



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Information Manual

ESTIMATES COMMITTEE

PUBLIC HEARINGS

Monday 7 – Friday 11 December 2020

This document has been produced to provide information to agency and Ministerial officers on the administrative and procedural arrangements for the Estimates Committee for 2020.

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1 INTRODUCTION

1.1 Establishment and Authority of the Committee

- 1.1.1 The Estimates Committee was established by a resolution of the Legislative Assembly on 12 November 2020 (see Appendix A). That resolution provides the primary rules for the operation of the Committee.
- 1.1.2 The Committee is also empowered by, and subject to, applicable Standing Orders of the Legislative Assembly. In particular, Standing Order 109 regarding questions, Chapter 16 and Standing Order 210 apply (Appendix B, C & D).
- 1.1.3 The Committee is also governed, and empowered by, the *Legislative Assembly (Powers and Privileges) Act 1992*.

1.2 Matters Considered by the Estimates Committee

- 1.2.1 The role of the Estimates Committee is to examine and report on the:
- (a) estimates of proposed expenditure contained in the Appropriation (2020-2021) Bill 2020 (the Appropriation Bill) and related budget documents, and
 - (b) activities, performance, practices and financial management of the Power and Water Corporation, Jacana Energy and Territory Generation, with reference to those corporations' Statements of Corporate Intent 2020-21.

1.3 Membership

- 1.3.1 The Members of the Committee are:
- Mr Joel Bowden MLA, Member for Johnston (Chair)
- Mr Lawrence Costa MLA, Member for Arafura
- Mr Steve Edgington MLA, Member for Barkly
- Mrs Robyn Lambley MLA, Member for Araluen
- Mr Mark Monaghan MLA, Member for Fong Lim (Deputy Chair)
- Mr Mark Turner MLA, Member for Blain
- Mr Bill Yan MLA, Member for Namatjira
- 1.3.2 Pursuant to Standing Order 193, any Members of the Assembly may participate in the Committee's public hearings and question witnesses unless the Committee orders otherwise, but may not vote. Such Members do not count towards quorum, which is three Committee Members (SO 184).
- 1.3.3 In the case of illness or inability to attend by a Member of the Committee, or where a Member decides to stand down from the Committee for a period of time, substitution can occur by following the procedure in Sessional Order 11. A substitute Member counts for quorum and can vote.

1.4 Method of Operation

- 1.4.1 The Committee will hold hearings for a total of up to 60 hours on:
- Monday 7 December 2020
 - Tuesday 8 December 2020
 - Wednesday 9 December 2020
 - Thursday 10 December 2020
 - Friday 11 December 2020

- 1.4.2 At these hearings, the Committee may ask questions of the responsible Minister and department about each output in the Budget. The Ministers are to attend the Committee's hearings at the scheduled time and should be accompanied by the agency officers that the Minister considers appropriate to assist in answering questions on the Budget outputs under consideration.
- 1.4.3 Questions relating to proposed expenditure and outputs are directed to the relevant Minister. A Minister may refer a line of questions to an agency officer and may intervene and take back the questions at any time.
- 1.4.4 The Committee has issued a schedule setting out the dates and times of appearance by Ministers and an agenda for the order in which budget outputs will be considered.
- 1.4.5 Hearings relating to Government Owned Corporations operate in a similar manner, except that questions are put to the relevant Board Chair in the first instance, and there is no scheduled order for issues for questioning.

2 COVID-19 SAFETY MEASURES

- 2.1.1 Pursuant to the Chief Health Officer's directions and clause 8 of the Committee's Terms of Reference (see Appendix A), this year's Estimates hearings will be subject to a number of measures to promote COVID safety. These measures are detailed in Chapter 3: *Attendance at Hearings* and Chapter 4: *Conduct of the Hearings*.
- 2.1.2 Please ensure that you make yourself familiar with these arrangements ahead of the hearings. Should you have any questions or concerns please contact the Committee office on 8946 1480 or Estimates.LA@nt.gov.au.
- 2.1.3 Witnesses and agency support staff are required to adhere to physical distancing measures and health and hygiene principles. Hand sanitising stations will be placed within the Committees reception area and in the hallway at the entry point to the Litchfield and Elsey Rooms. A hand sanitising station will also be placed at the entry to the Nitmiluk Lounge.

2.2 Key Changes from Previous Years

- 2.2.1 Attention is drawn to the following key changes to the practice from previous years:
- Witnesses may appear by videoconference
 - Up to **four** witnesses at the table
 - Up to **two** other agency staff seated in Litchfield Room (total of **six** in Litchfield Room, including Minister)
 - Up to **10** agency staff in Elsey Room
 - Only staff from agency before Committee on Level 3
 - Agencies not before the Committee wait in Nitmiluk Lounge on Level 4 (up to **20** people)
 - No shared computers provided (NTG Wi-Fi and a printer in both Elsey and Nitmiluk)
 - No public access to Litchfield Room

3 ATTENDANCE AT HEARINGS

3.1 Venue

- 3.1.1 Estimates Committee hearings are to be held in the Litchfield Room on level 3 of Parliament House. While the hearings will not be open to the public the webcast will be available from <https://parliament.nt.gov.au/about/broadcast/video-broadcast>.

3.2 Order of Appearance by Ministers

- 3.2.1 For the December hearings on the estimates of proposed expenditure contained in the Appropriation Bill and on the Government Owned Corporations' Statements of Corporate Intent, the Committee has agreed to the following schedule for hearings:

Monday 7 December 2020

8.00 am – 4.30 pm Hon Michael Gunner MLA

4.30 pm – 10.00 pm Hon Lauren Moss MLA

Tuesday 8 December 2020

8.00 am – 3.30 pm Hon Nicole Manison MLA

3.30 pm – 11.00 pm Hon Eva Lawler MLA

Wednesday 9 December 2020

8.00 am – 3.30 pm Hon Natasha Fyles MLA

3.30 pm – 10.00 pm Hon Selena Uibo MLA

Thursday 10 December 2020

8.00 am – 12.30 pm Hon Chansey Paech MLA

1.00 pm – 5.30 pm Hon Kate Worden MLA

5.30 pm – 10.30 pm Hon Paul Kirby MLA

Friday 11 December 2020

9.00 am – 10.30 am Power and Water Corporation

10.30 am – 11.30 am Jacana Energy

11.30 am – 1.00 pm Territory Generation

1.00 pm – 1.30 pm Hon Ngaree Ah Kit

- 3.2.2 The Committee will issue a detailed agenda indicating the order each Budget output will be considered. Agencies should be prepared to support the relevant Minister whenever an output under their administration is scheduled for consideration. For example, agency staff from the Department of Industry, Tourism and Trade will need to be available to support a number of Ministers.

3.3 Committee Support

- 3.3.1 The Department of the Legislative Assembly's Committee Office, under the Chair's direction, is responsible for administration and other operational matters for the Committee.
- 3.3.2 The Committee Office staff are available to assist all Members, and ministerial and agency officers on matters relating to the Estimates Committee process. The Committee Office can be contacted on 8946 1480 or Estimates.LA@nt.gov.au.

3.4 Lists of Witnesses

- 3.4.1 Agency secretariats are required to provide the Committee Office details of witnesses that may appear alongside their Minister in advance of the Estimates. The details required are title, name and job position title. Please ensure all details and spelling is correct. Last minute changes to witnesses must be advised to the Committee Secretariat by telephone on 8946 1480 or email to Estimates.LA@nt.gov.au.
- 3.4.2 When providing witness details, agencies will also be required to advise whether witnesses will be appearing in person, via videoconference or a combination of both (see also section 3.6 below).

3.5 Documents Provided by Witnesses

- 3.5.1 If departments intend to provide any documents prior to or at the hearing they must supply at least four copies unless otherwise agreed. Nine copies should be provided if it is intended that the Committee Members will examine the documents during the hearing.

3.6 Appearing via Video Conference

- 3.6.1 Ministers, together with their agency support staff, may appear before the Committee via videoconference.
- 3.6.2 The Litchfield Room will be connected to a Webex meeting. This will allow agency meeting rooms with the Minister and staff in support to connect to the hearings. Other individuals will also be able to connect in where required. Contact the Committee Office by telephone on 8946 1480 or email to Estimates.LA@nt.gov.au to obtain the Webex meeting invitation and organise testing ahead of the hearings. The Committee Office can also provide a contact from the Department of Digital and Corporate Development for support with preparing and managing your agency's facility.
- 3.6.3 As noted in section 3.4, when providing witness details (title, name, position title) agencies will also need to advise whether witnesses will be appearing in person or via video conference.
- 3.6.4 Nameplates for witnesses appearing via video conference will be emailed to agency secretariats ahead of the hearings with instructions on how to prepare them.

3.7 Entry of Witnesses and Agency Support Staff to Parliament House

- 3.7.1 Every person who does not have a Parliament House access card will be required to provide their contact details when entering the building for the purposes of contact tracing. Contact details can be provided manually or via the *Territory Check In* app (see <https://coronavirus.nt.gov.au/>). As this may result in some delays entering the building, please ensure this is factored into arrival times.
- 3.7.2 As set out in sections 3.8 and 3.9 below, signage will direct witnesses and agency support staff to the Litchfield or Elsey Rooms on Level 3 (accessible by the main stairs or the public lift) or the Nitmiluk Lounge on level 4 (accessible via the public lift).

3.8 Appearing in Person Before the Committee

- 3.8.1 Witnesses appearing in person will be seated at tables opposite the Committee and immediately in front of the video conference screens to give evidence. As noted previously, the Litchfield Room will not be open to the public.
- 3.8.2 Access to the Litchfield Room for witnesses and agency support staff will be via the back door immediately opposite the Elsey Room.

- 3.8.3 Typically, the Minister or Board Chair will be accompanied by the relevant Chief Executive for the outputs under consideration. Other officers who might be required to give evidence may be seated at the table if space allows. A maximum of four witnesses will be allowed at the table at any one time (inclusive of the Minister or Board Chair).
- 3.8.4 A maximum of two additional witnesses or agency support staff may be seated in the Litchfield Room (to the side of and behind the witness table) at any given time.
- 3.8.5 As detailed in section 3.9 below, up to 10 additional witnesses or agency support staff can be accommodated in the Elsey Room while their agency is appearing.
- 3.8.6 To assist accurate recording, witnesses should identify themselves before speaking, both when first introduced to the Committee and whenever re-entering the discussion.
- 3.8.7 Each microphone at the table can be turned on or off by pressing the button on its base.

3.9 Facilities for Witnesses and Agency Support Staff

- 3.9.1 The Elsey Room, which is opposite the Litchfield Room where the hearings will be held, and the Nitmiluk Lounge on level four will be available to witnesses and agency support staff as waiting and communications rooms. Both rooms will have access to television coverage of the hearings and WiFi access to the NT Government network (including Education and NT Police). Those intending to use WiFi will need to ensure their agency has given them appropriate access before attending the hearing. Please note that due to COVID precautions there will be no shared computer available, everyone will need to bring their own device.
- 3.9.2 There will printers accessible through the NTG network in the Elsey Room and Nitmiluk Lounge. Access instructions will be with the printer.
- 3.9.3 The Elsey Room will only be available to witnesses and other agency support staff attached to the agency which is currently appearing before the Committee. Please note that this room has a maximum capacity of 10 people at any one time.
- 3.9.4 All other witnesses and agency support staff will be required to wait in the Nitmiluk Lounge on level 4 until advised by the Chair of the Estimates Committee that they can move down to the Level 3 committees' area. Only the witnesses and agency support staff attached to the agency currently appearing will be allowed in the Level 3 committees' area at any given time.
- 3.9.5 The Nitmiluk Lounge has a maximum capacity of 20 people. To avoid congestion and ensure compliance with social distancing, agencies are advised not to arrive too far ahead of their appearance.
- 3.9.6 Users of the Elsey Room are reminded to keep noise to a minimum so as not to interfere with the hearing and to allow other users listening to proceedings to hear.

3.10 Mobile Phones and Tablet Computers

- 3.10.1 Mobile phones must be silent and no conversations should be conducted in or near the Litchfield Room. As noted above, the NT Government wireless network will be accessible in the Litchfield Room.

3.11 Catering

- 3.11.1 Water will be available to departmental officers in the Elsey Room.
- 3.11.2 The Speaker's Corner Cafe will be open from 7.30 am to 4.00 pm.

- 3.11.3 With advance notice, the cafe can also provide catering outside this time. For further details, menus and order forms call 8946 1439 or go to http://karensheldoncatering.com/speakers_corner_cafe.
- 3.11.4 Self catering for functions is not permitted in Parliament House.

4 CONDUCT OF THE HEARINGS

4.1 Basic Procedures

- 4.1.1 For each agency, the Chair will call for questions on any opening statement, agency related Whole of Government questions on Budget and Fiscal Strategies, each Budget output, and non-output specific budget related questions.
- 4.1.2 A Member may substitute for Member of the Committee in accordance with Sessional Order 11.
- 4.1.3 Members who are not members of the Committee or substituting for a Member may ask questions in accordance with Standing Order 193(2) but not move motions or vote.
- 4.1.4 The quorum of the Committee is three of the Members of the Committee (including substitute Members).
- 4.1.5 To ensure physical distancing, Members participating on the Committee will be limited to a maximum of 8 at any given time.
- 4.1.6 Motions relating to the substance of the proposed expenditure are not moved during public hearings. Rather, they may be dealt with at deliberative meetings at which the Committee determines the contents of its report to the Legislative Assembly.
- 4.1.7 Committee Members may move motions on and debate procedural issues, such as deferral of items until later in the day's hearing. If any debate is likely on a procedural motion, the Committee will go into private session.

4.2 Swearing of Witnesses

- 4.2.1 Witnesses are **not** normally sworn prior to questioning.

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

- 4.3.1 The Minister or Board Chair answering a question may call upon agency officers to provide relevant information. Officers may answer questions at the request of the Minister or Board Chair, but shall not be required to comment on policy matters.
- 4.3.2 Any questions going to the operations or financial positions of the departments and agencies which seek funds in the estimates are relevant questions for the purpose of Estimates hearings. While the scope of relevance is broad and latitude in questioning allowed, Standing Order 109 and the need for relevance do apply. In particular, questions must be relevant to the output under consideration at the time, and once passed an output will not normally be revisited.
- 4.3.3 It can be expected that the discussion will range from items of detail to broad policy matters. As a general guide, the Chair will normally leave it to the Minister or Board Chair appearing to raise any objection to the scope or relevance of questioning.
- 4.3.4 If a dispute by a Member as to the admissibility of a question does arise, the Chair will give a ruling.

4.4 Recording of Proceedings (Hansard)

- 4.4.1 The Estimates Committee hearing will be recorded, broadcast and transcribed by Hansard.
- 4.4.2 Transcripts of each day's hearings will be uploaded to the Committee's webpage at <https://parliament.nt.gov.au/committees/list/estimates-2020> when available. Due to the lengths of the hearings, the first versions of transcripts posted might not include the whole day's proceedings. Full transcripts will be posted when completed after Estimates

4.4.3 Progress of the Estimates hearings can also be followed on Twitter. The Northern Territory Legislative Assembly can be found at <https://twitter.com/LegAssemblyNT> or via @LegAssemblyNT.

4.4.4 Members of the Assembly requiring a Hansard rush should use the same procedures and forms as for Assembly Hansard rushes but submit them to the First Clerk Assistant.

4.5 Corrections to Hansard

4.5.1 Ministers and agency officers who give evidence are required to submit any corrections directly to Hansard within seven days of publication of the hearing transcript by sending material electronically to: LAHansard@nt.gov.au. Hard copy material should be addressed to Editor of Debates, Parliament House, via internal mail or posted to GPO Box 3721, Darwin, NT, 0801.

4.6 Broadcasting and Media Access

4.6.1 The hearings will be broadcast within Parliament House and on the Internet unless the Committee orders otherwise. The webcast will be available from <https://parliament.nt.gov.au/about/broadcast/video-broadcast>. Instructions to resolve common broadcast issues can be available at https://parliament.nt.gov.au/_data/assets/pdf_file/0003/666444/WI-Parliamentary-Broadcast-Issues.pdf.

4.6.2 Standing Order 228 authorises the broadcast of the hearings, subject to the Speaker's Determination DLA05 of 2020 and any conditions or restrictions agreed by the Committee (see Appendix E).

4.6.3 An audio feed will be available from the media outlet panel at the back of the Litchfield Room and video will be available through the Chamber broadcast room off the Main Hall on level 2. Access to the Litchfield Room by media camera operators will be limited to a maximum of 2 at any one time.

4.7 Material Received at Hearings

4.7.1 Documents may be presented to the Committee during their hearings. Unless the Committee orders otherwise, documents presented to it are deemed to have been made public.

4.8 Confidential Documents

4.8.1 The Committee may resolve to treat a document presented to it as confidential. However, the Committee or the Assembly may, at a later time, order the publication of a document originally presented on a confidential basis.

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

4.9 Written Questions

4.9.1 Written questions relating to matters before Estimates may be asked through the Assembly's normal written questions process under Standing Orders 113-114. There is no alternative written questions process for the Estimates hearings.

4.10 Questions Taken on Notice

4.10.1 At the discretion of the Ministers or Board Chairs, questions asked at hearings may be taken 'on notice' and subsequently answered in writing.

4.10.2 The Chair will ensure that the terms of a question on notice are clarified and will allocate the question a number.

- 4.10.3 After the production of the transcript for the hearing, the Committee Secretary will upload the questions and, where applicable, answers to the Questions Taken on Notice table on the Estimates Committee's webpage at <https://parliament.nt.gov.au/committees/list/estimates-2020/QON>.
- 4.10.4 There is no prescribed format for answers to questions taken on notice. However, a suggested template is at Appendix F and a word version is also available on the Committee's webpage.
- 4.10.5 The suggested procedure for agencies to use when providing Ministers with draft answers to questions taken on notice is to prepare a ministerial briefing with a letter to the Chair of the Estimates Committee attaching the answers.
- 4.10.6 Unless the Committee orders an earlier date, answers to questions taken on notice during the December hearings must be provided to the Committee Secretariat by **Friday 22 January 2021**. Answers cannot be received by the Committee and published after that date.
- 4.10.7 Electronic copies of the answers with separate documents for each answer should be sent to the Committee Secretariat at: Estimates.LA@nt.gov.au.

4.11 In Camera Hearings

- 4.11.1 All hearings of the Committee will be accessible to the public via the webcast (<https://parliament.nt.gov.au/about/broadcast/video-broadcast>.) unless the Committee orders otherwise.
- 4.11.2 If an answer to a question includes information of a confidential nature, the witness may ask that the evidence be taken *in camera* and give reasons for that request. The Committee will then decide whether to close that part of the hearing to the public.

4.12 Other Matters

- 4.12.1 Unless otherwise provided in the Assembly's resolution establishing the Committee, the general rules for Assembly committees apply. Please refer to the Legislative Assembly of the Northern Territory *Committee Manual: Practice and Procedures* for further information.¹

¹ Legislative Assembly of the Northern Territory, *Committee Manual: Practice and Procedures*, November 2020, https://parliament.nt.gov.au/data/assets/pdf_file/0009/951453/Committee-Manual-Practice-and-Procedures-Updated-November-2020.pdf

5 AFTER THE HEARING

5.1 Tabling of Report in the Assembly

- 5.1.1 The Committee's report on the Appropriation Bill and consideration of Government Owned Corporations' Statements of Corporate Intent is to contain any resolutions or expressions of opinion of the Committee and be presented to the Assembly when it meets on Friday 11 December 2020. The Assembly will then debate the question "that the expenditure proposed in the Appropriation (2020-2021) Bill 2020 stand as part of the Bill, and the report of the Estimates Committee be noted."
- 5.1.2 The maximum time for this debate is 5 hours, with Ministers, Leader of the Opposition and Shadow Ministers limited to 20 minutes each and other Members limited to 10 minutes each.

APPENDIX A: TERMS OF REFERENCE - ESTIMATES COMMITTEE 2020

Resolution of 12 November 2020

That the Assembly resolves that:

1. There be appointed an Estimates Committee of the Legislative Assembly (the Committee) for the purposes of examining and reporting on the:
 1. estimates of proposed expenditure contained in the Appropriation (2020-2021) Bill (the Appropriation Bill) and related budget documents, and
 2. activities, performance, practices and financial management of the Power and Water Corporation, Jacana Energy and Territory Generation, with reference to those corporations' Statements of Corporate Intent 2020-21.
2. The membership of the Committee will be four Government Members, being:
 - the Member for Johnston, Joel Bowden - who will be the Chair of the committee;
 - the Member for Arafura, Lawrence Costa;
 - the Member for Fong Lim, Mark Monaghan; and
 - the Member for Blain, Mark Turner,

The remainder of the committee will comprise of two Opposition Members and one non-party aligned Member to be nominated in writing to the Speaker by the relevant Whip or non-party aligned Member.

3. The Committee may hold hearings on the following days
Monday, 7 December 2020
Tuesday, 8 December 2020
Wednesday, 9 December 2020
Thursday, 10 December 2020
Friday, 11 December 2020
4. The total time for hearings of the Committee may not exceed 60 hours.
5. The maximum time of the appearance of the Chief Minister shall be 8 hours, and for each other Minister and the Speaker shall not exceed 7 hours.
6. The Committee will publish a schedule of the days and times of hearings, and the times allotted for hearing from Ministers, the Speaker and Board Chairs by 20 November 2020. The Committee may only amend the published schedule with the consent of the Leader of Government Business.
7. The Committee shall examine the proposed expenditure contained in the Appropriation Bill by portfolios in accordance with an agenda published by the Committee and the proposed expenditure shall be considered on an output by output basis for each portfolio unit.
8. All hearings will be available to the public via live stream to be COVID safe, and the Committee will implement a COVID safety plan.
9. All questions should conform to Standing Order 109 and answers will be concise and directly relevant to the question asked.

10. Answers to questions taken on notice during the hearings, or additional information about an answer given by or on behalf of a Minister, the Speaker or Board Chair, are to be written and given to the First Clerk Assistant by 22 January 2021. Answers or additional information so received are authorised for publication.
11. The Clerk of the Legislative Assembly is authorised to publish a transcript of the Committee proceedings, whether or not it has been edited, as soon as practicable.
12. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee orders otherwise.
13. At a hearing of the Committee, the Chair may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chair, continues to be disorderly or disruptive to immediately withdraw from the Committee for a period of 1 hour.
14. Following its second reading, the Appropriation Bill stands referred to the Committee for report by 11 December 2020.
15. The Assembly's Routine of Business for Friday, 11 December 2020 is:
 1. 14.30
Report from Estimates Committee and consideration of Appropriation Bill
 2. Government Business – Notices and Orders of the Day
 3. Papers
16. When the Committee's report on the Appropriation Bill is presented, the Assembly shall immediately consider the question:

that the expenditure proposed in the Appropriation (2020-2021) Bill stand as part of the Bill, and the report of the Estimates Committee be noted.
17. The following time limits shall apply to the debate on this question:
 - Ministers, Leader of the Opposition and Shadow Ministers: 20 minutes;
 - Any other Member: 10 minutes;
 - The maximum period for consideration shall be 5 hours.
18. When the question on the expenditure proposed in the Appropriation Bill is agreed to, the following question is proposed and put immediately:

that the remainder of the Bill stand as part of the Bill.
19. When the Appropriation Bill has been agreed to by the Assembly, the third reading may be taken into consideration immediately.
20. This resolution shall have effect notwithstanding anything contained in Standing and Sessional Orders.

APPENDIX B: STANDING ORDER 109, MANNER AND FORM OF QUESTIONS

109. MANNER AND FORM OF QUESTIONS

The following rules apply to questions:

- (1) Questions cannot be debated.
- (2) Questions should not contain:
 - (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
 - (b) arguments
 - (c) inferences
 - (d) imputations
 - (e) insults, or
 - (f) hypothetical matter.
- (3) Questions should not ask Ministers:
 - (a) for an expression of opinion
 - (b) to announce new policy of the government, but may seek an explanation regarding the policy of the government and its application, or
 - (c) for a legal opinion.
- (4) Questions should not refer to proceedings in committee not reported to the Assembly.
- (5) Questions may not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may be challenged only on a substantive motion and questions critical of the character or conduct of other persons must be asked in writing.

APPENDIX C: STANDING ORDER 193 AND SESSIONAL ORDER 11

STANDING ORDER 193

Admission to Hearings

(1) When a committee is examining witnesses, visitors may be admitted but must withdraw if requested by the Member chairing the committee or any Member of the committee and must withdraw when the committee is deliberating.

(2) A Member of the Assembly, although not a member of a committee, may participate in the committee's public sessions and question witnesses, unless the committee orders otherwise, but may not vote and must withdraw when the committee is deliberating or taking evidence in camera.

SESSIONAL ORDER 11

Substitution of Committee Members

- (1) In the case of illness or inability to attend by a Member of a committee, or where a Member decides to stand down from a committee for a period of time or for a particular inquiry,
 - (a) where the Member is a Government or Opposition Member, the relevant Whip may nominate in writing to the Speaker another Member to attend that committee for a period of time or particular inquiry, or
 - (b) where the Member is not a party-aligned Member, that Member may nominate in writing to the Speaker another Member to attend that committee for a period of time or particular inquiry, with the letter of nomination being signed by both Members.
- (2) Where a Member is appointed in accordance with (1), that Member has all the rights of the Member replaced.
- (3) Where the Member substituted in accordance with (1) is the Chair or Deputy Chair, the committee will elect a Member to be the Chair or Deputy Chair for the duration of the substitution.

APPENDIX D: STANDING ORDER 210 – WITNESS PROCEDURES

Unless otherwise ordered the following procedures will be followed by Committees of the Assembly when dealing with witnesses and prospective witnesses:

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

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

APPENDIX E: ORDERS & DETERMINATION REGARDING BROADCASTING

Standing Order 228 – Broadcasting of Assembly and Committee Proceedings

Unless otherwise ordered the Assembly authorises the broadcast, rebroadcast and televising of all or portions of the debates or proceedings of the Assembly or a committee for the purposes of section 23 of the *Legislative Assembly (Powers and Privileges) Act* in accordance with the following provisions:

- (1) Recordings and broadcasts of the Assembly may be made only from the Legislative Assembly system, unless otherwise approved by the Speaker or his or her delegate and in accordance with guidelines determined by the Speaker from time to time.
- (2) Recording and broadcast of sound and vision of committee proceedings are subject to any conditions or restrictions agreed to by that committee.
- (3) Broadcasts of excerpts will be used only for the purposes of fair and accurate reports of proceedings, and will not be used for:
 - (a) political party advertising or election campaigns
 - (b) satire or ridicule or
 - (c) commercial sponsorship or commercial advertising.
- (4) Reports of proceedings will be such as to provide a balanced presentation of differing views.
- (5) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.
- (6) Excerpts must be placed in context. Commentators should identify Members by name.
- (7) Events or activity in the galleries are not part of the proceedings and excerpts in relation to such events may not be used.
- (8) Where the audio excerpts of the proceeding are used on television, their use may be that of audio over still frames or overlay material.
- (9) The Speaker is empowered from time to time to make and publish rules and guidelines in a *Speaker's Determination* which may limit, and /or provide guidance about the reporting of proceedings and the conduct and behaviour of media representatives. Such rules and guidelines will be tabled in the Assembly and made available on the Assembly website.

Legislative Assembly of the Northern Territory Speaker's Determination No DLA05 of 2020: MEDIA ACCREDITATION

I, KEZIA DORCAS TIBISAY PURICK, Speaker of the Legislative Assembly of the Northern Territory, pursuant to Standing Order 228 determine that media personnel reporting proceedings of the Assembly and its Committees must be accredited according to the conditions below

1. ACCREDITATION

- 1.1 Accreditation requires the Speaker's written approval, on receipt of a written request from an employer of media personnel.
- 1.2 Freelance journalists may approach the Speaker for accreditation.
- 1.3 Accreditation is for the period granted on the form at Schedule A.
- 1.4 Media personnel must adhere to accreditation rules and conditions as well as the requirements of Standing Order 228 (enclosed) and sign the form at Schedule A.

2. CONDITIONS OF AN OUTLET'S AUTHORISED RECORDING AND BROADCAST OF THE ASSEMBLY'S PROCEEDINGS

- 2.1 Directions of the Speaker or Member presiding must be complied with at all times.
- 2.2 If the Speaker has approved recording by a media representative separate to the Assembly recording, the person making the recording must ensure:
 - Broadcasting of a Member will be no closer than a head-and-shoulders shot.
 - No recording may be made of anything on a Member's desk, or of any Member not speaking.

3. CONDUCT OF ACCREDITED MEDIA PERSONNEL

- 3.1 Media personnel may use electronic devices for text and email but their devices must be switched to silent at all times in the galleries.
- 3.2 Media personnel may not use electronic devices to record sound and/or vision of parliamentary proceedings without the express approval of the Speaker.
- 3.3 Media personnel will be silent while in the galleries and avoid any conduct that would draw attention to the galleries, including draping items over the rail, standing in the doorway, conversing and eating or drinking.
- 3.4 Media personnel are not permitted on the floor of the Chamber except when approved by the Speaker and, if approved, must wear business attire (including ties for men).

4. PENALTIES FOR NON-COMPLIANCE

Failure to comply with the conditions set out in this Determination may result in immediate removal from the galleries and accreditation being withdrawn by the Speaker or the imposition of other penalties which may include exclusion from the precinct and referral to the Committee of Privileges.

All media activity in the Parliament House must also comply with Speaker's Determination DLA10 of 2020.

Dated this 19th day of DECEMBER 2019

KEZIA DORCAS TIBISAY PURICK
Speaker

APPENDIX F: TEMPLATE FOR ANSWERS TO QUESTIONS ON NOTICE

ESTIMATES COMMITTEE
Question Taken on Notice

Date:

Subject:

From:

To:

Agency:

Number:

Question:

Answer: