hearings, the Committee or any Member may, during the period up until 7 clear working days prior to the commencement of public hearings, submit written questions through the Committee Secretariat to each Minister (or Speaker).
- 28 Written questions submitted prior to hearings, should not place unreasonably onerous research requirements on an organisational unit and should not be unnecessarily complex.
- 29 The Minister (or Speaker) may refuse to answer questions, which place unreasonable research requirements on portfolios or are unnecessarily complex.
- 30 All answers to questions shall be provided at the relevant hearings.

F. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION

- 31 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.
- 32 A Minister (or Speaker) may also give the Committee additional information about an answer given by them or on their behalf.
- 33 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

- 34 The Clerk of the Legislative Assembly is authorised to release 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.
- 35 Any document tabled at the hearing, by leave of the Committee, is deemed to be authorised for release by the Committee unless the Committee otherwise orders.

H. BROADCASTING AND TELEVISIONING OF PROCEEDINGS

36 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.

I. DISORDER

37 At an Estimates Committee hearing the Chairman may, after a warning, order any member whose conduct, in the opinion of the Chairman, continues to be disorderly or disruptive to withdraw for a period of 1 hour.

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

39 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.

40 As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Estimates Committee be replaced.

41 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 estimates of expenditure or output then under consideration.

J. REPORT OF ESTIMATES COMMITTEE

42 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.

43 When the Report of the Estimates Committee is presented it shall be taken into consideration forthwith.

44 The following time limits shall apply to consideration of the report of the Estimates Committee on the question:

"that the proposed expenditure be agreed to and that the resolution or expressions of

opinion as agreed to by the committee in relation to the proposed expenditure or outputs be noted."

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

45 When the consideration of the report of the Estimates Committee has been completed the following question is proposed and put forthwith:

"that the remainder of the Bill be agreed to".

46 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.