



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Information Manual

ESTIMATES COMMITTEE

PUBLIC HEARINGS

**Tuesday 10 – Thursday 12 June 2014
&
Tuesday 17 & Wednesday 18 June 2014**

As at 26 May 2014

This document has been produced to provide information to agency and Ministerial officers on the administrative and procedural arrangements for the Estimates Committee for 2014.

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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 15 May 2014 (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, subject to the resolution of 15 May 2014. In particular, Standing Orders 112 – 114 regarding questions and Chapter XXVII apply (Appendix B & C).
- 1.1.3 The resolution of the Assembly of 20 August 1992 regarding Witness Procedures (Appendix D) also applies.
- 1.1.4 The Committee is also governed, and empowered by, the *Legislative Assembly (Powers and Privileges) Act*.
- 1.1.5 On 15 May 2014, the Assembly referred the Budget Papers 2014-2015 together with the Appropriation (2014-2015) Bill 2014 to the Estimates Committee for inquiry and report.

1.2 Membership

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

Ms Lia Finocchiaro, MLA, Member for Drysdale (Chair)

Mr Gary Higgins, MLA, Member for Daly (Deputy Chair)

Mr Nathan Barrett, MLA, Member for Blain

Ms Nicole Manison, MLA, Member for Wanguri

Mr Kon Vatskalis, MLA, Member for Casuarina

Mr Gerry Wood, MLA, Member for Nelson

- 1.2.2 Any Members of the Assembly may participate in the Committee's public hearings, although the number of participating Members cannot exceed six at any one time and a quorum remains three members of the Committee.

1.3 Method of Operation

- 1.3.1 The Estimates Committee holds hearings where it may ask questions of the responsible Minister and Department about each output in the Budget.

- 1.3.2 The Minister (or Speaker), is to attend the Committee's hearings at the scheduled time and should be accompanied by the agency officers that the Minister considers appropriate to assist the Minister answering questions on the Budget outputs under consideration.
- 1.3.3 At a hearing, questions relating to proposed expenditure and outputs are directed to the relevant Minister (or Speaker). Members cannot initiate questions to agency officers. However, a Minister may refer a question to an agency officer and may intervene and take back the question at any time.
- 1.3.4 The Committee shall issue a schedule setting out the dates of Ministers' appearances and the order in which budget outputs will be considered.

1.4 Matters Considered by Estimates Committee

- 1.4.1 The Estimates Committee will consider the *Appropriation (2014-15) Bill 2014* and the following related Budget papers:
1. Budget 2014-15, Budget Paper No. 1, Speech
 2. Budget 2014-15, Budget Paper No. 2, Budget Strategy and Outlook
 3. Budget 2014-15, Budget Paper No. 3, Agency Budget Statements
 4. Budget 2014-15, Budget Paper No. 4, The Infrastructure Program
 5. Budget 2014-15, Budget Overview
 6. Budget 2014-15, Regional Highlights
 7. Budget 2014-15, Northern Territory Economy
 8. Budget 2014-2015 Overview Northern Territory Economy

1.5 Government Owned Corporations Scrutiny Committee

- 1.5.1 Due to the structural separation of the Power and Water Corporation, in contrast to usual practice, the Assembly did not establish a Government Owned Corporations Scrutiny Committee. The Government has indicated that it will move to establish a Government Owned Corporations Scrutiny Committee following the tabling of the Statements of Corporate Intent of the new corporations in August.

2 ATTENDANCE AT HEARINGS

2.1 Order of Appearance by Ministers

2.1.1 The Committee has agreed to following indicative schedule for hearings:

Tuesday, 10 June 2014

| | |
|----------|-----------------------|
| 8.30 am | Hon Kezia Purick MLA |
| 9.30 am | Hon David Tollner MLA |
| 6.00 pm | Hon John Elferink MLA |
| 11.00 pm | close |

Wednesday, 11 June 2014

| | |
|----------|-----------------------|
| 8.30 am | Hon Adam Giles MLA |
| 5.00 pm | Hon Robyn Lambley MLA |
| 10.00 pm | close |

Thursday, 12 June 2014

| | |
|---------|------------------------|
| 8.30 am | Hon Peter Chandler MLA |
| 4.00 pm | Hon Mathew Conlan MLA |
| 9.30 pm | close |

Tuesday, 17 June 2014

| | |
|---------|----------------------------------|
| 8.30 am | Hon Willem Westra van Holthe MLA |
| 3.00 pm | Hon Peter Styles MLA |
| 9.00 pm | close |

Wednesday, 18 June 2014

| | |
|---------|--------------------|
| 8.30 am | Hon Bess Price MLA |
| 3.30 pm | private meeting |
| 4.00 pm | close |

2.1.2 The Committee will issue a detailed schedule 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, the Department of the Attorney-General and Justice will need to be available at the time of the appearance of the Minister Health when considering Health and Community Services Complaints Commission.

2.2 Committee Support

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

2.3 Entry of Witnesses to Parliament House

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

2.4 Lists of Witnesses

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

2.5 Appearing Before the Committee

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

2.6 Documents Provided by Witnesses

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

2.7 Facilities for Witnesses and Government Officers

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

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

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

- 2.7.3 WiFi will be available in the Litchfield and Elsey rooms for those set up to access the NT Government wireless network. Those intending to use WiFi will need to ensure their agency has given them appropriate access before attending the hearing. As they are on a separate network, Police, Education and Power and Water need to make prior arrangements to be able to gain access to their networks via Parliament House WiFi or cables.

2.8 Mobile Phones and Tablet Computers

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

2.9 Catering

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

- 2.9.2 Department of Legislative Assembly Social Club soft drinks, chips and chocolates will also be available for purchase.

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

- 2.9.4 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://karensheledoncatering.com/speakers_corner_cafe.

- 2.9.5 Self catering for functions is not permitted in Parliament House.

3 CONDUCT OF THE HEARINGS

3.1 Venue

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

3.2 Basic Procedures

- 3.2.1 When the Estimates Committee considers proposed expenditure, the Chair shall declare the proposed expenditure open for examination and call for questions.
- 3.2.2 The Chair exercises a deliberative vote and, in the event of an equality of votes, a casting vote.
- 3.2.3 Participating Members who are not Members of the Committee may not move motions or vote on any matters before the Committee.
- 3.2.4 The quorum of the Committee is three of the Members of the Committee.
- 3.2.5 Motions relating to the substance of the proposed expenditure are not moved during public hearings. Rather, they may be dealt with at deliberative meetings at which the Committee determines the contents of its report to the Legislative Assembly.
- 3.2.6 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.

3.3 Swearing of Witnesses

- 3.3.1 Witnesses are not normally sworn prior to questioning.

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

- 3.4.1 The Minister answering a question may call upon agency officers to provide relevant information. Officers may answer questions at the request of the Minister, but shall not be required to comment on policy matters.
- 3.4.2 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 Orders 112-4 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.

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

3.5 Recording of Proceedings (Hansard)

- 3.5.1 The Estimates Committee hearing will be recorded and transcribed by *Hansard*.
- 3.5.2 Transcripts of the hearings will be available through the Parliament's website within around 3 hours of the end of the hearing at <http://notes.nt.gov.au/lant/hansard/hansardd.nsf?OpenDatabase>. 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.
- 3.5.3 Members of the Assembly requiring a Hansard rush should use the same procedures and forms as for Assembly Hansard rushes

3.6 Broadcasting and Media Access

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

3.7 Material Received at Hearings

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

3.8 Confidential Documents

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

3.9 Written Questions

- 3.9.1 Where Members wish to obtain detailed information relating to the Estimates, the Leader of Government Business has requested advance notice be provided to enable the information to be obtained.
- 3.9.2 Questions in advance for Estimates are submitted as Assembly Written Questions in the usual way, that is, by emailing LA Table Office.
- 3.9.3 The Leader of Government Business has also requested that questions for Ministers appearing during the first week of Estimates be lodged no later than 30 May, and for Ministers appearing during the second week be asked by 6 June.
- 3.9.4 This differs from 2013, when questions in advance were sent to the Committee Office.

3.10 Questions Taken on Notice

- 3.10.1 At the Minister's (or Speaker's) discretion, questions asked at hearings may be taken 'on notice' and subsequently answered in writing.
- 3.10.2 The Chair will ensure that the terms of a question on notice are clarified and will allocate the question a number.
- 3.10.3 The Committee Secretary will forward the question on notice to the Minister (or Speaker) after the production of the transcript for the hearing.
- 3.10.4 There is no prescribed format for answers to Questions taken on notice. However, a suggested template is attached at Appendix F.

- 3.10.5 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.
- 3.10.6 Unless the Committee orders an earlier date, answers to questions on notice must be provided to the Committee Secretariat by 10 July 2014.
- 3.10.7 The questions taken on notice and the answers received will be published on the Assembly's website.
- 3.10.8 Electronic copies of the answers should be forwarded to the Committee Secretariat at Estimates.LA@nt.gov.au.

3.11 *In-Camera* Hearings

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

3.12 Other Matters

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

4 AFTER THE HEARING

4.1 Distribution of Hansard

- 4.1.1 The *Hansard* report of the hearings will be published in a similar manner to the *Hansard* report of the Parliamentary sittings.
- 4.1.2 An electronic copy of the daily transcript will be posted on the Parliament's website within approximately three hours after the end of each day's proceedings.
- 4.1.3 Agency officers and ministerial staff wishing to be informed when the transcript will be available should contact Hansard on telephone 8946 1400.

¹ http://www.nt.gov.au/lant/parliamentary-business/committees/Committee_%20Manual_%20August_%202012.pdf

4.2 Corrections to Hansard

- 4.2.1 Ministers and Agency officers who give evidence are required to submit any corrections directly to *Hansard* within seven days of the hearing by sending material electronically to: melissa.johnson@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.

4.3 Tabling of Report in the Assembly

- 4.3.1 The Committee's report is to contain any resolutions or expressions of opinion of the Committee and be presented to the Committee-of-the-Whole Assembly when the Assembly sits on Thursday, 19 June 2014. The Committee-of-the-Whole will then debate the question "that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the Committee in relation to the proposed expenditure or outputs under the Appropriation (2014-2015) Bill, and the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from the Power and Water Corporation, be noted."
- 4.3.2 The maximum time for this debate is 5 hours, with Ministers and Shadow Ministers limited to 20 minutes each and other Members limited to 10 minutes each.

APPENDIX A: TERMS OF REFERENCE, ESTIMATES COMMITTEE

Resolution of 15 May 2014:

The Legislative Assembly resolves that:

A. INTRODUCTION

1. There be appointed an Estimates Committee of the Legislative Assembly (the Committee) for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation (2014-2015) Bill and related budget documents.
2. The Appropriation (2014-2015) Bill (the Bill) and related budget documents be referred to the Committee.
3. The Committee may not vote on but may examine and report on the proposed expenditure contained in the Bill by no later than 19 June 2014.
4. The Committee shall examine the proposed expenditure contained in the Bill by portfolio units in accordance with the schedule to be published by the Committee and that the proposed expenditure be considered on an output by output basis for each portfolio unit.

B. MEMBERSHIP

5. The membership of the Committee shall consist of the membership of the Public Accounts Committee, subject to paragraph 33.
6. The Chair and Deputy Chair of the Public Accounts Committee shall be the Chair and Deputy Chair of the Estimates Committee. The Deputy Chair will act as the Chair during the absence of the Chair during a meeting or during a vacancy in the position of Chair.
7. Members of the Assembly who are not members of the Committee may participate in public hearings of the Committee, provided that at any time participating Members are limited to six members comprising the Chair, two Government Members, and three Non-Government Members.
8. Members of the Assembly who are not members of the Committee may not vote on any matters before the Committee.
9. The Committee may proceed with business despite a vacancy in its membership.
10. The Chair of the Committee shall have a deliberative and a casting vote.
11. The quorum of the Committee is to be three of the members of the Committee.
12. If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and date to be fixed.

C. HEARING TIMES

13. Unless otherwise ordered by the Committee, the Committee shall hold hearings on the following days:
 - (a) Tuesday, 10 June 2014;
 - (b) Wednesday, 11 June 2014;
 - (c) Thursday, 12 June 2014;
 - (d) Tuesday, 17 June 2014; and
 - (e) Wednesday, 18 June 2014.

14. The Committee shall publish a schedule of the times allotted for hearing from Ministers and the Speaker.
15. The maximum time of the appearance of each of the Chief Minister and the Treasurer shall be 8 hours, and for each other Minister and the Speaker shall be 7 hours; and the maximum total time for hearings shall be 56 hours.
16. The Committee may sit only when the Assembly is not sitting.

D. HEARING PROCEDURE

17. All hearings of the Committee are open to the public unless the Committee orders otherwise.
18. The Committee will consider proposed expenditure by outputs, following procedures agreed to by the Committee in accordance with the other provisions of this Order and Standing Orders.
19. Unless the Committee determines otherwise, the Minister or the Speaker may make an opening statement lasting up to five minutes, which may be extended with the leave of the Committee.
20. Members of the Committee may ask for explanations from a Minister or the Speaker relating to proposed expenditure and outputs.
21. Questions should be directed to the Minister or the Speaker in the first instance. Ministers or the Speaker may defer to the Chief Executive (who may defer to another officer) who may then be directly questioned on subsequent questions on the same subject, unless the Minister or Speaker chooses to take the questions.
22. Officers shall not be required to comment on policy matters, including giving an opinion.
23. All questions should conform to Standing Orders 112, 113 and 114 (general rules for questions).

E. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION

24. The Minister or the Speaker may advise the Committee that an answer to a question or part of a question will be provided later to the Committee. At that time the Chair shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Minister or the Speaker by the Committee Secretariat.
25. A Minister or the Speaker may also give the Committee additional information about an answer given by them or on their behalf.
26. The answer or additional information is to be written and given to the Clerk Assistant – Committees by 10 July 2014, or other time decided by the Committee, and the Chair may present it to the Assembly in accordance with Standing Order 280 by 11 July 2014. Additional information or answers so received are deemed to be documents presented to the Committee (see paragraph 28).

F. HANSARD REPORT AND OTHER TABLED DOCUMENTS

27. 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.
28. 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.

G. BROADCASTING AND TELEVISION OF PROCEEDINGS

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

H. DISORDER

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

I. REPORT OF ESTIMATES COMMITTEE

35. A report of the Committee will be presented by the Chair to the Committee of the Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.

36. When the report of the Committee is presented it shall immediately consider the question:
- that the expenditure proposed in the Appropriation (2014-2015) Bill be agreed to, and the Estimates Committee's report be noted.
37. The following time limits shall apply to the debate on the Committee's report:
- Ministers, Leader of the Opposition and Shadow Ministers: 20 minutes;
 - Any other Member: 10 minutes,
 - The maximum period for consideration shall be 5 hours.
38. When the consideration of the report of the Committee has been completed the following question is proposed and put immediately:
- that the remainder of the Bill be agreed to.
39. 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 immediately.
40. This resolution shall have effect notwithstanding anything contained in Standing and Sessional Orders.

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

112. GENERAL RULES

The following rules shall apply to questions —

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

113. ANSWERS

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

114. REPEATING QUESTIONS

A question fully answered cannot be renewed.

APPENDIX C: STANDING ORDERS CHAPTER XXVII - COMMITTEES

260. APPOINTMENT

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

261. DAY FOR REPORT

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

262. DISCHARGE

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

263. SPEAKER AND DEPUTY SPEAKER ON COMMITTEES

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

264. MEMBER WITH PECUNIARY INTEREST NOT TO SIT ON INQUIRY

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

265. QUORUM

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

266. MEETING LAPSES

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

267. MEETINGS

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

- (a) pursuant to resolution of the committee;

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

268. ELECTION OF MEMBER CHAIRING

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

269. RECORDS OF PROCEEDINGS AND DOCUMENTS

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

270A. PROCEEDINGS AND SITTINGS OF COMMITTEE

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

270B. POWER TO CALL FOR WITNESSES AND DOCUMENTS

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

270. POWER TO MAKE USE OF RECORDS OF PREVIOUS COMMITTEES

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

271. EXAMINATION OF WITNESSES

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

272. STRANGERS ADMITTED

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

273. MEMBERS ADMITTED

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

274. PUBLICATION OF EVIDENCE

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

275. POWER TO REPORT FROM TIME TO TIME

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

276. DRAFT REPORT CONSIDERED

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

- (e) A Member protesting about the report or dissenting from all or part of it may add a protest or dissenting report from the main report.

277. ALTERNATIVE DRAFT

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

278. ADOPTION OF REPORT

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

279. ENDORSEMENT OF REPORT AND PAPERS

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

280. PRESENTATION AND TABLING OF REPORT

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

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

281. ACTION ON REPORT

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

APPENDIX D: WITNESS PROCEDURES

Procedures to be followed by Assembly Committees for the Protection of Witnesses

That, unless otherwise ordered and notwithstanding anything contained in the Standing Orders, the following procedures be followed by committees of the Assembly when dealing with prospective witnesses:

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

Committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted;

- (12) where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which the objection to answering the question is taken. Unless the Committee determines immediately that the question should not be pressed, the Committee shall then consider in private session whether it will insist upon an answer to the question having regard to the relevance of the question to the Committee's inquiry and the importance to the inquiry of the information sought by the question. If the Committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination and shall be required to answer the question only in private session unless the Committee determines that it is essential to the Committee's inquiry that the question be answered in public session; and

where a witness declines to answer a question to which the Committee has required an answer, the Committee shall report the facts to the Assembly;
- (13) where a Committee has reason to believe that evidence about to be given may reflect adversely on a person, the Committee shall give consideration to hearing that evidence in private session;
- (14) where a witness gives evidence reflecting adversely on a person, and the Committee is not satisfied that the evidence is relevant to the Committee's inquiry, the Committee shall give consideration to expunging that evidence from the transcript of evidence and to forbidding the publication of that evidence;
- (15) where evidence is given which reflects adversely on a person, and action of the kind referred to in paragraph (14) is not taken in respect of the evidence, the Committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the Committee;
- (16) a witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, the Committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision;
- (17) a witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears;
- (18) an officer of a department of the Territory or the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister;
- (19) reasonable opportunities shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before the Committee additional material supplementary to their evidence;
- (20) where the Committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the Committee or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the Committee shall take all reasonable steps to ascertain the facts of the matter. Where the Committee considers that the facts disclosed that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been

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

[20 August 1992]

APPENDIX E: ORDERS & DETERMINATION REGARDING BROADCASTING

Broadcast and Rebroadcast of Assembly Proceedings

That, unless otherwise ordered this 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 Privilege) Act* in accordance with the following provisions:

- (1) Recordings and broadcasts may be made only from the Legislative Assembly sound and vision monitoring system, unless otherwise approved by the Speaker or his or her delegates and in accordance with guidelines 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 shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - (a) political party advertising or election campaigns;
 - (b) satire or ridicule; or
 - (c) commercial sponsorship or commercial advertising;
- (4) Reports of proceedings shall 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, at least by name;
- (7) Events in the galleries are not part of the proceedings and excerpts in relation to such events, as far as is practicable, should not be used;
- (8) Where excerpts are used on commercial networks, the station should try to ensure that advertising before and after excerpts is of an appropriate nature;
- (9) Where the audio excerpts of proceedings are used on television, their use may be that of audio over still frames or overlay material;
- (10) Any other conditions determined by the Speaker; and
- (11) Non-compliance with these guidelines listed above may incur penalties imposed by the Speaker

[13 February 2013]

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY SPEAKER'S DETERMINATION NO DLA05 OF 2014: MEDIA COVERAGE OF PARLIAMENTARY PROCEEDINGS

I, KEZIA DORCAS TIBISAY PURICK, Speaker of the Legislative Assembly of the Northern Territory, hereby determine the following conditions for the broadcasting, rebroadcasting and televising of proceedings of the Assembly and its committees:

1. GENERAL

- 1.1 All individuals working for media organisations to cover proceedings of the Legislative Assembly of the Northern Territory must be accredited by the Speaker or the Speaker's delegate.

- 1.2 Accreditation may be granted by the Speaker or Speaker's delegate upon receipt of a written request from the Editor/Chief of Staff on behalf of a licensed electronic or print media organisation and may include requests for individual accreditation for nominated staff members of that organisation.
- 1.3 A licensed electronic or print media organisation may seek enduring accreditation for itself and/or nominated staff members by the method outlined in 1.3 above;
- 1.4 An accredited media organisation may seek to vary individual accreditation by making the relevant request to the Speaker in writing;
- 1.5 By requesting and being granted accreditation, a media organisation and/or staff member representing an organisation implicitly undertakes to observe and comply with the conditions set out in this Determination;
- 1.6 The Speaker or Speaker's delegate may at any time revoke accreditation for any media organisation or any individual working for a media organisation.

2. DEFINITIONS

- 2.1 '**accredited media organisation or personnel**' means an organisation or an individual working for that organisation, each of whom have been authorised by the Speaker or the Speaker's delegate as a Media/Press Gallery Member and who may carry out coverage of the Assembly's proceedings pursuant to the conditions of this Determination;
- 2.2 '**Assembly's Proceedings**' means the business transacted by the Legislative Assembly on designated sitting days, and the public hearings of the Estimates Committee and Government-Owned Corporations Scrutiny Committee proceedings;
- 2.3 '**cover**' means take notes or record by electronic means the Assembly's proceedings subject to the limitations contained in this Determination. Coverage includes still and video photographic recordings and sound for electronic and print media and includes web cast of the Assembly's proceedings on the Legislative Assembly web site;
- 2.4 '**electronic media**' means licensed television and radio broadcasters and Internet-based news media;
- 2.5 '**enduring accreditation**' means authority to cover the Assembly's proceedings pursuant to the conditions of this Determination for the life of that Assembly. That is, from the first time the Assembly convenes following a General Election until that Assembly is prorogued prior to the next General Election;
- 2.6 '**galleries**' means all galleries, both public and press/media, surrounding the Chamber of the Legislative Assembly;
- 2.7 '**print media**' means licensed publications, including newspapers and magazines;
- 2.8 '**record**' means to take notes or use electronic means to capture the Assembly's proceedings subject to the limitations contained in this Determination. 'Record' includes still and video photographic vision and sound for electronic and print media and includes capturing the web cast of the Assembly's proceedings from the Legislative Assembly web site.

3. CONDITIONS OF RECORDING AND BROADCASTING OF THE ASSEMBLY'S PROCEEDINGS

- 3.1 Directions of the Speaker, Deputy Speaker or Acting Deputy Speaker on the floor of the Chamber must be observed at all times;
- 3.2 Recording of a Member who has the call will be no closer than a head-and-shoulders shot of the Member concerned;
- 3.3 Under no circumstances shall a recording be made of papers on a Member's desk, material on a Member's computer screen or any Member who does not have the call of the Speaker;
- 3.4 The only exception to Conditions 3.2 and 3.3 above is for wide shots of the entire Chamber that do not encroach on any Member's privacy, papers on the Member's desk or images on the Member's computer screen;
- 3.5 No record of the Assembly's proceedings taken by electronic or print media organisations gathered in any way contrary to these conditions may be broadcast or printed.

4. CONDUCT OF ACCREDITED MEDIA PERSONNEL

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

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

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

- 5.1 Direct broadcast and re-broadcast of all parliamentary proceedings from the Internet web stream is authorised:
- (a) through the Northern Territory Government Intranet/Internet web cast network; and
 - (b) through the in-house Master Antenna Television (MAT) system;
- 5.2 Direct broadcast and re-broadcast of proceedings from the Internet web stream is authorised to an approved broadcaster subject to the conditions set out in this Determination.

6. PENALTIES FOR NON-COMPLIANCE

- 6.1 Failure to comply with the conditions set out in this Determination may result in accreditation being withdrawn immediately by the Speaker or the imposition of other penalties by the House Committee.

Dated this 17th day of DECEMBER 2013

KEZIA DORCAS TIBISAY PURICK
Speaker

