



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

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**PUBLIC ACCOUNTS COMMITTEE**

**REPORT ON  
THE ESTABLISHMENT OF AN  
ESTIMATES COMMITTEE PROCESS  
WITHIN THE NORTHERN TERRITORY PARLIAMENT**

**REPORT NUMBER 39**

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**JUNE 2002**

**Legislative Assembly of the Northern Territory**

**PUBLIC ACCOUNTS COMMITTEE**

GPO Box 3721  
Darwin NT 0801  
Level 3, Parliament House  
Mitchell Street  
Darwin NT 0800

Telephone: (08) 8946 1438  
Facsimile: (08) 8981 6158  
Email: [pac.la@nt.gov.au](mailto:pac.la@nt.gov.au)

**COMMITTEE SECRETARIAT**

Mr Terry Hanley  
Secretary

Mrs Roseline Vogeli  
Research Assistant

## COMMITTEE MEMBERS

The Members of the Public Accounts Committee at the time of tabling the report were:

**Dr Chris Burns, MLA**

Appointed 16 October 2001  
Australian Labor Party  
Elected Chairman 23 October 2001  
Member for Johnston. First elected 18 August 2001  
Deputy Chairman of Committees  
*Other Committees:* Privileges; Standing Orders; Substance Abuse

**Mr S Dunham, MLA**

Appointed 18 October 2001  
Country Liberal Party  
Member for Drysdale. First elected 30 August 1997  
Shadow Minister for Health, Family and Children's Services; Essential Services;  
Senior Territorian  
*Other Committee:* House

**Mr Len Kiely, MLA**

Appointed 16 October 2001  
Australian Labor Party  
Member for Sanderson. First elected 18 August 2001  
Deputy Chairman of Committees  
*Other Committees:* Subordinate Legislation and Publications; Legal and Constitutional Affairs

**Dr Richard Lim, MLA**

Appointed 18 October 2001  
Country Liberal Party  
Member for Greatorex. First elected 4 June 1994  
Deputy Chairman of Committees  
Shadow Minister for Central Australia, Regional Development, Housing and Local Government, Corporate and Information Services, Ethnic Affairs  
*Other Committees:* Standing Orders; Substance Abuse

**Mr Elliot McAdam, MLA**

Appointed 16 October 2001  
Australian Labor Party  
Member for Barkly. First elected 18 August 2001  
Government Whip  
*Other Committees:* Substance Abuse

**Mr Gerry Wood, MLA**

Appointed 16 October 2001  
Independent  
Member for Nelson. First elected 18 August 2001  
Chairman of Committees  
*Other Committee:* Substance Abuse

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## **CHAIRMAN'S FOREWORD**

On Thursday 23 May 2002, in a motion before the Legislative Assembly, the Leader of Government Business, Mr Stirling, MLA, moved that the Assembly appoint an Estimates Committee.

In moving this motion to establish the very first Estimate Committee within the Northern Territory parliamentary process, Mr Stirling, then directed a reference to the Public Accounts Committee requiring it to consult with other States and Commonwealth parliamentary committees in preparation for the conduct of the Estimates Committee process for the 2002/2003 Budget. The reference also required the Public Accounts Committee to report to the Legislative Assembly prior to the end of the June 2002 sittings.

After the majority of Members viewed the Tasmanian Estimates Committee process and individual Members visited both South Australian (Attachment 'A') and Queensland Parliaments (Attachment 'B'), the Public Accounts Committee held a meeting on Friday 14 June 2002 to finalise the production of its report and consider the Terms of Reference incorporated within the Leader of Government Business' motion.

In general terms the Committee commends the Tasmanian model to the Parliament. Nevertheless in reaching this decision Committee Members were also of the opinion that it would be inappropriate to attempt to provide recommendations within this report as there were a number of broad issues (see table "Issues of Concern", pp. xiv to xviii) arising from the draft Terms of Reference tabled by the Leader of Government Business. These broad issues will require measured debate in the Legislative Assembly and it is this process which will eventually influence the specific Terms of Reference for the first Estimates Committee of the Northern Territory Legislative Assembly.

I commend this Report to the Parliament and public of the Northern Territory.

**Dr Chris Burns, MLA**  
Chairman

# NORTHERN TERRITORY PUBLIC ACCOUNTS COMMITTEE

## Establishment of the Committee

The Northern Territory Public Accounts Committee was established by temporary Standing Order 21A of the Legislative Assembly on 16 August 1986.

The Committee's status was altered, by way of a motion of the Chief Minister on 23 August 1988, from a Sessional Committee on a trial basis to a Standing Committee of the Parliament.

As a Committee of the Legislative Assembly, its authority is derived from the *Northern Territory (Self Government) Act* (of the Commonwealth) and the *Legislative Assembly Powers and Privileges Act* (of the Northern Territory).

On 16 October 2001, Standing Orders were amended to allow for the Committee to be comprised of six (6) members, consisting of three (3) Government, two (2) Opposition and one (1) Independent member.

## Duties of the Committee

(2) The duties of the Committee under Standing Order 21A are:

- (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report tabled in the Legislative Assembly, pursuant to the *Financial Management Act* and the *Audit Act*;
- (b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the moneys to which they relate, to which the Committee is of the opinion that the attention of Parliament should be drawn;
- (c) to report to the Legislative Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public moneys;
- (d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Northern Territory—
  - (i) which is referred to it by a resolution of the Assembly; or
  - (ii) which is referred to it by the Administrator or a Minister; and
- (e) to examine the reports of the Auditor-General tabled in the Legislative Assembly with the accounts of an Agency of the Northern Territory, including any documents annexed or appended to those reports, pursuant to the *Audit Act*.

- (3) The Committee shall examine only those accounts of receipts and expenditure of the Northern Territory and reports of the Auditor-General for financial years commencing after 30 June 1986 provided that this shall not prevent the consideration by the Committee of matters included in reports of the Auditor-General for the year ending 30 June 1986 which have or may have a continuing effect on the form of the public accounts, the method of receipt, control, issue or payment of public moneys
- (4) Prior to determining whether to undertake an inquiry into any matter which may have arisen in connection with the public accounts of the Northern Territory, pursuant to paragraphs (2)(a) and (e), with the concurrence of the Committee, the Chairman is empowered to write to the Chief Executive Officer of the relevant agency for a report on the matter.
- (5) The Committee shall take care not to inquire into any matters which are being examined by a Select Committee of the Assembly especially appointed to inquire into such matters and any question arising in connection therewith may be referred to the Assembly for determination.
- (6) The Committee shall elect a Government Member as Chairman.
- (7) The Chairman of the Committee may, from time to time, appoint a member of the Committee to be the Deputy Chairman of the Committee and the Member so appointed shall act as Chairman of the Committee at any time when there is no Chairman or when the Chairman is not present at a meeting of the Committee.
- (8) In the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote.
- (9) The Committee shall have power to appoint Sub-Committees and to refer to any such Sub-Committee any matter which the Committee is empowered to examine.
- (10) Three Members of the Committee shall constitute a quorum of the Committee and two Members of a Sub-Committee shall constitute a quorum of the Sub-Committee.
- (11) The Committee or any Sub-Committee shall have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (12) The Committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the Committee, a daily Hansard shall be published of such proceedings of the Committee as take place in public.
- (13) The Committee may proceed to the dispatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (14) The Committee shall report annually and shall have leave to report from time to time and to report its proceedings and evidence taken; and any Member of the Committee shall have power to add a protest or dissent to any Report.
- (15) Unless otherwise ordered by the Committee, all documents received by the Committee during its inquiry shall remain in the custody of the Assembly: provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.

- (16) The Committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the Committee.
- (17) The Committee or a Sub-Committee be empowered to consider the minutes of proceedings, evidence taken and records of similar Committees established in previous Assemblies.



## **TERMS OF REFERENCE**

### **APPOINTMENT**

On Thursday 23 May 2002, the Leader of Government Business (Mr Stirling) moved –

That this Assembly appoint 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 in the terms distributed to Members as follows –

#### **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 2002/2003 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 to the following extent:
  - (a) Shadow Ministers may participate in hearings relating to their shadow portfolio responsibilities; and
  - (b) Other Members may participate in hearings to the extent of asking questions relating to their electorate responsibilities.

These provisions should be interpreted, so as not to exclude Committee Members and Shadow Ministers from asking questions relating to their electorate responsibilities.

- 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, when the Committee is sitting on any day:
  - (a) it commences at 9.00am and suspends at 12.30pm unless otherwise ordered;
  - (b) it commences at 2.00pm and is suspended or adjourned at 6.30pm, unless otherwise ordered; and
  - (c) if required, it commences at 7.30pm and adjourns at a time to be fixed by the Committee, unless otherwise ordered.
- 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 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 may be taken into consideration at once or at a time and date to be fixed.
- 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 at once or made an Order of the day for the next sitting day.

## **REPORTING REQUIREMENTS**

The Leader of Government Business (Mr Stirling) moved –

That, for the purposes of the preparation for the conduct of the Estimates Committee process for the 2002/03 Budget the Public Accounts Committee consult with other State or Commonwealth parliamentary committees and report back to the Legislative Assembly before the end of the June 2002 sittings.

**ISSUES OF CONCERN**  
**Arising from the Public Accounts Committee's observations of**  
**the Tasmanian Estimates Committees process and a**  
**review of the Terms of Reference tabled in the NT Legislative Assembly on 23 May 2002**

**Issue:** Appropriateness of 1 Committee or 2 Committees operating simultaneously.

- 2 Committees would allow the estimates process to be completed within 1 working week. [Refer p. 3]
- There may well be a significant budgetary impact as a result of the technology/new wiring required to feed the voice data from both Committees to *Hansard*. [Refer p. 6]
- Suitability of the size of the current meeting rooms and technology upgrade requirements.
- There would be a major resource factor involving keyboard operators if there is a requirement for transcripts to be available prior to the Committee meeting the next day. [Refer p. 8]
- The level of editing required for the final proofed copy. [Refer p. 7]

**SPECIFIC TERMS OF REFERENCE REQUIRING FURTHER CLARIFICATION**

***B MEMBERSHIP***

5 *The membership of the Estimates Committee shall consist of the membership of the Public Accounts Committee.*

**Issue:** Whether there should be 1 Committee or 2 Committees operating simultaneously will have an impact on the membership of the Estimates Committee and the appointed Chairs. [Refer p. 5]

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.*

**Issue:** Should the Chairs of the Committees be Government Members? [Refer p. 5]

**Issue:** Ability of the Chairs to participate in the Committee process by asking questions. [Refer p. 7]

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 to the following extent:*

*(a) Shadow Ministers may participate in hearings relating to their shadow portfolio responsibilities; and*

*(b) Other Members may participate in hearings to the extent of asking questions relating to their electorate responsibilities.*

*These provisions should be interpreted, so as not to exclude Committee Members and Shadow Ministers from asking questions relating to their electorate responsibilities.*

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.*

**Issue:** It may be necessary for both Government and Opposition Members of the 2 Estimates Committees to move between both Committees depending on the Ministers' portfolios. Tasmania provides for a method of substitution where the core membership of the Estimates Committees can be changed at any time through a process of membership substitution. The incoming substitute Member only needs to be recognised by the Chair to take his/her place at the Table. [Refer p. 5]

**Issue:** With the election of Independent Members to the Northern Territory Parliament, consideration should be given to allowing those Members full membership of both Estimates Committees with the provision to alternate between both. [Refer p. 3]

## ***C SITTING TIMES***

17 *Unless otherwise ordered by the Committee, when the Committee is sitting on any day:*

*(a) it commences at 9.00am and suspends at 12.30pm unless otherwise ordered;*

*(b) it commences at 2.00pm and is suspended or adjourned at 6.30pm, unless otherwise ordered; and*

*(c) if required, it commences at 7.30pm and adjourns at a time to be fixed by the Committee, unless otherwise ordered.*

**Issue:** The appropriateness of an open-ended session and no fix overall timeframe to complete the daily process.

Tasmanian Committees normally operate a set 3 by 3-hour sessions with a prescribed finishing time, ie:

9.30am to 12.30pm;  
2.30pm to 5.30pm; and  
7.30pm to 10.30pm.

A written approach is required prior to the luncheon adjournment if there is a requirement to utilise the time set aside for the evening session. [Refer p. 5]

As a result of an approach by the Opposition, the timing of the Estimates Committees' sessions, held from 3 to 7 June 2002, were altered as follows:

9.00am to 12.30pm;  
2.00pm to 5.30pm; and  
6.30pm to 8.30pm.

The first 2 sessions had a total of 7 hours and approval to proceed past the normal 6-hour deadline had to be with the Chair of the particular Estimates Committee prior to 12 noon.

This approach, by the Opposition and supported by Government Members, to consolidate the hours within the first 2 sessions was an attempt to address the issue of previous late night hearings where the Committees were obliged to continue through until 10.30pm. [Refer p. 5]

#### ***D. HEARING PROCEDURE***

*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.*

**Issue:** Although not incorporated within Tasmania's Terms of Reference, daily procedures now allow for a period at the beginning of the Committee session for the Minister to make an opening statement or present an overview and the Opposition Shadow Minister has a similar timeframe to also raise general issues that are not specifically covered within the line item estimates. [Refer p. 4]

Consideration may need to be given to establishing a reasonable set timeframe for the Minister to provide a general opening statement and a similar timeframe for the Shadow Minister to respond.

With the number of sub-agencies now contained within the mega agencies, consideration needs to be given as to whether each sub-agency line item estimates review should be proceeded by a Minister's opening statement and the Shadow Minister's response.

*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.*



**Issue:** The ability of Members of the Estimates Committee to ask questions directly of agency officers assisting the Minister without the Minister fielding the final responses. [Refer p. 5]

## ***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).*

30 *All answers to questions shall be provided at the relevant hearings.*

**Issue:** The information provided by way of replies to the questions on notice may be more valuable to the Estimates Committees if the information contained within those replies was provided in advance of the Committee's hearings as opposed to *at the relevant hearings*.

**Issue:** Whether 7 days is sufficient time for agencies to prepare detailed responses for the Minister's consideration prior to scheduled hearings.

## ***I. DISORDER***

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.*

**Issue:** In the event of the introduction of 2 Estimates Committees, there will be a requirement for the Clerk as well as the Speaker to remain outside the process to provide the Chairs of those Committees with independent Rulings. [Refer p. 6]

## **J. REPORT OF ESTIMATES COMMITTEE**

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.*

**Issue:** Tasmania has 7 ministerial portfolios and allows 2 hours per portfolio for debate within the Assembly with a sum total of 14 hours. The Northern Territory Terms of Reference only allows for a maximum of 5 hours with a similar number of portfolios responsibilities. Is this sufficient? [Refer p. 6]

## **ADDITIONAL ISSUE – NOT CONTAINED WITHIN THE TERMS OF REFERENCE**

**Issue:** The scrutiny of Government Business Divisions (GBD) including the timing of hearings and issues of confidentiality. [Refer p. 6]

**REPORT ON THE VISIT  
BY THE PUBLIC ACCOUNTS COMMITTEE  
TO THE TASMANIAN PARLIAMENT  
TO VIEW THE OPERATIONS OF ITS ESTIMATES COMMITTEES**

On Thursday 23 May 2002, the Leader of Government Business moved –

*That the Assembly appoint 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 2000-03.<sup>1</sup>*

In speaking to the motion, the Leader of Government Business stated:

*In developing a model for implementation in our own Assembly, an examination has been conducted of the operations of similar committees in other Australian and New Zealand parliaments. The model which operates in parliaments throughout Australia and New Zealand, with the exception of Victoria, is by way of effectively replacing the Committee of the Whole stage of the annual Appropriation Bill with an estimates committee, a select committee or committees, or referring the estimates to existing legislative and general purpose standing committees.*

*This model involves common factors such as operations pursuant to standing or sessional orders; scheduling of appearances by ministers by portfolio units; membership including government, opposition and independent members; public hearings; participation by other members in proceedings; the provision for questions and answers to be provided in advance of committee hearings; capacity for questions to be taken on notice and answered at a later time; capacity for dissent or minority statements or reports; the capacity for public officials to be present for questioning and to support the minister in answering questions of administrative detail; the publication of Hansard transcripts of proceedings; and a report back facility to the main legislative body.*

*The reporting process involves further debate either in the committee or in dealing with the remaining stages of the annual Appropriation Bill. In developing the model tabled today, it is considered that the operations of the estimates committee in the Queensland parliament and the Tasmanian House of Assembly have much to commend them as models in the development of an appropriate procedural and administrative framework for implementation by the Northern Territory Legislative Assembly.*

*Its consideration is largely based on the operation of the unicameral Queensland parliament system and the extensive and detailed procedural rules and supporting documentation. The scale of operation at the Tasmanian House of Assembly with 25 members and seven ministers provides a scale that most approximates that of the Northern Territory Assembly. A draft sessional order to implement procedures, which is largely based on the Queensland and Tasmanian models, is before the parliament.*

*The key issues, to which I draw the attention of honourable members are: access by television cameras to the proceedings; involvement of senior public servants; proceedings to take place in a committee room; like the existing arrangements, a system of advanced written questions; and the capacity for shadow ministers and local MLAs to participate in the committee to ensure that the same access to getting your electorate or shadow ministry responsibility questions up there exists, as it did in utilising the Chamber as a Committee of the Whole.<sup>2</sup>*

Mr Stirling also advised:

*It is a model we think is right; we believe is right. ... It is premature to lock it into legislation in the first step before the parliament has had time to give it a go in practice. ... we do not want to take that step until the parliament has been through it and we are sure that the Public Accounts*

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<sup>1</sup> Parliamentary Record, 23 May 2002, p. 1568

<sup>2</sup> Parliamentary Record, 23 May 2002, p. 1568

*Committee could then have another look at any deficiencies that it may have. To that end, the motion includes provision for a report to parliament following this year's process.*<sup>3</sup>

In discussing the Terms of Reference, the Public Accounts Committee took the decision that the majority of its Members would travel to Tasmania to view the Estimates Committee process scheduled to commence on Monday 3 June 2002.

The Tasmanian Estimates Committees consist of 5 Members, 3 Government and 2 Opposition. The Independent Member is able to sit on either of the 2 Assembly Committees and has the same questioning rights as other Members. Written advice must be provided to the Chair of the particular Committee in which the Independent Member will be participating.

The Tasmanian House of Assembly and Legislative Council each have 2 Estimates Committees (sum total of 4 Committees operating simultaneously during a one-week period) which cover 7 Ministers' portfolio areas. Meetings are conducted in committee rooms adjacent to the Chamber. One day is set aside for each Minister's portfolio responsibilities.

The use of simultaneous Committees ensures the whole estimates process is completed within a single week. In discussion with Members of the NT Public Accounts Committee, both the Speaker and the Clerk of the Assembly strongly supported an approach that ensured there was no carry-over into a second week. The mechanism to take the proceedings from the Tasmanian House of Assembly to the Committee is through a motion by the Deputy Premier, who moves –

- (a) That all stages of the Consolidated Fund Appropriation Bill shall have allotted a maximum total of 92 hours as follows:*
  - (i) up to the Second Reading: Maximum 15 hours;*
  - (ii) in the Estimates Committees: Maximum 63 hours; and*
  - (iii) in Committee-of-the-Whole House and Third reading: Maximum 14 hours.*
- (b) That on the Second reading, the Premier and the Leader of the Opposition have unlimited speaking time and other Members speak for not longer than 30 minutes each.*
- (c) That when the Consolidated Fund Appropriation 2001-2002 Bill has been read the Second time in the House of Assembly, the Bill be referred to Estimates Committees A and B of the House of Assembly.*

*Such Committees may not vote on, but may examine and report upon the proposed expenditures contained in the Bill by no later than 12 June 2001, with such expenditures being considered on an output by output basis, including Grants, Subsidies and Loans and Capital Investment Program.*<sup>4</sup>

There is limited preliminary printed material except for the Appropriation Bill and Budget program documents. A further document is provided by Treasury and provides an information breakdown on portfolio outputs contained in the Bill. It is this document which is used as a basis of the inquiry by the Estimates Committees. There is no provision for written questions, but a Minister may take a question on notice. It is the responsibility of the

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<sup>3</sup> Parliamentary Record, 23 May 2002, p. 1568

<sup>4</sup> Tasmanian House of Assembly, Votes and Proceedings, 11 April 2001

Committees Secretariat to produce the formal correspondence from the Committees to the Minister to follow-up on these outstanding matters.

The Votes and Proceedings of the Tasmanian House of Assembly make provision for a time limit of 1 minute for a question and 3 minutes for a reply, but for practical purposes this procedure is not strictly enforced. The Chair has an absolute discretion in determining a reasonable period of time for both the question and the answer.

While the Committees are charged to consider expenditure on an output by output basis, since introduction of the Estimates Committee process in 1994, Committee Members have been afforded the latitude of the introduction of an overview or a period during which general topics may be discussed prior to inquiries into line items. Although not defined within the Votes and Procedures nor in Standing Orders, the process appears to be entrenched in the estimates process. This has not been without challenge as Speaker's rulings on the issue of relevancy within the area of the overview have been tabled on 3<sup>rd</sup> September 1996, 18<sup>th</sup> November 1998 and recently 4<sup>th</sup> June 2001. The latter Speaker's Ruling advised that:

*The order of the House which requires that the Budget Estimates be examined on an output by output basis must be adhered to.*

*However, it has been the practice since the inception of Estimates Committee in 1994 that there be some latitude given to allow general questions and answers on the first output of the day. Often this has been undertaken with a specific timeframe agreed to prior to commencement of the questions.*

*This is to ensure that matters of a general nature only are considered at this stage and specific information can be obtained at the appropriate time when each output is examined.<sup>5</sup>*

In considering the use of relevancy, the Speaker, in a Ruling dated 18 November 1988, stated:

*It is the task of the Committees to examine Ministers' estimates of expenditure as set out in the order of the House establishing the Estimates Committees.*

*In keeping with the practice of Estimates Committees since the introduction of the Budget in its current form, Chairs of Committees with the agreement of Members have allowed a broad-ranging examination of the general matters relating to the Ministers' portfolio responsibilities before detailed examination of specific outputs commences.*

*In such an examination, matters relating to expenditure but not contained in the Consolidated Fund Appropriation Bill, for example, the raising of revenue, are taken into consideration. Matters such as these are not core but peripheral elements of the task of the Estimates Committee.*

*It is not the intention of the Chair to attempt to prevent continuation of the broad-ranging examination but the matter of relevancy does have to be considered.<sup>6</sup>*

The rules do not allow for a Member to ask a series of questions but the current procedure is that the Chair can, at his/her discretion, permit a Member to continue a particular line of questioning if it is considered appropriate.

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<sup>5</sup> Tasmanian House of Assembly, Speaker's Ruling, 4 June 2001

<sup>6</sup> Tasmanian House of Assembly, Speaker's Ruling, 18 November 1998

If, at any time, a line of questioning is considered by the Minister to be addressing issues that are 'commercial in confidence', the Minister has the discretion to refuse to answer. The Estimates Committee cannot force a Minister to disclose any information he/she considers to be 'commercial in confidence'.

To assist the Minister, departmental representatives sit at the Table to provide advice. It is at the Minister's discretion that departmental representatives are permitted to personally reply to any questions. There were some occasions where particular Ministers, after obtaining advice, personally answered the questions without allowing departmental representatives to speak.

It is available for membership of the Committees to change from time to time in accordance with the wishes of each party. Under the Votes and Proceedings of the Tasmanian House of Assembly it was previously necessary to provide formal written advice to the Chair prior to any change of membership but practicalities have now taken over so that the decision to recognise any substitute Member rests with the Chair. Any other Members outside the Committee can ask questions through the Chair once all Committee Members have exhausted their questions on a particular issue. Where a vote is required, substitute Members must withdraw and only the core Members are permitted to vote. The procedural rules for the operation of the Estimates Committee are such that they follow, as far as possible, those observed in Committee-of-the-Whole with the exception that there is no formal facility for the tabling of documentation before the Committee. These documents are noted in the Minutes of the meeting and are then attached to the report tabled in the House and form part of the Parliamentary Record. Answers to questions on notice that are provided to the Committee after the tabling of its report are tabled in the Assembly by the Chair as they are received. Throughout the meeting other documents can be supplied to the Chair for distribution to Members.

Within the Votes and Proceedings time allocated for each session of the Committee has been set at 9.30am to 12.30pm and 2.30pm to 5.30pm. If required, an additional time for sittings can be extended from 7.30pm to 10.30pm if a formal written application is submitted to the Chair of the relevant Committee no later than 12.00 noon on the day. During the day, any time lost from examination of the estimates through breaking for morning tea or other suspensions and disruptions are added to the finishing time.

As a result of an approach by the Opposition, the timing of the Estimates Committees' sessions, held from 3 to 7 June 2002, were altered as follows:

9.00am to 12.30pm;  
2.00pm to 5.30pm; and  
6.30pm to 8.30pm.

The first 2 sessions had a total of 7 hours and approval to proceed past the normal 6-hour deadline had to be with the Chair of the particular Estimates Committee prior to 12 noon.

This approach, by the Opposition and supported by Government Members, to consolidate the hours within the first 2 sessions was an attempt to address the issue of previous late night hearings where the Committees were obliged to continue through until 10.30pm.

In Tasmania, the Chair of Committees and the Deputy Chair of Committees are responsible for the Committees Secretariat and the decision to use the occupants of these positions was

based on the experience they would bring to the Committees through their roles in chairing matters in the Assembly itself. The Clerk as well as the Speaker remain outside the Committee structure as such, as they have to be in a position to provide rulings to all Committees.

The Committee Chair can rule on matters, but if any Member dissents from the ruling, the Committee must adjourn while the Chair reports the matter to the Speaker or, in his/her absence, the Clerk. A ruling from the Speaker or Clerk delivered to the Committee must be in writing and cannot be challenged by Members.

It is important to understand that the Estimates Committees do not vote on any of the appropriation line issues discussed during their meetings. This can only be done in the Committee-as-a-Whole in the Assembly itself. The procedure within the Committee structure allows for consideration of expenditure on an output by output basis of a Minister's portfolio. Once this has been completed, a report on matters of concern consisting of a series of relevant dot points is provided to the Committees Secretariat and it is this report which is tabled in the Assembly and eventually debated. This report can only be prepared at the completion of each days sittings and only the core Members can be present in a closed session to vote on acceptance of the matters raised. The reports presented to the House include written replies to questions taken on notice during the hearings of the Committees.

The issue of the content of these reports has also been the particular subject of a Speaker's Ruling which stated:

*The principle underlying the Estimates Committees is the examination of the estimates of Ministers to gain information which in many instances satisfies Members and in some instances leave certain matters, in the eyes of some Members 'unresolved'.*

*The practice in past Estimates Committees is that these 'unresolved' matters are listed in the Committees' reports as 'matters of concern'. These matters are mentioned in the report specifically but not in a way which leads debate in the Committee-of-the-Whole House but does not restrict the debate in any way either.*

*This principle has been established so that the ability of a minority was maintained to raise these matters. In past years, a Government majority could have voted against any contentious matter being included in Committee reports and thus unfairly restricting the debate in the House.*

*It would be a significant departure from past practice for the Committees to operate in the method suggested and would be against the spirit of the process which is to examine estimates, not to vote on them.<sup>7</sup>*

In broad terms, the second reading debate is completed within a week of sittings and there is a further week set aside for Estimates Committees' hearings. The Committees reports previously mentioned are subject to debate during the week immediately following the completion of Estimates Committee process and sittings and are restricted to a maximum of 2 hours per Minister's portfolio up to a maximum of 14 hours. This debate in Committee-of-the-Whole is limited to the material contained in the reports of the Committees. The issue of relevance to the matters raised within the dot points can be ruled on during the debate by the Speaker.

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<sup>7</sup> Tasmanian House of Assembly, Speaker's Ruling, 3 September 1996



When consideration of the reports has been completed the question is proposed without further debate that the remainder of the Bill be agreed to. Once passed, the third reading is either proceeded with forthwith or made an Order of the Day for the next sitting day.

During discussions with the Tasmanian Editor of Debates, Ms J. Batchler, she advised that the *Hansard* operates a digital system with 4 separate feeds from the individual Committees. During this current session she employed 11 casual keyboard operators with 2 Sub-Editors and herself as Principal Editor.

The criteria used to determine the standard of 'light edit' required for the transcripts is that the final product must be considered as 'readable' by persons outside the parliamentary process. With priority being given to the 2 Assembly Committees, Ms Batchler advised that, by 3.00am the morning after the Committees first sat, *Hansard* had produced transcripts of the 2 Assembly Committees and approximately 50% of a transcript from one of the Legislative Council's Committees. All Committees sat for 9 hours on their first day. These transcripts were automatically uploaded to the Committees website on the Internet that morning.

A major procedural difference observed between the Assembly Committees and the Council Committees was that the Chairs of the Council Committees participated in the questioning of the Ministers. As Chairs they still had a casting vote and could rule on issues raised by Members but were full participants in the inquiry process. On the other hand, the Chairs of the Assembly Committees sat at the end of the table, removed from the Committee Members and took no part in the questioning process. Their role appeared to be that of an adjudicator or arbitrator with no provision to ask questions of the Ministers.

An issue that needs to be addressed is the scrutiny of the Government Business Divisions (GBD) in the Northern Territory, which are similar to the Tasmanian Government Business Enterprises (GBE).

As these businesses do not fall within the normal estimates process, it was necessary for the Tasmanian Parliament to create a Government Business Enterprise Committee (1996) which sits annually in February/March after the GBEs have issued their annual reports. Because of the 'commercial in confidence' nature of the briefing by a GBE, the sessions can be held *in camera*.

The decision to adopt this procedure come about as a result of the House of Assembly Select Committee considering the broad issue of Parliamentary Committees. A recommendation (Paper 35 of 1996) flowing from that Committee resulted in a separate GBE Committee being created. This was 2 years after the initial decision to create an Estimates Committee was made (Paper 14 of 1994).

Prior to the Public Accounts Committee travelling to Tasmania, the Clerk of the Legislative Assembly provided to the Committee a briefing paper containing various background notes. These notes contained a synopsis of all States, Territories and New Zealand Estimates Committees' processes. The Clerk's identification of two generic models was also taken up by the Leader of Government Business in his address to the Assembly on 23 May 2002. In preparing the background papers, the Clerk was able to provide the Committee with a detailed break-down of the full Committee process throughout Australian and New Zealand.

In support of his findings and with the knowledge of the possible impact the introduction of a new Estimates Committee would have on the Department of the Legislative Assembly, over which he has financial and administrative responsibility, the Clerk raised the following issues:

*A particular feature of the draft Sessional Order is that one Estimates Committee is proposed. It is submitted that to minimise the impact of a change from the Committee-of-the-Whole process and to enable all Members to participate in the questioning of Ministers and officials, in the first instance the estimates process operate with one Committee.*

*Further, for logistical purposes including the recording of Hansard and providing appropriate administrative and procedural support it is submitted that it would be preferable to implement the estimates process with one Estimates Committee.<sup>8</sup>*

The majority of the draft Sessional Orders to implement procedures are in line with the Tasmanian model and the Committee, through briefing sessions with both the Speaker and the Clerk of the Tasmanian House of Assembly, was satisfied that the Tasmanian process worked effectively and efficiently.

The Committee notes that there is a significant variation in the timeframe proposed by the Sessional Orders. Where the Tasmanian model allows for a maximum of 9 hours broken up into 3 separate sessions of 3 hours each, this proposal sets down an 8-hour session between 9.00am and 6.30pm which incorporates a 1½-hour luncheon break, with a final session commencing at 7.30pm if required. It will be a decision of the Committee as to how long this last session will be permitted to run. There will need to be consideration of the process of informing the Committee's Chair well in advance of the requirement for the 7.30pm session.

Provision has been made for the Minister to make an opening statement lasting up to 5 minutes which may be extended with the leave of the Committee. This particular issue has been the subject of 3 Speaker's Rulings in Tasmania and further discussion and investigation will be required.

These tabled Sessional Orders make provision for written questions which is consistent with previous operations of the Committee-of-the-Whole but is an issue which has not been taken up by the Tasmanian Parliament.

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<sup>8</sup> NT Legislative Assembly, Office of the Clerk, Background Paper on Budget Estimates Committee Process, 28 May 2002

**ATTACHMENT 'A'**

**REPORT ON THE VISIT TO  
THE SOUTH AUSTRALIAN PARLIAMENT  
BY DR RICHARD LIM, MLA  
TO DISCUSS ISSUES CONCERNING ITS ESTIMATES COMMITTEES**

**SOUTH AUSTRALIAN LEGISLATIVE ASSEMBLY  
ESTIMATES COMMITTEE SYSTEM  
BY  
DR RICHARD LIM, MEMBER FOR GREATORIX**

Discussion occurred with the Chair and one Government Member of the Public Accounts Committee. At the time of the visit to Adelaide, the South Australian Legislative Assembly had not yet established its Estimates Committees for the year.

Discussions were also held with former Speaker and former Chair of one of the Estimates Committee of the previous Government.

Finally, discussions were also held with the Secretaries of the former Estimates Committee, of which there were two.

Attached is a copy of the South Australian House of Assembly Standing Orders for 'Regulating the Public Business'.

The South Australian Estimates Committee system, while it was established as a means to interrogate the Appropriation Bill, over time, the process has evolved into one which the Committee now acts more like a 'Committee of Financial Review'.

The majority of work done by the Estimates Committee was in reviewing Government 'policy', presented as an Appropriation Bill on a specific entity, for example, sale of a Government business enterprise and the value placed upon it by Government, assessing whether the value is appropriate and any other issues related to the sale of same.

Opinions expressed by those with whom I had discussions were unanimous in their views that the Estimates system, as practised in South Australia, is not one to be followed.

They are also considering the matter of revisiting their Estimates process so that the focus is back on the Appropriation Bill, brought down by Government each year to establish the budget for the ensuing financial year.

**SOUTH AUSTRALIAN**

**South Australia**  
STANDING ORDERS  
for  
REGULATING THE PUBLIC BUSINESS  
of the  
**HOUSE OF ASSEMBLY**  
TOGETHER WITH  
**THE JOINT STANDING ORDERS**  
of the  
**HOUSES**

BY AUTHORITY: M E JONES Acting Government Printer, South Australia

**1999**

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**266 Estimates and Appropriation Bill: Committee Rules (315)**

In a Committee of the whole House, the following special rules apply to the consideration of the estimates and the clause or schedule containing the proposed payments in an Appropriation Bill

- 1 Each proposed payment listed in such a clause or schedule is considered separately and in the given order, together with the relevant estimate (but the consideration of any proposed payment may be postponed).
- 2 (a) For each proposed payment in the clause or schedule a question is proposed in the form "That the proposed payment ... be agreed to".  
  
(b) An amendment may be moved to such a question to leave out the words "be agreed to" and to add relevant words in their place.  
  
(c) No amendment may be entertained  
  
(i) which increases a proposed payment, or  
(ii) which alters the destination or purpose of a proposed payment, unless the increase or alteration of destination or purpose has been previously recommended to the House by the Governor.
- 3 A proposed amendment to a proposed payment may not be put for decision until the debate on the proposed payment is closed.
- 4 (a) An amendment to omit or reduce any proposed payment may be moved;  
  
(b) Members may speak only to such a question until it has been disposed of;

- (c) when several amendments are offered, they are taken in the order in which, if agreed to, they would appear in the estimates.
- 5 After a question for amending any proposed payment has been disposed of, no debate or amendment is allowed on any preceding proposed payment.
- 6 When consideration of the estimates and relevant Appropriation Bill has been completed, (a) the question is put, without amendment or debate, "That the Bill and estimates (with or without amendment) be reported to the House and the Chairman do now leave the Chair", and (b) the Chairman reports the Bill and estimates to the House.

#### **267 Referral to Estimates Committees**

An Appropriation Bill may be ordered to be referred to Estimates Committees (in which case the Bill is not considered in Committee of the whole House). The following procedures are followed if such a Bill is to be referred to Estimates Committees:

- 1 the Bill is referred on a motion moved by a Minister at the conclusion of the second reading;
- 2 Members may then discuss grievances on a motion moved by a Minister, "That the House note grievances";
- 3 when this motion has been passed, the proposed payments for the departments and services contained in the schedules to the Bill are referred to Estimates Committees;
- 4 the referral is made on a motion moved by a Minister and includes a timetable by which (subject to Standing Order 268) the Committee orders its business.

#### **268 Consideration in Estimates Committee**

If a Bill is referred to Estimates Committees, the following rules apply:

- 1 There are to be two Estimates Committees to be known as Estimates Committee A and Estimates Committee B;
- 2 the Committees may not vote on, but may examine and report upon, the proposed payments contained in the schedules;
- 3 a Committee may ask for explanations from a Minister relating to the items of the proposed payment;
- 4 the Minister who is asked for explanations may be assisted where necessary by officers in the provision of factual information;
- 5 the report of a Committee may contain a resolution or expression of opinion of the Committee but may not vary the amount of a proposed payment.
- 6 The Speaker may, at the request of the Chairman of an Estimates Committee, and on giving one day's notice, reallocate any proposed payments from one Committee to another, or vary the timetable if in his/her opinion such reallocation or variation is necessary to facilitate the examination of the proposed payment.

## **269 Membership of Estimates Committees**

- 1 Each Estimates Committee consists of seven Members including the Chairman;
- 2 the Members to serve on each Committee are nominated by the mover, but if any one Member demands it they are elected by ballot;
- 3 a Member may be discharged from an Estimates Committee at any time, except during a division of a Committee;
- 4 a Member's discharge from a Committee is effective immediately on his/her delivering to the Speaker or the Clerk a written request to be discharged;
- 5 a Member who wishes to be discharged from a Committee may nominate another Member in substitution provided that the Member to be substituted indicates his/her willingness to serve in the same notice;
- 6 if a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee as elected by the House;
- 7 a Committee may proceed with business despite a vacancy in its membership;
- 8 at the commencement of its first meeting, a Committee elects one of its Members as Chairman who has a casting vote only;
- 9 any Member of the Committee takes the Chair temporarily when requested to do so by the Chairman of the Committee during the sitting of that Committee;
- 10 in the absence of the Chairman or on his or her discharge from the Committee, the Committee appoints another Member to act as Chairman: provided that on the return of the Chairman, or on his or her reappointment to the Committee, he or she assumes the Chair;
- 11 the quorum of a Committee is four, of whom one is the Chairman or Acting Chairman;
- 12 if at any time a quorum is not present, the Chairman suspends the proceedings of the Committee until a quorum is present or adjourns the Committee;
- 13 Members of the House who are not Members of the Committee may, at the discretion of the Chairman, participate in proceedings of the Committee but may not vote, move any motion or be counted for purposes of a quorum.

## **270 Sitting times**

An Estimates Committee meets only in accordance with the timetable adopted by the House or as varied by the Speaker. If a Committee is sitting on any day

- 1 at 1.00 p.m., the sitting is suspended for an hour, unless otherwise ordered;
- 2 at 6.00 p.m., the sitting is suspended for an hour and a half, unless otherwise ordered; or



3 at 10.00 p.m., the sitting is adjourned.

**271 Proceedings of an Estimates Committee**

Consideration of proposed expenditures in an Estimates Committee follows as far as possible the procedure observed in a Committee of the whole House.

**272 Naming of Member**

If any Member persistently disrupts the business of an Estimates Committee, the Chairman

- 1 names the Member and,
- 2 if the Member named is a Member of the Estimates Committee, suspends the sittings of the Estimates Committee until he or she has reported the offence to the House;
- 3 if the Member named is not a Member of the Estimates Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the House.

As soon as practicable, the Chairman advises the Speaker who then gives notice that the House is to meet at 9.30 a.m. on the next day.

**273 Disagreement with Chairman's ruling**

If any objection is taken to a ruling or decision of the Chairman,

- 1 the objection must be taken at once and stated in writing;
- 2 the Chairman, as soon as practicable, advises the Speaker who gives notice that the House is to meet at 9.30 a.m. the next day;
- 3 the Estimates Committee may continue to meet but may not further examine the vote then under consideration.

**274 Meeting of House**

- 1 For the purposes of Standing Orders 272 and 273, it is sufficient notice of a meeting of the House for the Speaker to have notices of meeting placed on the Notice board before 10.00 p.m. on the day of the dispute;
- 2 if the House meets in accordance with Standing Orders 272 and 273, the House, after the Speaker has read the prayers, hears the report of the Chairman who requested the meeting;
- 3 where a Member has been named, the House proceeds with the matter as if the naming had occurred in a Committee of the whole House. (For the purposes of the suspension of any Member, the sittings of an Estimates Committee are considered as a sitting of the House.); or
- 4 where a Chairman's ruling has been disagreed with, the House resolves the matter in accordance with Standing Order 135;

- 5 if any proceedings are taken in accordance with this Standing Order, a motion may be proposed by a Minister to alter the timetable relating to that Estimates Committee's consideration of the proposed expenditures;
- 6 the motion is put forthwith, without debate but no other business may be entered upon during the sitting.

**275 Hansard Report**

A *Hansard* Report of Estimates Committee proceedings is circulated, in a manner similar to that used for the House *Hansard*, as soon as practicable after the Committee's proceedings.

**276 Report of an Estimates Committee**

- 1 A report of an Estimates Committee is presented by the Chairman of that Committee or a Member deputed by him or her and contains any resolution or expressions of opinion of that Committee;
- 2 when the reports of the Estimates Committees are presented, they may, subject to Standing Order 278, be taken into consideration at once or a future day may be appointed for their consideration.

**277 Question proposed**

- 1 In considering the reports from the Estimates Committees, a Minister moves "That the proposed expenditures referred to Estimates Committees A and B be agreed to (and that the resolutions or expressions of opinion agreed to by the Committees in relation to those expenditures be noted)";
- 2 an amendment moved to the question does not require a seconder;
- 3 when the consideration of reports of Estimates Committees A and B has been completed, the question is proposed and put forthwith without debate, "That the remainder of the Bill be agreed to";
- 4 when the Bill has been agreed to by the House, the third reading may be taken into consideration at once or made an order of the day for the next sitting day.

**278 Time limits**

- 1 "That the House note grievances":  
One Minister and the Leader of the Opposition or Member deputed by him or her—  
30 minutes  
Any other Member—10 minutes;
- 2 "That the proposed expenditures referred to Estimates Committees A and B be agreed to":  
One Minister and the Leader of the Opposition or Member deputed by him or her—  
unlimited  
Any other Member—20 minutes

**ATTACHMENT 'B'**

**REPORT ON THE VISIT  
TO THE QUEENSLAND PARLIAMENT  
BY MR STEVE DUNHAM, MLA  
TO DISCUSS ISSUES CONCERNING ITS ESTIMATES COMMITTEES**

# BRIEFING NOTE

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## BUDGET PROCESS AND ESTIMATES COMMITTEES

### PROCESS:

- On Budget day (18 June) the Treasurer tables the Budget documents. The Appropriation Bill and the Appropriation (Parliament) Bill are introduced and the Treasurer's second reading speech (the Budget Speech) is made outlining the Government's policy and estimated receipts and expenditures for the forthcoming financial year.
- The debate is then adjourned to allow Members, particularly the Opposition and the public a period of time to consider the Bills and the accompanying Budget Papers and Portfolio Statements in detail.
- On resumption of the second reading debate (20 June), the Leader of the Opposition replies to the Treasurer's Budget Speech. Then for the next two days, the debate on the Bills alternates between Government and Opposition members.
- After the second reading debate concludes, the Bill is referred to the Estimates committees.
- Estimates Committees are established under Sessional Orders of the Legislative Assembly.
- The theoretical purpose of the Estimates Committee is to provide a better means for parliamentary scrutiny of the government's expenditure proposals for each department.
- There are 7 Estimates Committees consisting of 7 Members – 4 Government Members and 3 non-Government Members. Attached is an outline of the Members, hearing date, research staff and contact details of each Estimates Committee.
- There are 7 days of public hearings – 1 day for each Committee hearing – during which the Budget is scrutinised.
- During the Estimates process, Ministers supported by their senior departmental staff are required to answer Committee questions regarding their portfolio's proposed expenditures.
- Other Members of Parliament who are not members of the Estimates Committee are able to ask questions. However prior approval of the Estimates Committee must be sought.
- Both questions and answers have time limits imposed. Questions must be no longer than 1 minute. Unless the Member asking the question otherwise agrees, answers must be no longer than 3 minutes. The Chairman must ensure that there is a fair allocation of time available for questions and answers and must ensure that at least half the time is allocated to non-Government Members.

- Members of the Estimates Committee put a combined total of 20 questions on notice to each Minister and to the Speaker. The non-Government Members are allocated 10 questions on notice.
- The Minister and the Speaker are to provide answers to the questions on notice at least 24 hours prior to the hearing.
- The Chairman ensures that the questions on notice do not place unreasonably onerous research requirements on an organisation unit and are not necessarily complex questions. The Minister and the Speaker have the right to refuse to answer questions which are considered unreasonable or too complex.
- Questions on notice are not to contain sub-parts or in effect ask more than one question.
- Questions on notice may be taken by the Minister at the public hearing. The answer must be in writing and is to be provided by the time decided by the Committee – usually within 24 hours.
- Following the Committee's hearings, the members meet and discuss the information gained and compile a final report for the Legislative Assembly. The final reports are tabled in Parliament and each report is debated by the Committee of the Whole (full Parliament) prior to being adopted.
- The Estimates Committee report must state whether the proposed expenditures are agreed to. A reservation statement or dissenting report by a Committee Member may be added to the Committee's report after it is adopted by the Committee.

## **QUEENSLAND**

## **2001 ESTIMATES COMMITTEES PROCESS**

### **Appropriation (Parliament) Bill and Appropriation Bill**

1. That notwithstanding anything contained in the Standing Rules and Orders and Sessional Orders—
  - (1) the Budget Estimates for the 2001–2002 financial year for the purpose of debate in the Legislative Assembly shall be in the form of an Appropriation Bill and an Appropriation (Parliament) Bill;
  - (2) the Appropriation Bills be introduced on Tuesday, 19 June 2001 and, following the Minister's second reading speech on each Bill, the second reading debate on the Appropriation Bills be resumed on Thursday, 21 June 2001; and
  - (3) the Appropriation Bills be treated as cognate Bills for their following stages—
    - (a) one question being put in regard to the second reading;
    - (b) the consideration of the Bills together in Committee of the Whole House;
    - (c) one question being put for the Committee's report stage; and
    - (d) one question being put for the third reading and titles.

### **Appointment of Committees**

2. The following estimates committees are appointed—
  - Estimates Committee A
  - Estimates Committee B
  - Estimates Committee C
  - Estimates Committee D
  - Estimates Committee E
  - Estimates Committee F
  - Estimates Committee G

### **Role of Committees**

3.
  - (1) The proposed expenditures stated in the Appropriation Bill and Appropriation (Parliament) Bill are referred to the estimates committees immediately after each of the Bills has been read a second time.
  - (2) Estimates Committees A to D are to examine and report by no later than Monday 30 July 2001 on the proposed expenditures for the organisational units allocated to them.
  - (3) Estimates Committees E to G are to examine and report by no later than Tuesday 31 July 2001 on the proposed expenditures for the organisational units allocated to them.

### **Estimates Committee A**

4. The following organisational units are allocated to Estimates Committee A—
  - Office of the Governor
  - Legislative Assembly
  - Queensland Audit Office
  - Parliamentary Commissioner for Administrative Investigations
  - Criminal Justice Commission
  - Commissioner for Children and Young People
  - Public Service Commissioner
  - Department of the Premier and Cabinet
  - Department of State Development
  - Treasury Department
  - Any other organisational units within the portfolios of the Premier, the Deputy Premier and Treasurer or the Minister for State Development

### **Estimates Committee B**

5. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee B—
- Attorney-General and Minister for Justice
  - Minister for Police and Corrective Services
  - Minister for Tourism and Racing and Minister for Fair Trading

### **Estimates Committee C**

6. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee C—
- Minister for Transport and Minister for Main Roads
  - Minister for Public Works and Minister for Housing
  - Minister for Innovation and Information Economy

### **Estimates Committee D**

7. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee D—
- Minister for Local Government and Planning
  - Minister for Emergency Services
  - Minister for Environment

### **Estimates Committee E**

8. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee E—
- Minister for Health
  - Minister for Natural Resources and Minister for Mines

### **Estimates Committee F**

9. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee F—
- Minister for Employment, Training and Youth and Minister for the Arts
  - Minister for Education
  - Minister for Industrial Relations

### **Estimates Committee G**

10. Organisational units within the portfolios of the following Ministers are allocated to Estimates Committee G—
- Minister for Primary Industries and Rural Communities
  - Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services

### **Government Owned Corporations**

11. (1) A reference to the organisational units within the portfolio of a Minister is deemed to include Government Owned Corporations reporting to the Minister.
- (2) In respect of Government Owned Corporations, a member of a committee may ask any question which the committee determines will assist it in its examination of the relevant Appropriation Bill or otherwise assist the committee determine whether public funds are being efficiently spent or appropriate public guarantees are being provided.



### **Membership of Committees**

12. (1) Each estimates committee consists of seven Members of whom four are to be nominated by the Leader of the House and three by the Leader of the Opposition. For the purpose of these Sessional Orders, those Members nominated by the Leader of the House are called Government Members and those Members nominated by the Leader of the Opposition are called Non–Government Members.
- (2) The chair of each committee is to be a Government Member nominated by the Leader of the House.
- (3) The committee is to elect a deputy chair, who is a Non–Government Member.

### **Dates for Hearings**

13. The estimates committees are to meet to hear evidence in accordance with the following schedule—
  - Estimates Committee A – Tuesday 10 July 2001
  - Estimates Committee B – Wednesday 11 July 2001
  - Estimates Committee C – Thursday 12 July 2001
  - Estimates Committee D – Friday 13 July 2001
  - Estimates Committee E – Tuesday 17 July 2001
  - Estimates Committee F – Wednesday 18 July 2001
  - Estimates Committee G – Thursday 19 July 2001

### **Committee Membership**

14. Members be appointed to estimates committees as follows—
  - Estimates Committee A—  
Mr Purcell (Chair), Ms Keech, Messrs Shine, Choi, Horan, Johnson and Mrs E Cunningham
  - Estimates Committee B—  
Mr Wilson (Chair), Ms Jarratt, Messrs Lawlor, English, Seeney, Flynn and Springborg
  - Estimates Committee C—  
Mrs Lavarch (Chair), Ms Phillips, Messrs Strong, McNamara, Johnson, Malone and Wellington
  - Estimates Committee D—  
Mr Mulherin (Chair), Mrs C Sullivan, Ms Molloy, Messrs Cummins, Hobbs, Malone and Hopper
  - Estimates Committee E—  
Mr Pearce (Chair), Mrs Smith, Ms Barry, Mrs Reilly, Mr Seeney, Miss Simpson and Dr Kingston
  - Estimates Committee F—  
Ms Struthers (Chair), Mrs D Scott, Messrs Fenlon, Rodgers, Lingard, Lester and Ms Lee Long
  - Estimates Committee G—  
Mrs Attwood (Chair), Ms Stone, Ms Male, Ms Nolan, Messrs Rowell, Copeland and Mrs Pratt

### **Illness or inability to attend**

15. (1) In the case of illness or inability to attend by a member of an estimates committee, where the member is a Government Member, the Leader of the House may appoint another Member to attend that committee and where the member is a Non–Government Member, the Leader of the Opposition may appoint another Member to attend that committee.

- (2) Where a Member is appointed in accordance with (1) above, that Member has all the rights of the Member replaced.
- (3) Where the member of the committee who is replaced is the chair, the Leader of the House may appoint another Member to be chair.

#### **When committees may meet**

16. (1) Estimates committees may meet whether the House is sitting or adjourned.
- (2) Where a committee meets whilst the House is sitting, the meeting of the committee must take place within the parliamentary precinct.

#### **Open hearings**

17. Hearings of an estimates committee are open to the public unless the committee otherwise orders.

#### **Presiding Member**

18. (1) The chair of an estimates committee presides at all committee proceedings at which the chair is present.
- (2) If the chair is not present at a committee proceeding and the Leader of the House has not appointed another person to be chair, the committee's deputy chair presides.
- (3) If both the chair and deputy chair of a committee are not present at a committee proceeding, the committee member chosen by the committee members present at the proceeding presides.

#### **Quorum and voting at proceedings**

19. At a proceeding of an estimates committee—
  - (a) four committee members form a quorum;
  - (b) a question is decided by a majority of the votes of the committee members present and voting; and
  - (c) each committee member present has a vote on each question to be decided and, if the votes are equal, the presiding member also has a casting vote.

#### **Sub-committees**

20. Estimates committees may not delegate any of their powers to sub-committees.

#### **Opening hearing procedure**

21. (1) In an estimates committee hearing about proposed expenditure—
  - (a) the presiding member is to call over the estimates about the proposed expenditure and declare the proposed expenditure open for examination; and
  - (b) the presiding member is to put the question 'That the proposed expenditure be agreed to'.
- (2) Unless the committee determines otherwise, the Minister or Mr Speaker may make an opening statement lasting up to five minutes. This may be extended with the committee's leave.

#### **General hearing procedure – organisational unit other than Legislative Assembly**

22. In an estimates committee hearing about proposed expenditure for an organisational unit other than the Legislative Assembly—
  - (a) the responsible Minister is to be present at all times and may have advisers present to assist;
  - (b) a committee member may ask the Minister questions;

- (c) a Member who is not a member of the estimates committee may, with the committee's leave, ask the Minister questions;
- (d) advisers may answer questions referred to them by the Minister; and
- (e) subject to the above provisions, a Member may ask any question which the committee determines will assist it in its examination of the Appropriation Bill.

### **General hearing procedure – Legislative Assembly**

23. In an estimates committee hearing about proposed expenditure for the Legislative Assembly—
- (a) Mr Speaker is to be present at all times and may have advisers present to assist him; and
  - (b) a committee member may ask Mr Speaker questions; and
  - (c) a Member who is not a committee member may, with the committee's leave, ask Mr Speaker questions; and
  - (d) advisers may answer questions referred them by Mr Speaker; and
  - (e) subject to the above provisions, a Member may ask any question which the committee determines will assist it in its examination of the Appropriation (Parliament) Bill.

### **Notice of examination in detail**

24. (1) A committee may advise a Minister or Mr Speaker prior to the hearing of its intention to examine a proposed expenditure in detail.
- (2) In response to notice of the type expressed in (1) above, the Minister or Mr Speaker should ensure that appropriate advisers are available to assist the Minister or Mr Speaker to answer committee questions.
- (3) It is a matter for the Minister or Mr Speaker as to which advisers attend the hearing.

### **Time for questions and answers in a hearing**

25. In an estimates committee hearing—
- (a) questions must be no longer than one minute;
  - (b) unless the member asking the question otherwise agrees, answers must be no longer than three minutes;
  - (c) where a member agrees to an extension of time for an answer in accordance with (b) above, further extensions of time must be agreed to by the presiding member after every interval of two minutes has elapsed;
  - (d) the presiding member is to ensure the fair allocation of time available for questions and answers and ensure that at least half the time available for questions and answers in respect of each organisational unit is allocated to Non–Government members; and
  - (e) any time expended when committees deliberate in private is to be equally apportioned between Government and Non–Government Members.

### **Questions on notice prior to the hearings**

26. (1) Members of an estimates committee may, at a reasonable time prior to public hearings, put a combined total of twenty questions on notice to each Minister and to Mr Speaker; and
- (2) Of the questions referred to in (1) above, at least ten questions are to be allocated to non–Government members.
- (3) The Minister or Mr Speaker shall provide answers to the questions referred to in (1) above, at least twenty–four hours prior to the hearing.

- (4) The chair shall ensure that the questions referred to in (1) above, do not place unreasonably onerous research requirements on an organisational unit and are not unnecessarily complex.
- (5) Each question referred to in (1) above, is not to contain sub-parts or to in effect ask more than one question.
- (6) The Minister or Mr Speaker may refuse to answer questions which place unreasonable research requirements on their portfolios or are unnecessarily complex.
- (7) All answers to questions on notice shall be in writing unless the committee otherwise allows.

#### **Questions taken on notice at the hearing and additional information**

27. (1) A Minister or Mr Speaker may, at their discretion, tell an estimates committee at the hearing that an answer to a question, or part of a question, asked of them will be provided later to the committee.
- (2) A Minister or Mr Speaker, at their discretion, may also give the committee additional information about an answer given by them or on their behalf.
- (3) The answer or additional information—
  - (a) is to be written;
  - (b) is to be given by a time decided by the committee;
  - (c) is taken to be part of the proceedings of the Parliament;
  - (d) may be included in a volume of additional information to be laid on the Table of the House by the committee; and
  - (e) may be authorised for publication by the committee prior to the material being tabled in the House.
- (4) A Minister or Mr Speaker may decline to answer a question in which case the committee may report that fact in its report.

#### **Availability of Hansard and tabled documents**

28. (1) The Chief Hansard Reporter is authorised to release the *Hansard* of a committee hearing as it becomes available, subject to any other express direction of the committee.
- (2) Any document tabled at the hearing, by the leave of the committee, is deemed to be authorised for release by the committee unless the committee expressly orders otherwise.

#### **Power of the chair to order withdrawal of a disorderly Member**

29. (1) At an estimates committee hearing, the chair may, after a warning, order any Member whose conduct in their opinion continues to be grossly disorderly or disruptive to withdraw for a stated period.
- (2) A Member ordered to withdraw in accordance with (1) above shall immediately withdraw for the stated period.

#### **Committee hearing – sitting times**

30. Estimates committee hearings are to be held within the times 8.30am and 7.30pm on the day or days allocated. However, a committee shall hold no more than a total of nine hours of hearings.

#### **Estimates committee must report**

31. (1) An estimates committee must make a report at the end of its deliberations.
- (2) However, Estimates Committee A must make two reports, that is, one for the Legislative Assembly and another for the other organisational units allocated to it.

- (3) Reports by all estimates committees may be bound and published in one or more volumes.

#### **Content of report**

32. (1) An estimates committee's report must state whether the proposed expenditures referred to it are agreed to.
- (2) A reservation or dissenting report by a committee member may be added to the committee's report after it is adopted by the committee.

#### **Effect of failure to report**

33. If an estimates committee does not report on all of the proposed expenditures referred to it, the committee is taken to have made a report agreeing to the proposed expenditures that it does not report on.

#### **Tabling and consideration of reports – Appropriation Bill**

34. (1) The chair of each estimates committee must lay their committee's report on the proposed expenditures stated in the Appropriation Bill on the Table of the House together with the minutes of their committee's meetings and any other additional information which the committee agrees to table.
- (2) To remove any doubt, it is declared that the chair of each estimates committee is deemed to have satisfied the requirements of (1) if they present the committee's report, minutes and any other additional information with The Clerk when the House is not sitting in accordance with Standing Order 201 and the report is deemed to have been tabled on the date it is presented to The Clerk.
- (3) The report is to be received by the Legislative Assembly without debate and its consideration deferred until the consideration of the Bill in Committee of the Whole House.
- (4) One whole sitting day must elapse between the committee's report being tabled and its consideration in Committee of the Whole House.
- (5) The Committee of the Whole House must complete the consideration of the reports by no later than Thursday, 2 August 2001.

#### **Tabling and consideration of report – Appropriation (Parliament) Bill**

35. (1) The chair of Estimates Committee A must lay the committee's report on the proposed expenditures stated in the Appropriation (Parliament) Bill on the Table of the House.
- (2) To remove any doubt, it is declared that the chair of Estimates Committee A is deemed to have satisfied the requirements of (1) if the chair presents the committee's report, minutes and any other additional information with The Clerk when the House is not sitting in accordance with Standing Order 201 and the report is deemed to have been tabled on the date it is presented to The Clerk.
- (3) The report is to be received by the Legislative Assembly without debate and its consideration deferred until the consideration of the Bill in Committee of the Whole House.
- (4) One whole sitting day must elapse between the committee's report being tabled and its consideration in Committee of the Whole House.
- (5) The Committee of the Whole House must complete the consideration of the report by no later than Thursday, 2 August 2001.

### **Effect of consideration in Committee of the Whole House**

36. Consideration of an estimates committee's report in Committee of the Whole House is taken to be consideration of the provisions of the Appropriation Bill or Appropriation (Parliament) Bill so far as the provisions authorise the proposed expenditures referred to the estimates committee.

### **Procedure in Committee of the Whole House**

37. In Committee of the Whole House, for each estimates committee—
- (a) the Chairman of Committees must put the question 'That the report of <name of committee> be adopted';
  - (b) a Member may speak for no longer than five minutes on the question;
  - (c) in reply to the debate each responsible Minister may speak for no longer than five minutes; and
  - (d) the debate is to continue for no longer than sixty minutes.

### **Receipt of material by nominated officers of the Leader of the House and Leader of the Opposition**

38. Unless a committee otherwise expressly orders, or a Minister or Mr Speaker has requested confidentiality, its research director is authorised to release copies of the following documents as they become available to an officer from the offices of the Leader of the House and Leader of the Opposition—
- the committee's pre-hearing questions on notice;
  - questions taken on notice by Ministers or Mr Speaker during its hearing;
  - responses from Ministers or Mr Speaker to the committee's pre-hearing questions on notice and questions taken on notice during its hearing; and
  - additional information provided by Ministers or Mr Speaker to supplement answers given by them, or on their behalf, at the committee's hearing.

### **Application of Standing Rules and Orders and practice**

39. (1) The Standing Rules and Orders, Sessional Orders, other orders and practice of the Legislative Assembly also apply to estimates committees and to Committee of the Whole House acting under these orders.
- (2) However, if there is an inconsistency on some matter, these orders prevail.

## 19.0 Modern financial process – Estimates committee process

### 19.1 Constitutional and legal background

Under the system of government operating in Queensland the Government is responsible to the Parliament for the conduct of its operations. One of the most important powers the Queensland Parliament holds over the Government is its control of the appropriation of funds (known as Supply) from the public accounts.

Provision is made in the *Constitution Act 1867* (Qld) for a Consolidated Revenue Fund into which all state revenue is paid. Amendments to the *Financial Administration and Audit Act 1977* (Qld) in 1991 combined the Consolidated Revenue Fund with a previously established Loan Fund to establish the Consolidated Fund. This Consolidated Fund together with approximately 100 Trust and Special Funds form the public accounts of Queensland.

The role of the Legislative Assembly with regard to appropriation of funds is provided by ss 35 and 39 of the *Constitution Act 1867* (Qld). These sections provide that appropriations or disbursements from the Consolidated Fund can be made lawfully only under the authority of an Act of Parliament. Therefore, the Legislative Assembly can constitutionally refuse to grant the Government Supply by defeating Appropriation Bills.

However, Executive Government's control over the State's finances is also recognised by s 18 of the *Constitution Act 1867* (Qld) which provides that an Appropriation Bill introduced to the Legislative Assembly must be preceded by a Message from the Governor recommending the introduction of such a Bill.

### 19.2 Overview of Estimates committee process

From 1860 until 1991 (with only slight variations) the Legislative Assembly used a financial Committee of the Whole House system developed by the House of Commons to scrutinise, consider and approve Government requests for appropriation.

Since 1994 Estimates committees have been established to scrutinise the Budget. The current Estimates committee process can be summarised as follows:

- (a) following the second reading debate, the proposed expenditures set out in the Appropriation Bill and the Appropriation (Parliament) Bill are referred to the Estimates committees – (Each committee is to examine and report on the proposed expenditures for a number of ministerial portfolios;
- (b) one day is allocated for each committee to hold a public hearing to question the relevant Ministers; *The Queensland Parliamentary Procedures Handbook Modern financial process – Estimates committee process 19.0 – 19.2* One of the most important powers the Queensland Parliament holds over the Government is its control of the appropriation of funds (known as Supply) from the public accounts Since 1994 Estimates committees have been established to scrutinise the Budget.
- (c) other Members, not being Members of the Estimates committee, are able (with leave of the committee) to ask questions at the public hearing;
- (d) each committee reports to the Legislative Assembly stating whether it agrees to the proposed expenditure, committee members can attach dissenting reports or statements of reservation to the committee's report.

Sessional Orders adopted by the Legislative Assembly govern the operation of Estimates committees.

One of the most important powers the Queensland Parliament holds over the Government is its control of the appropriation of funds (known as Supply) from the public accounts

Since 1993 Estimates committees have been established to scrutinise the Budget

### 19.3 Establishment and membership of Estimates committees

Each Estimates committee is given responsibility to examine the estimates for a number of portfolios

There are seven Estimates committees, designated A to G, each with six members (three Government and three non-Government members). The members and the Chair for each committee are set out in the Sessional Orders. Each committee is required to appoint a Deputy Chair (a non-Government member). Members who are not Members of an Estimates committee may, with the leave of the committee, attend and question witnesses at the committee's hearing.

### 19.4 Method of operation

Since 1996 seven Estimates committees, designated A to G are formed

Estimates committees discharge their function of examining proposed expenditure by questions on notice and at a public hearing and subsequent deliberation and report to the Legislative Assembly. At a hearing questions are directed to the relevant Minister (or the Speaker) proposing the expenditure. Under the Sessional Orders, the Minister (or the Speaker) must attend the committee's hearings and may be accompanied by advisers. Each Minister determines for their department and relevant statutory authorities which officers should attend the public hearings to advise him or her. Members cannot directly ask questions of public officials. However, a Minister (or the Speaker) may refer a question to a public official.

There is also provision for questions on notice which must be answered 24 hours prior to the hearing. Written answers to these questions and other questions taken on notice by the Minister at the hearing are consolidated into book form as "Additional Information" and tabled in the Legislative Assembly by each committee at the same time as it tables its report. (See Part 19.6)

A committee may indicate that it wants to examine certain proposed expenditure in detail and the Minister (or the Speaker) should ensure that appropriate advisers are present to assist the Minister (or the Speaker). However, the decision as to which public officers should attend is a matter entirely for the Minister (or the Speaker).

### 19.5 Matters considered

Each Estimates committee asks questions on notice, holds a public hearing and reports to the House recommending whether the estimates should be agreed to

Some statutory authorities and Government Owned Corporations (GOCs) are not usually allocated funds in the Budget. These entities are funded by special appropriations or are self-financing from the charges they impose for services that they provide.

In earlier years, questions about these off-Budget entities were not, strictly speaking, allowed. However, since 1996 Estimates committee Members may now ask questions in respect of GOCs. Questions may be asked in respect of anything that the committee determines will assist it:

- in its examination of the relevant Appropriation Bill; or
- to determine whether public funds are being efficiently spent; or
- to determine the appropriateness of public guarantees being provided.

### 19.6 Questions on Notice

An Estimates committee may also examine Government Owned Corporations within each portfolio

Each Minister or, in the case of the Appropriation (Parliament) Bill, the Speaker, must provide answers to up to 20 Questions on Notice at least 24 hours prior to the hearing. At least half of these questions must be from non-Government Members. The number of Questions on Notice prior to the hearing is 20 for each Minister, not 20 for each portfolio for which the Minister is responsible. In its report dated April 1998, the Procedural Review Committee recommended that departments be given at least 48 hours in which to respond to Questions on Notice prior to the hearing.



The Research Director will consult with the relevant Cabinet Legislation and Liaison Officer (CLLO) to ensure that these questions are delivered as soon as possible. The CLLO is responsible for their distribution within the department.

### **19.7 Order of hearing**

The order in which a committee questions Ministers at its public hearing is a matter for each committee.

Committee Members, departmental contact officers, Treasury department observers, party Whips, other members likely to be interested (for example, Opposition spokespersons for the portfolios involved) and the Minister, are informed by the Research Director of the order of portfolios as soon as possible after the committee has decided the order.

### **19.8 Cabinet Legislation and Liaison Officers and the Research Director**

As stated above, the Research Director must notify departments as to when they will be required and inform them immediately if there are any changes to the program.

The Cabinet Legislation and Liaison Officer is the sole contact point between each department and the Estimates committee

The Research Director deals with a single contact from each department who is generally the CLLO. It is the CLLO's responsibility to liaise with and ensure the attendance of all witnesses from the department, including sub-units under the department's aegis (such as statutory authorities).

### **19.9 Time of hearings**

Each committee convenes a hearing day to take evidence

Each committee is scheduled one hearing day. Committees are able to hold a total of nine hours of hearings between 8.30 am and 7.30 pm on the scheduled day. Estimates committees are not authorised to hold public hearings outside these dates and times. A committee may decide not to utilise all the time allocated for its hearing.

### **19.10 Lists of witnesses**

Departmental contacts should provide in advance of the hearing multiple copies of a list of all their witnesses

Departmental contacts should provide in advance of the hearing multiple copies of a list of all their witnesses, containing the courtesy title, initial(s), name and job title of each witness. The Research Director must be advised of last minute changes. Care must be taken to ensure that, if officers from Government owned corporations or statutory authorities are not included on the departmental list, a separate list is provided with enough copies for distribution.

### **19.11 Documents provided by witnesses**

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 Hansard

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 Hansard. If the document consists of corrections or amendments to the Ministerial Program Statement the Minister or the Speaker should formally present it at the start of the hearing. There is no need to incorporate these documents in Hansard.

### **19.12 Venue**

All Estimates committee hearings are held in the Legislative Council Chamber.

### 19.13 In-camera hearings

Generally, a hearing of an Estimates committee is to be public. Estimates committees can hold in-camera hearings, but this would normally only occur in exceptional circumstances – such as where issues are commercially sensitive.

### 19.14 Scope of questions (admissibility)

A wide latitude is allowed to questioners at Estimates committee hearings. It can be expected that there will be broad discussion ranging from items of detail to broad policy. In particular, the program in each department relating to corporate services or department wide activities will often be used as a vehicle for asking broadranging questions unrelated to specific items of funding. As a general guide, the Chair will normally leave it to the Minister in attendance to object to the scope of the questioning.

If a dispute as to the admissibility of a question does arise the Chair will give a ruling in the first instance. If the Chair's decision is disputed by any committee Member, then the committee must go into private session and decide the matter.

The scope or admissibility of questions is an issue for the committee to determine. A Minister may, however, refuse to answer

Sessional Orders leave the final determination as to the appropriateness of a question to the committee. Sessional Orders also provide the basis for the admissibility of questions asked of a GOC.

### 19.15 Questions/answers

During the hearings of the Estimates committees, questions are limited to one minute and replies are limited to three minutes. A further extension of time for an answer is permissible with the questioner's consent and thereafter with the Chair's consent.

There are time limits on questions and answers

At least half the time set aside for each portfolio is to be allotted to non-Government members. Any time expended when committees deliberate in private is equally apportioned between Government and Non-Government members.

### 19.16 Broadcasting of proceedings

Estimates committee hearings are automatically broadcast within the parliamentary buildings unless the committee decides otherwise. Most committees allow silent film footage to be taken for a brief time at the commencement of the examination of each department's expenditure. Committees may, by resolution, permit filming during the hearing.

### 19.17 Material tabled at hearings

Documents may be tabled (presented to the committee) during an Estimates committee's hearings, with the committee's leave. If members or witnesses have material which they wish to have included as part of the committee's hearing it may be incorporated (with the committee's consent) in the Hansard. Alternatively it may be included in the "Additional Information" which the committee tables in the Parliament.

The practice of incorporating material into Hansard is discouraged

The practice of incorporating material into Hansard is discouraged, particularly if the material consists of tables or other graphics.

Material that is provided but not suitable for reproduction due to its volume or nature will be retained by the Research Director and eventually archived with the committee's material. Three copies of any material to be incorporated in Hansard must be provided at the hearing.

#### **19.18 Confidential documents**

A document provided to an Estimates committee generally becomes a public document. It is important that potential document providers be aware that this is the position.

Documents provided to the committee may become public. Requests for confidentiality should be clearly expressed

However, a committee may determine to keep a document tabled at its hearing confidential and not table the document in the Legislative Assembly. Requests for confidentiality should be made very clear to the committee. It is the committee's decision as to whether it authorises the publication of the document.

#### **19.19 Authorisation to publish documents**

Documents tabled at a hearing, with the committee's leave, are deemed to be authorised for release by the committee unless the committee expressly orders otherwise.

#### **19.20 Questions taken on notice**

At the Minister's (or the Speaker's) discretion questions unable to be answered at hearings are taken on notice and subsequently answered in writing

At the Minister's (or the Speaker's) discretion questions unable to be answered at hearings are taken on notice and subsequently answered in writing. It helps to obtain a rapid response if, at the time the question is asked, the Member involved writes out the text of the question. This ensures that work on the answer can commence without waiting for the Hansard to become available.

About three days will be given to answer questions taken on notice; however, the timetable for the receipt of answers or additional information is at the discretion of the committee. The final decision on the timetable is for the committee.

Ten copies of all answers and any additional material supplied by departments is to be provided to the Research Director who will arrange for the material to be collated and forwarded to all members of the committee. An electronic copy, preferably in Word format, should also be provided.

The Minister (or the Speaker) may take questions on notice at the hearing

One copy of all of this material is incorporated into a volume entitled "Additional Information" and tabled on the same day as the relevant committee's report is tabled.

#### **19.21 Record of questions taken on notice**

The Research Director and the CLLO are responsible for keeping track of questions taken on notice and endeavouring to ensure that answers are provided promptly. The Research Director and the CLLO must at any time be able to tell the committee or the Minister (or the Speaker) if a particular question has been answered, what questions remain unanswered, etc.

In the event that answers cannot be provided prior to reporting, it is important that they be provided in time to be used by Members in the debate in the Committee of the Whole House on the Estimates. The CLLO should advise the Research Director if there is likely to be any problem with delivery of answers.

It may not always be clear from the Hansard whether a witness has agreed to provide a written answer. In addition, the Minister in attendance may invoke some formula such as: “I’ll see if that information is available”. Once the Hansard of a particular hearing becomes available, the Research Director and the CLLO should identify all instances of what can fairly be regarded as questions taken on notice and commitments to provide (further) written material to the committee. Agreement should be reached at this stage on what matters are regarded as questions and promises to provide further information.

The following guidelines apply for the format of answers:

- Answers are to be typed, on A4 paper, showing the name of the questioning member, the Hansard page reference (if available) and the text of the question.
- The quality should be suitable for photocopying.
- To enable the answers to be put, if necessary, into topic and/or member sequence for tabling in book form in the Parliament, each answer should be on a separate page unless it forms part of a series of questions by the same member on the same topic.
- The answers should also be provided on computer disk or emailed, preferably in Word format.

Disputes can easily arise over whether and when a particular answer was provided. Therefore, it is essential that the Research Director and the CLLO are able to establish when a particular answer was sent or received. For administrative convenience, answers should be delivered to the Research Director and not the Chair.

Ministers may also undertake to supply a particular member with an answer or further material. The answer or material should be sent to the Research Director who will then supply it to the Member involved. If the department wishes to supply it direct to the Member, the CLLO must ensure that the committee also receives a copy.

Answers and material supplied may be provided to nominated officers of the Leader of the Opposition and the Leader of Government Business, unless the committee agrees otherwise.

## **19.22 Distribution and correction of Hansard**

Distribution of Hansard is not the responsibility of the Research Director, but of the Chief Hansard Reporter. Departmental officers (including ministerial staff) should not continually contact Hansard to discover when the transcript will be available as this only slows down production.

A Daily Hansard is not produced for estimates hearings. Rather, a transcript is produced and circulated to committee members, other members who have asked questions, the Minister and the organisational units involved. The transcript of proceedings is emailed to all recipients of Daily Hansard. It is also available on the Internet within two hours of the adjournment of the committee.

Correction and distribution of Hansard is via the Chief Hansard Reporter

Ministers and any public officers who give evidence are required to submit any corrections directly to Hansard. Points of clarification rather than corrections should, however, be provided direct to the Research Director.

### **19.23 Tabling of Estimates committee reports in the Legislative Assembly**

The Sessional Order of the Legislative Assembly referring the expenditure to the Estimates committees also provides the date for the committees to report back to the Legislative Assembly.

The House may not be sitting on the day on which some committees are required to report. Therefore, these committees table their reports and accompanying documentation by delivering their report and other material to the Clerk of the Parliament in accordance with Standing Orders.

### **19.24 Distribution of report**

Upon the tabling of each Estimates committee's report, the Research Director arranges for copies to be provided to each relevant Minister's office in Parliament House and to each department examined. Only a limited number of hard copy estimates reports are printed. Estimates committees reports are available on the Internet at <http://www.parliament.qld.gov.au>.

### **19.25 Debate of reports**

In the sitting week following the tabling of Estimates committee reports, the House resolves itself into the Committee of the Whole House when there is debate on each Estimates committee report for one hour. At the conclusion of the debate the Legislative Assembly formally adopts the report.

### **19.26 Passing the Budget**

Following debate of the committee reports, the Committee of the Whole House passes the clauses of the Appropriation Bills, with or without amendment, and reports back to the House. The Bills are then read a third time, the titles of the Bills are agreed to and the Budget is said to have been passed. The Speaker (not the Clerk) presents the Appropriation Bill and the Appropriation (Parliament) Bill to the Governor for Assent.

Each committee's report is debated in the Committee of the Whole House