



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

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**Standing Orders Committee**

**Fourth Report of the 11<sup>th</sup> Assembly**  
**including**

Report to the Assembly on the Reference to the Committee  
dated 18 August 2009 relating to Estimates Committee Processes,  
Report on Supplementary Questions  
Report on General Business Afternoons

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May 2010

Presented and Ordered  
to be Printed by the  
Legislative Assembly of  
the Northern Territory  
May 2010

# **LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

## **Standing Orders Committee**

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Legislative Assembly of the Northern Territory  
Parliament House  
Darwin NT 0800  
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## **Members of the Committee as at May 2010**

Dr Chris Burns MLA - Chairman  
The Honourable Jane Aagaard MLA  
Mr Matt Conlan MLA  
Mr Michael Gunner MLA  
Mr Peter Styles MLA  
Mr Gerry Wood MLA

## **Committee Secretariat**

Mr Ian McNeill, Secretary  
Ms Jane Gunner, Research/Administrative Officer

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## **Membership of the committee at the time of tabling of the Report:**

### **Dr Chris Burns MLA**

Appointed 10 February 2009  
Australian Labor Party  
Member for Johnston: First elected 18 August 2001  
Leader of Government Business  
Minister for Business  
Minister for Tourism  
Minister for Trade  
Minister for Asian Relations  
Minister for Defence Support  
*Other Committees:* Members' Interests

### **The Honourable Jane Aagaard MLA**

Appointed 9 September 2008  
Australian Labor Party  
Member for Nightcliff: First elected 18 August 2001  
Speaker of the Legislative Assembly  
*Other Committees:* Members' Interests, House, Legal and Constitutional Affairs

### **Mr Matthew Conlan MLA**

Appointed 9 September 2008  
Country Liberal Party  
Member for Grotorex: First elected 28 July 2007  
*Other Committees:* Members' Interests

### **Mr Michael Gunner MLA**

Appointed 9 September 2008  
Australian Labor Party  
Member for Fannie Bay: First elected 9 August 2008  
Government Whip  
*Other Committees:* Public Accounts, Legal and Constitutional Affairs, Subordinate Legislation and Publications, Environment and Sustainable Development

### **Mr Peter Styles MLA**

Appointed 9 September 2008  
Country Liberal Party  
Member for Sanderson: First elected: 9 August 2008  
*Other Committees:* Members' Interests, Environment and Sustainable Development

### **Mr Gerry Wood MLA**

Appointed 20 August 2009  
Independent  
Member for Nelson: First elected 18 August 2001  
*Other Committees:* Public Accounts, Environment and Sustainable Development and The Council of Territory Cooperation

## RECOMMENDATIONS

### 1. The Standing Orders Committee recommends the following changes to the Estimates Committee and Government Owned Corporation Committee hearings.

- A global time limit of 50 hours with allocation of time within that 50 hours to the eight Ministers, the Speaker and the GOC up to a maximum of seven hours for Ministers for the Estimates Committee hearings and the Government Owned Corporation Committee and for those appearance times to be determined by the Public Accounts Committee.
- The hearings to be held on Friday 11 June 2010 and Tuesday 15 to Friday 18 June 2010.
- The Estimates Committee *Terms of Reference* paragraph numbers 23 to 25 read as follows:
  23. An initial question should be directed to the Minister (or Speaker) in the first instance and then officers of the relevant departments may provide assistance to a Minister (or Speaker) in providing information. Ministers (or Speaker) may defer to the Chief Executive Officer (who may defer to another officer) who may then be directly questioned on subsequent questions on the same subject. Questions may be ruled by the Chair as not appropriate for an officer to answer, whereupon a Minister (or Speaker) may chose to provide information or take such matters on notice.
  24. Officers may answer questions at the request of the Minister (or Speaker), but shall not be required to comment on policy matters, including giving an opinion and the Minister (or Speaker) or CEO may at anytime intervene and answer questions that are asked of departmental officers.
  25. All questions and answers should conform to Standing Orders 112, 113 and 114 (general rules for Questions).
- Changes agreed to for the Estimates Committee to apply to the Government Owned Corporation Committee.

**2. The Standing Orders Committee agreed to undertake a review of the Estimates Committee process for 2011 with specific consideration and report no later than November 2010 on the specific matters of:**

1. Extending the 2011 Estimates Committee to run over 2 weeks.
2. The hours of operation of the Estimates Committee, including Government Owned Corporations be set.
3. The number of sitting days be reduced to reflect any additional hours provided to Estimates Committee.
4. The option for generic questions be included in the Estimates Committee review process.

**3. The Standing Orders Committee recommended amendments to Standing Order 109(3)(c) and 119 to read as follows:**

**Standing Order 109(3)(c)**

One supplementary question per Question Time, may be asked immediately by an Opposition Member asking the original question which shall not exceed 30 seconds and the answering of each supplementary question shall not exceed one minute.

**Standing Order 119 Question Time**

When questions are called on during the routine of business, questions may be asked of Ministers and other Members in conformity with the Standing Orders.

**4 General Business Afternoons**

Opposition and Independent Members be able to re-order Opposition and Independent Notices and Orders of the Day and postpone Notices and Orders of the Day provided the ranking of Opposition and Independents' Notices and Orders of the Day remain in the same position on the Notice Paper.

Notification of re-arrangement of Notices or Orders of the Day to be advised by Opposition Whip and/or Independent Member to the Clerk, Government Whip, Independent Members and Opposition Whip by the close of sittings on the Tuesday immediately preceding the General Business day.

# REFERENCE TO THE STANDING ORDERS COMMITTEE TO REVIEW THE ESTIMATES COMMITTEE PROCESS

## Introduction

When the Legislative Assembly met on Tuesday 18 August 2009 a reference to the Standing Orders Committee included two items relating to the Estimates Committee hearing process as follows:

### Estimates

- Estimates process to be reviewed and reformed so as to significantly extend the hours provided for questioning including investigation of questioning to exhaustion.
- Provide the ability to directly question public servants in the estimates process, with the Minister present, on matters of expenditure and programmes progress and outcomes

Submissions on the Estimate process were received from:

- Mr Peter Styles MLA and Mr Matt Conlan MLS on behalf of the Country Liberals
- Mr Gerry Wood MLA

A copy of the submissions are at Attachment A.

The Standing Orders Committee in it's Third Report to the Assembly dated November 2009 recommended:

- (a) That there be a review of the Estimates Committee hearing process including scheduling, length of time of Minister's appearances, length of questions and to a limited number of questions being asked of all agencies being submitted as written questions to be distributed to agencies with agencies tabling the answers.

The review of the Estimates Committee hearing process to commence in 2010.

The Standing Orders Committee at its meeting on 18 February 2010 agreed to discuss changes to the conduct of the Estimates Committee hearings and for the changes to be implemented prior to the 2010 Estimates Committee hearings.

Mr Peter Styles MLA and Mr Matt Conlan MLS on behalf of the Country Liberals provided a submission to the reference, copy at Attachment B.

## Recommendations

The Standing Orders Committee at its meeting on 29 April 2010 discussed the process for the Estimates Committee and Government Owned Corporation Committee hearings. The following recommendations were agreed to:

- A global time limit of 50 hours with allocation of time within that 50 hours to the eight Ministers, the Speaker and the GOC up to a maximum of seven hours for Ministers for the Estimates Committee hearings and the Government Owned Corporation Committee and for those appearance times to be determined by the Public Accounts Committee.
- The hearings to be held on Friday 11 June 2010 and Tuesday 15 to Friday 18 June 2010.
- The Estimates Committee *Terms of Reference* paragraph numbers 23 to 25 read as follows:
  26. An initial question should be directed to the Minister (or Speaker) in the first instance and then officers of the relevant departments may provide assistance to a Minister (or Speaker) in providing information. Ministers (or Speaker) may defer to the Chief Executive Officer (who may defer to another officer) who may then be directly questioned on subsequent questions on the same subject. Questions may be ruled by the Chair as not appropriate for an officer to answer, whereupon a Minister (or Speaker) may chose to provide information or take such matters on notice.
  27. Officers may answer questions at the request of the Minister (or Speaker), but shall not be required to comment on policy matters, including giving an opinion and the Minister (or Speaker) or CEO may at anytime intervene and answer questions that are asked of departmental officers.
  28. All questions and answers should conform to Standing Orders 112, 113 and 114 (general rules for Questions).
- Changes agreed to for the Estimates Committee to apply to the Government Owned Corporation Committee.

## **Reference to the Standing Orders Committee**

Further the Committee discussed a review of the Estimates Committee process for 2011 being referred to the Standing Orders Committee with specific consideration and report no later than November 2010 on the specific matters of:

1. Extending the 2011 Estimates Committee to run over 2 weeks.
2. The hours of operation of the Estimates Committee, including Government Owned Corporations be set.
3. The number of sitting days be reduced to reflect any additional hours provided to Estimates Committee.
4. The option for generic questions be included in the Estimates Committee review process.

## **SUPPLEMENTARY QUESTION—STANDING ORDER 109(3)(C) AND 119**

The Standing Orders Committee at its meeting on 18 February 2010 considered whether the supplementary question allowed by the Leader of the Opposition each Question Time be asked following a question by the Leader of the Opposition asked after a question by another Opposition Member.

The Standing Orders Committee agreed that one supplementary question per Question Time may be asked by an Opposition Member and has to be asked by the Opposition Member who asked the original question.

Standing Order 109 (3) (c) to be amended to read:

One supplementary question per Question Time, may be asked immediately by an Opposition Member asking the original question which shall not exceed 30 seconds and the answering of each supplementary question shall not exceed one minute.

When Standing Order 109(3)(c) was adopted it created an anomaly as the capacity for asking supplementary questions is already available in Standing Order 119 at the discretion of the Speaker to elucidate an answer.

The Standing Orders Committee recommended that Standing Order 119 be amended to remove ...”At the discretion of the Speaker supplementary questions may be asked to elucidate an answer.”

## **GENERAL BUSINESS AFTERNOONS**

The Standing Orders Committee at its meetings on 18 February 2010 and 29 April 2010 considered the procedure for General Business afternoons.

The Country Liberal Committee members proposed that the General Business afternoon be broken into two components: component one dealing with Notices and component two dealing with Orders of the Day.

The Government Committee members proposed that the Opposition be able to re-order Opposition Notices (second reading and motions) and Opposition Orders of the Day and postpone Notices and Orders of the Day provided the Independents' Notices and Orders of the Day remain in the same position on the Notice Paper.

The Standing Orders Committee considered options provided in a Briefing Paper provided by the Clerk of the Legislative Assembly.

The Committee agreed that Opposition and Independent Members be able to re-order Opposition and Independent Notices and Orders of the Day and postpone Notices and Orders of the Day provided the ranking of Opposition and Independents' Notices and Orders of the Day remain in the same position on the Notice Paper.

Notification of re-arrangement of Notices or Orders of the Day to be advised by Opposition Whip and/or Independent Member to the Clerk, Government Whip, Independent Members and Opposition Whip by the close of sittings on the Tuesday immediately preceding the General Business day.

**REFERENCE FROM THE ASSEMBLY RELATING TO REVIEW OF THE ESTIMATES  
COMMITTEE, DATED 18 AUGUST 2009**

**SUBMISSIONS RECEIVED**

2.	Mr Peter Styles MLA and Mr Matt Conlan MLS on behalf of the Country Liberals
3.	Mr Gerry Wood MLA

Attachment A—Submissions to Estimates Review, 18 August 2009

Attachment A



Mr Ian McNeill  
Clerk  
Northern Territory Legislative Assembly  
GPO Box 3721  
DARWIN NT 0801

*Extract from Submission  
- section relating to Estimates*

Dear Ian,

**Re: Country Liberals Submission to Standing Orders Committee Parliamentary Reform**

**Estimates**

Estimates provides the only real opportunity to scrutinise the money Bills of the Government. At the moment the time allocated is insufficient and unbalanced regarding the relative importance of various portfolios. As such, we request that there is more time available for Estimates and that the more important portfolios are allocated more time for scrutiny.

Another issue is that Ministers tend to consume large amounts of time making political statements and studiously avoiding answering questions. The Senate has long allowed the practice of senior public servants fronting Estimates to be questioned directly. This is done with the Minister present, and in doing so provides a more efficient use of time for asking and answering of questions. In turn the Minister can intervene if the public servant faces unreasonable questioning. We are advocating adoption of a similar model.

There is a high level of frustration within the public service of the Northern Territory from the fact that they prepare large amounts of material that simply does not get dealt with due to the inefficient operation of Estimates. A prime example of this from the last Estimates Hearings was that of the Deputy Chief Minister. Minister Lawrie was not questioned in any meaningful manner in respect to Infrastructure and Planning due to time being taken up by Treasury, which itself had to be cut short. Many other examples could be given.

Yours sincerely,

MATT CONLAN

23 September 2009

PETER STYLES



Legislative Assembly of the Northern Territory

**GERRY WOOD MLA**  
Independent Member for Nelson

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Howard Springs NT 0815  
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Ian McNeil  
Secretary, Standing Orders Committee  
GPO Box 3721  
Darwin NT 0801

REF: 09/43

*Extract from Submission  
- section relating to Estimates*

Dear Ian

I would appreciate the following comments on the reference by John Elferink, MLA going to the Standing Orders Committee for consideration at the next meeting on 28 September 2009.

<p><b>ESTIMATES</b> Review:</p>	<p>I certainly support a review and suggest weightings be given to Departments so sufficient time is allocated and the review will cover the suggestion of questions directly to Departmental CEOs</p>
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Yours sincerely

*mmuske*  
for GERRY WOOD

Attachment B—Submissions to Estimates Review, dated November 2009



Mr Ian McNeill  
Clerk of the legislative Assembly  
GPO Box 3821  
DARWIN NT 0801

Dear Mr McNeill,

Re: Detailed Material for Estimates

Ahead of the meeting of the Standing Orders Committee, on behalf of the Country Liberals you will find attached details of our proposed changed arrangements for the Estimates Hearings.

No doubt committee members will be well aware that in respect to the number of hours that are provided for the Estimates, the Northern Territory trail other jurisdiction Parliaments by a considerable amount. For instance the Tasmanian Parliament provides over 60 hours for lower house Estimates processes. With our hours sitting at just over 40 this is clearly poor in respect to the matter of the capacity for serious scrutiny of the appropriate legislation.

In the attached (\*) we set out a proposed extension of the hours to be more in line with the hours of the Tasmanian Lower House. Considering the serious limitations that exist to be able to undertake questioning and the number of times where whole portfolio areas were not able to be questioned in previous years, it is our contention that simply moving the portfolios within the same hours cap is not acceptable.

Additionally we are proposing changes that would enable public servant to be question directly, but also protected from policy questioning and by the Chair in the unlikely instance of inappropriate questions.

The specific changes are set out and are highlighted in a re-draft of the normal Government Estimates Motion, attached (\*).

We look forward to the Committees' favourable consideration of these matters.

Yours sincerely,

Peter Styles  
Member for Sanderson

Matt Conlan  
Member for Greatorex

30 March 2010

\* Enc: Draft Estimates Schedule  
Motion – Estimates Committee 2010/11

<b>Mills Draft Estimates Schedule</b>	
Tuesday 9.00am to 8.00pm ( 1 hour lunch)	10 hours
<b>The Honourable Delia Lawrie, MLA</b>	
Deputy Chief Minister	
Treasurer	
Minister for Justice and Attorney-General	
Minister for Racing, Gaming and Licensing	
Minister for Alcohol Policy	
Wednesday 9.00am to 8.00pm ( 1 hour lunch)	10 hours
<b>The Honourable Paul Henderson, MLA</b>	
Chief Minister	
Minister for Police, Fire and Emergency Services	
Minister for Major Projects and Economic Development	
Minister for Multicultural Affairs	
Minister for Defence Liaison	
Thursday 9.00am to 6.00pm ( 1 hour lunch)	8 hours
<b>Dr Chris Burns MLA</b>	
Minister for Education and Training	
Minister for Public and Affordable Housing	
Minister for Public Employment	
Friday 9.00am to 6.00pm ( 1 hour lunch)	8 hours
<b>The Honourable Kon Vatskalis MLA</b>	
Minister for Health	
Minister for Children and Families	
Minister for Child Protection	
Minister for Primary Industry, Fisheries and Resources	
Monday 9.00am to 6.00pm (1 hour lunch)	8 hours
<b>Hon Gerald Francis McCarthy MLA</b>	
Minister for Lands and Planning	
Minister for Transport	
Minister for Construction	
Minister for Correctional Services	
Minister for Arts and Museums	
Tuesday 9.00am to 4.00pm (1 hour lunch)	5 hours

<b>Mr Karl Rio Hampton MLA</b>	
Minister for Natural Resources, Environment and Heritage	
Minister for Parks and Wildlife	
Minister for Climate Change	
Minister for Sport and Recreation	
Minister for Information, Communications and Technology Policy	
Minister for Central Australia	
Tuesday 4pm to 6pm	2 hours
Speaker of the Legislative Assembly of the Northern Territory	
Wednesday 9.00am to 3.00pm (1 hour lunch)	5 hours
<b>Hon Malarndirri Barbara Anne McCarthy MLA</b>	
Minister for Local Government	
Minister for Regional Development	
Minister for Indigenous Development	
Minister for Tourism	
Minister for Women's Policy	
Minister for Statehood	
Thursday 9.00am to 3.00pm (1 hour lunch)	5 hours
<b>The Honourable Rob Knight MLA</b>	
Minister for Business and Employment	
Minister for Trade	
Minister for Asian Relations	
Minister for Essential Services	
Minister for Defence Support	
Minister for Senior Territorians	
Minister for Young Territorians	
Thursday 4.00pm to 9.00pm	5 hours
GOC <b>Wednesday 23 June</b>	
Friday - return for debate	

**ESTIMATES COMMITTEE AND GOVERNMENT OWNED CORPORATIONS  
COMMITTEE – TERMS OF REFERENCE 2010/2011**

The Leader of the opposition (Mr Mills) moves –

That the Assembly appoint an Estimates Committee 2010/2011 and a Government Owned Corporations Scrutiny Committee 2010/2011, pursuant to the terms circulated to Members below:

**ESTIMATES COMMITTEE 2010/2011**

**TERMS OF REFERENCE**

**A. INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed an Estimates Committee of the Legislative Assembly for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation Bill 2010/2011.
2. That the Schedule to the Appropriation Bill 2010/2011 and related budget documents be referred to the Estimates Committee for examination and report on proposed expenditure when the Bill has been presented.
3. That the Committee may not vote on but may examine and report on the proposed expenditure contained in the Bill by no later than 25 June 2010.
4. That the Committee examine the proposed expenditure contained in the Bill by portfolio units in accordance with the Schedule and that the proposed expenditure be considered on an output by output basis for each portfolio unit.
5. That the Committee consider the *Appropriation Bill* and related Budget Papers. To the extent that transactions of other public sector entities are included in the Budget Papers, these transactions can be questioned by the Committee. This would apply to Community Service Obligations paid to and dividends received from the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*. The Statement of Corporate Intent for the Power and Water Corporation for 2010/2011 stands referred to the Government Owned Corporations Scrutiny Committee.

**B. MEMBERSHIP**

6. The membership of the Estimates Committee shall consist of the membership of the Public Accounts Committee.
7. The Chairman of the Public Accounts Committee shall be the Chairman of the Estimates Committee.
8. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.

9. Other Members of the Assembly may not vote on any matters before the Committee.

10. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to eight (8) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and the two (2) Independent Members.

11. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided for in paragraph 10 above.

12. The Committee may proceed with business despite a vacancy in its membership.

13. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.

14. The quorum of the Committee is to be 4 of the members of the Committee.

15. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

### **C. SITTING TIMES**

16. The Estimates Committee will meet in accordance with the dates and times in the schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman.

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

- a. on Tuesday 14 June, 2010 commencing at 9am and adjourning at 8pm;
- b. on Wednesday 15 June, 2010 commencing at 9am and adjourning at 8pm;
- c. on Thursday 16 June, 2010 commencing at 9am and adjourning at 6pm;
- d. on Friday 17 June, 2010 commencing at 9am and adjourning at 6pm;
- e. on Monday 18 June, 2010 commencing at 9am and adjourning at 6pm;
- f. on Tuesday 21 June, 2010 commencing at 9am and adjourning at 4pm;
- g. on Wednesday 22 June, 2010 commencing at 9am and adjourning at 3pm; and
- h. on Thursday 23 June, 2010 commencing at 9am and adjourning at 9pm.

18. The Estimates Committee may sit only when the Assembly is not sitting.

### **D. HEARING PROCEDURE**

19. All hearings of the Estimates Committee are open to the public unless the Committee otherwise orders.

20. The Committee will consider proposed expenditure on an output by output basis, following procedures agreed to by the Estimates Committee in accordance with the other provisions of this Order and Standing Orders.

21. Unless the Committee otherwise determines, the Minister (or Speaker) may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.

22. Members of the Committee may ask for explanations from a Minister (or Speaker) relating to proposed expenditure and outputs.

23. Officers of the relevant departments may provide assistance to a Minister (or Speaker) in answering providing information and may also be directly questioned on matters, other than policy, and in this instance matters may be ruled by the chair as not appropriate for an officer to answer by the committee chair, whereupon a Minister (or Speaker) may chose to provide information or take such matters on notice.

24. Officers may answer questions at the request of the Minister, but shall not be required to comment on policy matters.

25. Questions and explanations should be brief and avoid irrelevance and tedious repetition and where there are questions that are the same for each department, these can be provided at the beginning of each output group in writing and they are deemed to have been provided on notice and are to be responded to in writing.

#### **E. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION**

26. The Minister (or Speaker) may advise the Estimates Committee that an answer to a question or part of a question will be provided later to the Committee. At that time the Chairman shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Minister (or Speaker) by the Committee Secretariat.

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

28. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than the next sittings of the Assembly and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

#### **F. HANSARD REPORT AND OTHER TABLED DOCUMENTS**

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

30. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.

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

#### **G. BROADCASTING AND TELEVISIONING OF PROCEEDINGS**

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

#### **H. DISORDER**

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

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

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

(a) The Chair may name the Member;

(b) If the Member named is a member of the Estimates Committee, suspend the sittings until the Chair has reported the offence to the Speaker;

(c) If the Member named is not a member of the Estimates Committee, orders that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.

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

37. If any objection is taken to a ruling or decision of the Chair:

(a) The objection must be taken at once and stated in writing;

(b) The Chair as soon as practicable advises the Speaker who makes a ruling on the matters; and

(c) The Estimates Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

## I. REPORT OF ESTIMATES COMMITTEE

38. A report of the Estimates Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.

39. When the Report of the Estimates Committee is presented it shall be taken into consideration forthwith, together with the Report of the Government Owned Corporations Scrutiny Committee.

40. The following time limits shall apply to consideration of the reports of the Committees on the question:

"that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the committees in relation to the proposed expenditure or outputs with reference to the Appropriation Bill 2010/2011; and

the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*, be noted:

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

41. When the consideration of the reports of the Committees has been completed the following question is proposed and put forthwith: "that the remainder of the Bill be agreed to".

42. When the Bill has been agreed to by the Committee-of-the-Whole and reported to the Assembly, the third reading may be taken into consideration forthwith.

**GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE 2010/2011**

**TERMS OF REFERENCE**

**INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed a Committee of the Legislative Assembly to be known as the Government Owned Corporations Scrutiny Committee for the purpose of examining and reporting on the activities, performance, practices and financial management of the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*, with reference to the Power and Water Corporation's Statement of Corporate Intent for 2010/2011.

**MEMBERSHIP**

2. The membership of the Government Owned Corporations Scrutiny Committee shall consist of the membership of the Public Accounts Committee.

3. The Chairman of the Public Accounts Committee shall be the Chairman of the Government Owned Corporations Scrutiny Committee.

4. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.

5. Other Members of the Assembly may not vote on any matters before the Committee.

6. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to eight (8) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and the two (2) Independent Members.

7. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided in for paragraph 6 above.

8. The Committee may proceed with business despite a vacancy in its membership.

9. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.

10. The quorum of the Committee is to be 4 of the members of the Committee.

11. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

**SITTING TIMES**

12. The Government Owned Corporations Scrutiny Committee will meet in accordance with the dates and times in the Schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman.

13. The Government Owned Corporations Scrutiny Committee may sit only when the Assembly is not sitting.

14. The Committee shall sit on Wednesday 23 June for 5 hours from 4.00pm to 9.00pm.

**HEARING PROCEDURE**

15. All hearings of the Committee are open to the public unless the Committee otherwise orders.

16. The Committee will examine the financial and budgetary activities of the Power and Water Corporation following similar procedures to that of the Estimates Committee and in accordance with the provisions of this Order and Standing Orders.

17. Unless the Committee otherwise determines, the Chairman of the Board of the Power and Water Corporation may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.

18. Members of the Committee may ask questions for the purpose of examining the activities, performance, practices and financial management of the Power and Water Corporation with reference to its Statement of Corporate Intent for 2010/2011.

19. Questions shall be put directly to the Chairman of the Board of the Power and Water Corporation, the Managing Director and other officers may assist the Chairman in the provision of relevant information.

20. The Chairman or other witnesses will advise when evidence is of a commercially sensitive or confidential nature and may request that such evidence be heard 'in camera'. The Chairman of the Committee will invite the Chairman or the witnesses to give the reasons for the request.

21. Questions and explanations should be brief and avoid irrelevance and tedious repetition.

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

22. The Chairman of the Power and Water Corporation may advise the Committee that an answer to a question or part of a question will be provided later to the Committee.

23. At that time the Chairman of the Committee shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Chairman of the Power and Water Corporation by the Committee Secretariat.

24. The Chairman of the Power and Water Corporation may also give the Committee additional information about an answer given by the witnesses or on their behalf.

25. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than the next sittings of the Assembly and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

#### **HANSARD REPORT AND OTHER TABLED DOCUMENTS**

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

27. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.

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

#### **BROADCASTING AND TELEVISIONING OF PROCEEDINGS**

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

#### **DISORDER**

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

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

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

(a) The Chair may name the Member;

(b) If the Member named is a member of the Government Owned Corporations Scrutiny Committee, suspend the sittings until the Chair has reported the offence to the Speaker;

(c) If the Member named is not a member of the Government Owned Corporations Scrutiny Committee, orders that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.

33. As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Government Owned Corporations Scrutiny Committee be replaced.

34. If any objection is taken to a ruling or decision of the Chair:

(a) The objection must be taken at once and stated in writing;

(b) The Chair as soon as practicable advises the Speaker who makes a ruling on the matters; and

(c) The Government Owned Corporations Scrutiny Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

#### **REPORT OF GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE**

35. A report of the Government Owned Corporations Scrutiny Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.

36. When the Report of the Committee is presented it shall be taken into consideration forthwith, together with the Report of the Estimates Committee.

37. The following time limits shall apply to consideration of the reports of the Committees on the question: "that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the committees in relation to the proposed expenditure or outputs with reference to the *Appropriation Bill 2010/2011*, or the activities, performance, practices and financial management of the Power and Water Corporation with reference to its Statements of Corporate Intent for 2010/2011, be noted

- Ministers, Leader of the Opposition and Shadow Ministers—20 minutes;

- Any other Member—10 minutes,

- The maximum period for consideration shall be 5 hours. (Paper 289)