



**REPORT OF THE
STANDING COMMITTEE ON ESTIMATES AND FINANCIAL
OPERATIONS**

IN RELATION TO

The Estimates of Expenditure 1998/99

Presented by the Hon Muriel Patterson MLC (Deputy Chair)

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

The Standing Committee was established on December 21 1989 with the following terms of reference:

1. There is hereby appointed a Standing Committee to be known as the *Estimates and Financial Operations Committee*.
2. The committee consists of 5 members.
3. The functions of the Committee are to consider and report on:
 - (a) the estimates of expenditure laid before the Council each year; and
 - (b) any matter relating to the financial administration of the State.
4. The Committee shall report on the estimates referred under clause 3 by or within one sitting day of the day on which the second reading of the *Appropriation (Consolidated Revenue Fund) Bill* is moved.
5. For the purposes of clause 3(a), the House may appoint not more than 6 members at any stage of its examination.
6. A reference in clause 3 to "estimates of expenditure" includes continuing appropriations, however expressed, that do not require annual appropriations.
7. The Committee may initiate investigations under clause 3(b) without prejudice to the right of the Council to refer any such matter.

Members of the Committee:

Hon Mark Nevill MLC (Chairman)
Hon Muriel Patterson MLC (Deputy Chair)
Hon Edmund Dermer MLC
Hon Simon O'Brien MLC
Hon Bob Thomas MLC

Staff of the Committee:

Ms Penny Griffiths (Advisory/Research Officer)
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1. Overview

This is the Twenty First report by the Standing Committee on Estimates and Financial Operations and is concerned with the consideration of the estimates of expenditure laid before the Legislative Council.

The estimates hearings provide all members of the Legislative Council with the opportunity to question a range of Government Agencies invited to attend Committee hearings for the purpose of examining the estimates of expenditure for 1998/99.

The Committee, in continuing the practice followed in previous years -

- (i) decided to focus on particular Government Agencies during the estimates hearings; and
- (ii) adopted a Procedure Policy for the conduct of hearings, a copy of which is contained in Appendix I.

The Committee deviated from the practice of previous years in that it decided not to forward generic questions to the various Government Agencies as part of the 1998/99 estimates hearings. The reason for the decision was the Committee considered that, in previous years, both the Agencies and Committee staff had spent considerable time dealing with the generic questions which were not well utilised by Members of the Legislative Council.

The Committee was assisted by a staff member from the Auditor General's Office, Mr Mal Davey, for the duration of the hearings. Mr Davey's assistance to the Committee was invaluable and the Committee is grateful to the Office of the Auditor General in providing this support.

2. Procedure

The Committee sought suggestions from Members of the Legislative Council regarding the Government Agencies to be called to the hearings. Taking into account Member's suggestions, the Committee finalised the list of Agencies to be called to the hearings and notified the relevant Ministers and Chief Executive Officers. The Committee also forwarded the 1998/99 Procedure Policy to the Ministers and Chief Executive Officers which outlined the manner in which the hearings were to be conducted.

In accordance with the Procedure Policy, Committee Members were provided with the first opportunity to question the various Government Agencies. The Committee then requested questions from the Members of the Legislative Council. If any Member was unable to ask all their questions in the scheduled period, they were provided with the opportunity to table those questions at the end of the hearing.

3. Specific Agencies

Over the course of the three-day program, the Committee examined thirteen (13) Government Agencies.

This section provides -

- (i) a survey of selected issues and topics raised during the three-day program; and
- (ii) a point form summary of subjects addressed during Agency questioning.

For further information, on Agency responses to individual subjects, reference should be made to the Hansard Record of Estimates Committee hearings from 2 June 1998 to 4 June 1998.

3.1 Aboriginal Affairs (Division 72)

3.1.1 Outline of Selected Issues and Topics

Controlling of grant monies

The Department informed the Committee that controls are now in place to ensure that grant monies to Aboriginal persons and associated groups have been spent in accordance with grant conditions. The controls include -

- formal acquittal of all grant monies;
- grants in excess of \$20 000 to have audited financial statements;
- ensuring that the grants are expended in accordance with the relevant terms and conditions; and
- ensuring that the grant recipients specify the outputs and outcomes from those grants prior to allocation of funds.

The Department acknowledged that it had a history of receiving comments by the Office of the Auditor General which were critical of previous practices relating to allocation of grant monies. However, the Department assured the Committee that it had directed significant additional resources to correct the situation and to ensure that all outstanding grants are acquitted.

Controlling of Corporate Credit Card Expenditure

The Department recently revised the guidelines concerning corporate credit card expenditure. Furthermore, the Committee was assured that a number of controls are now in place to ensure proper use of corporate credit card which include -

- quality assurance checking procedures within the finance and administration division;
- staff members have been advised that credit cards are to be used for official purposes only;
- staff members have been advised that use of corporate credit cards for improper purposes may result in disciplinary action; and
- staff members are required to sign a form which includes a clause stating that they are aware of the terms and conditions of the use of the credit card.

Provision of Services to Remote Communities by Private Providers

The Department informed the Committee that the Program Managers' contracts had been contracted out at a regional level. The State has been divided into three regions which are the Kimberly, Pilbara and Goldfields central lands.

3.1.2 Summary of Subjects

Matters discussed were as follows -

- Demonstration projects at Oombulgurri and Jigalong
- Funding provided to sobering up centres and associated patrols
- Transfer of the Aboriginal Lands Trusts land directly to Aboriginal control
- Implementation of the report of the Royal Commission into Aboriginal Deaths in Custody
- Recidivism rates for juvenile offenders
- Provision of essential services to Aboriginal communities

3.2 Agriculture Western Australia (Division 28)

3.2.1 Outline of Selected Issues and Topics

Financial Administration and Management Information Systems

The Committee noted the 1996/97 audit of Agriculture Western Australia ("Agriculture WA") which identified significant control weaknesses over the financial administration and management information systems. The Committee made specific reference to the weaknesses in the area of fixed assets, receipting and banking accounts receivable, expenditure, payroll and trust accounts and queried the action being taken to resolve these problems.

Agriculture WA informed the Committee that a plan has been put in place to address forty (40) issues identified as requiring attention in terms of financial administration. The majority of these issues have been positively resolved with further action only required in the area of staffing and training. The control environment, registers, reconciliations and the procedures required by the Auditor General have been implemented.

Information technology upgrade

It was noted that Agriculture WA had encountered problems in the 1997/98 financial year regarding their computer systems. In this regard, it was queried if -

- the computer systems were under guarantee;
- any action had been taken to recover the cost from the vendor;
- the new computer systems have a full audit trail feature; and
- an asset register is compiled.

Agriculture WA informed the Committee that they had made no attempt to recover the costs associated with the faults in the previous computer systems from the vendor. Agriculture WA explained that legal advice was obtained which indicated that the vendor would be under no obligation to continue providing support if they were to seek recovery. Accordingly, an arrangement had been reached whereby the vendor is assisting Agriculture WA to correct the system and ensure the proper and efficient operation of Version 4.

Agriculture WA informed the Committee that the asset register is near completion and it is expected to be finalised in mid-July 1998. Agriculture WA also advised that an audit trail, version 4, has been implemented and is currently in operation. In this regard, Agriculture WA is confident that the system will satisfy any requirement imposed by the Auditor General.

Restructuring of the Agriculture Protection Board

Agriculture WA was asked whether the restructuring of the Agriculture Protection Board has provided a better service than the previous structure. Agriculture WA advised that there is evidence that the Department is providing a more effective protection service. In particular, it was stated that there is presently an emphasis on strengthening the barrier quarantine and surveillance measures for the capability to respond to incursions and outbreaks of serious pests and disease. Furthermore, it was stated that there has been some shift in the control programs where they are now managed and funded jointly with industry.

3.2.2 Summary of Subjects

Matters discussed were as follows -

- Application for genetic right to two varieties of chickpea from the Urdu people
- John's disease and the effect on Western Australian animal producers
- Information technology upgrade
- Sale of intellectual or genetic property and rights
- Effectiveness of the calicivirus
- Monitoring of client satisfaction
- Pig Market in Taiwan
- Research into lupins
- Milk market and the effect of the national competition policy
- Making Better Use of Agriculture Program
- Woolscour
- Impact of Asian economic crisis of the availability of funds for research
- Rejection of Western Australian produce due to pesticide contamination, quarantine or disease control requirements
- Use of sniffer dogs and quarantine procedures at the Perth Airport
- Footrot
- Plant research and development trust fund
- Implementation of a system of infringement notices and on-the-spot penalties for minor transgressions at the quarantine barrier

3.3 Health (Division 63)

3.3.1 Outline of Selected Issues and Topics

Outsourcing the Breast Screening Program

The Department advised that the Government had decided that it will tender for the screening component of the BreastScreen WA program to test the market. Considerable work had been undertaken in relation to the tender documents which include a comprehensive set of national and

state guidelines on the issue of quality control. The tender documents request, inter alia, all potential tenderers to specify how they will maintain their screening equipment.

Aboriginal Health

A comment was made to the Department that Aboriginal communities were often unable to maintain the technology used to treat water and sewage. In this regard, the Department were asked whether they were taking action to implement appropriate technology for Aboriginal communities which have low energy use and maintenance.

The Department advised that the State of Western Australia, the Commonwealth and other community agencies had recently established an innovative and nationally unique forum to enable such issues to be discussed. At a State level, this has meant that the Health Department and Homeswest had been able to rationalise services in a way which provide a more comprehensive range of facilities to Aboriginal communities with appropriate technology.

3.3.2 Summary of Subjects

Matters discussed were as follows -

- Whitby Falls Hostel
- Credit card use and referring fraudulent use of those cards to the Anti-Corruption Commission
- Bunbury Health Campus
- Privatisation of Forrest Lodge
- Increased access to general practitioners outside the normal opening hours
- Anstey House
- Funding for Aboriginal Health
- Independent Living Programs for mental health patients
- Country Hospitals Budgets
- Health and Community Care Program
- Immunisation rates
- Collie Hospital
- Murray District Hospital at Pinjarra
- Budget for the Peel Health Service
- Osborne Park Hospital
- Metropolitan Health Service Board
- Nurses wages
- National mental health strategy
- Wesley Mission accommodation program
- Outsourcing the breast screening program
- Vision screening for children
- Salary packages paid to the Directors of Nursing at the teaching hospitals
- Pharmacies operating within supermarket chains
- Additional time required by nurses to fulfil reporting requirements
- Criminal screening unit
- Dental health
- Office of Health Review

3.4 Conservation and Land Management (Division 41)

3.4.1 Outline of Selected Issues and Topics

Western Shield Project

The Department advised that \$1.15 million had been allocated to the Western Shield Project to control feral animals. The project currently covers 3.3 million hectares of land and the principal resources expended are for the baits. The Department hoped to expand the project to 5 million hectares and move into the more arid regions of the State. The Department noted that the amount of funding required for the expansion would be largely dependant on sponsorship from private companies.

3.4.2 Summary of Subjects

Matters discussed were as follows -

- Plant conservation projects
- Sandalwood contract in Albany
- Caves at Margaret River and Augusta
- Salinity grants
- National Park fees
- Pemberton sawmill
- Softwood plantations
- Gngara Regional Park
- Regional Forest Agreement
- Tree Top Walk
- Feral Pig Hunting Review
- Forest burning
- Timber royalties
- Funding for the afforestation program
- Matilda Bay Restaurant

3.5 Education (Division 24)

3.5.1 Outline of Selected Issues and Topics

Allocation of Computers to Schools

The Department advised that \$80 million has been allocated to Western Australian Government schools over four years at \$20 million per year. This sum is in addition to a previous computers in school program of approximately \$20.9 million. A further \$20 million has also been allocated to non-government schools. The sum of \$20.2 million would be used to purchase up to 24 000 computers and the current estimate is that each computer will cost \$2 000.

Aboriginal Education

The Department stated that Aboriginal education is a priority with attention being focused on participation, access and retention of Aboriginal students to all levels of schooling. The Department's aim is the provision of learning environments appropriate for Aboriginal children to encourage and support them to learn. In this regard, the Department noted that it was important to increase the number of Aboriginal people employed in the education area. A number of initiatives have been implemented which include -

- the inclusion of Aboriginal studies in the curriculum framework;
- cultural awareness program for all employees within the Department; and
- tertiary aspirations program which will focus on helping and mentoring Aboriginal students to complete their secondary education and achieve tertiary level.

3.5.2 Summary of Subjects

Matters discussed were as follows -

- In service training of teachers for educational use of computers
- Upgrading of school premises
- Carey Park Primary School
- Restructure of the Education Department of Western Australia
- Country incentive teachers package
- Salary packaging for teachers
- Agriculture education
- Sites for schools in the North Metropolitan area
- School nurses
- Early childhood teachers
- Australian and New Zealand playgrounds' standard 442/1996
- Aboriginal Career Action Plan

3.6 Education Services (Division 27)

3.6.1 Outline of Selected Issues and Topics

School Education Act

The Department was referred to the Budget Paper 1998/99 which noted as a major initiative the expected proclamation of the *School Education Act* on 1 January 1999 and the reference to home education. In this regard, the Department was requested to comment on whether there would be an increased responsibility for home education or an assumption of responsibility of home education by the Department.

The Department stated, at the outset, that the position on this matter is currently uncertain. However, the Department said that it is well suited with its number of district directors and

officers throughout Western Australia to make visits for both the registration of home schools and their ongoing monitoring. In these circumstances, it was commented that it would appear logical that responsibility should remain with the Department.

3.6.2 Summary of Subjects

Matters discussed were as follows:

- Purchase of computers
- Non-government growth in school enrolments
- International student enrolments
- Catholic education system catering for the needs of disabled students
- Non-government school's committee

3.7 Premier and Cabinet (Division 3)

3.7.1 Outline of Selected Issues and Topics

Promotion of Western Australia's Gas Reserves

The Ministry advised that the Premier, the Hon Richard Court MLA, had been very active in promoting Western Australia's gas reserves and potential gas projects overseas. In particular, China and Korea are the potential markets for the Gorgon project based on gas offshore from Dampier and estimated as a \$9 billion venture. Furthermore, the Ministry advised that the Premier has spoken to Government officials in the Asian region in an attempt to promote Western Australia as a dependable supplier of liquefied natural gas.

3.7.2 Summary of Subjects

Matters discussed were as follows -

- Monitoring of the Asian crisis
- Convention Centre
- Government Media Office
- Native Title functions
- Computers - Year 2000 compliant
- Attitude monitoring survey
- Consolidation of telephone claims
- Delays in responding to correspondence
- Contracting out of payroll services
- Business Travel International contract
- Redundancy packages

3.8 Treasury (Division 8)

3.8.1 Outline of Selected Issues and Topics

Presentation of the Budget Papers

The Department was informed that the general view held by Members of the Legislative Council was that the 1998/99 Budget Papers were not presented in a user friendly manner. In particular, it was commented that -

- it would assist Members if particular programs were cross-referenced to Agencies who had involvement with those programs;
- the inconsistencies in the presentation of the Budget Papers, from year to year, makes it difficult for Members to compare money expended on programs;
- there appears to be inconsistencies between Agencies as to how the output measures were formulated; and
- the Department should give consideration to the *Senate Finance and Public Administration Legislation Committee Report* which addressed, inter alia, budget formats.

The Department agreed that there were some deficiencies in the Budget Papers and noted that the word "other" was possibly excessively broad as an expenditure item. However, the Department stated the difficulties with constructing a format which was appropriate to all Agencies. Nevertheless, the Department said that they would give consideration to the Committee's comments and continue to make improvements to the presentation of the Budget Papers.

Asian Crisis

Treasury provided a detailed analysis of the impact of the Asian crisis and the collapse of the gold price on Western Australian mineral and gold exports.

3.8.2 Summary of Subjects

Matters discussed were as follows -

- Trains proposed for the North West Shelf LNG plant
- Mt Gibson project
- Taxes
- Loan repayment from the Water Corporation
- Geraldton Port Authority

3.9 Water Corporation

3.9.1 Outline of Selected Issues and Topics

Infill Sewerage Program

The Department said that the costs for the infill sewerage program are lower than anticipated which means that it has now been expanded to include country centres. The intention is to spend \$800 million over ten years on the program.

Community Service Obligations

The Department said that there is an agreement between the Water Corporation and the Department of Treasury concerning the provision of community service obligations. Furthermore, the Water Corporation said that an agreement was currently being negotiated between the Water Corporation and the Government concerning the community service obligations.

3.9.2 Summary of Subjects

Matters discussed were as follows -

- Statement of corporate intent
- Pipeline extension program
- Watheroo mound
- Pipeline construction running across a low lying area into Woodman Point waste water treatment plant
- Daily charging policy
- Overseas projects
- Computers - Year 2000 compliant
- Vehicle fleet
- Water treatment plants
- Sale of land
- Harvey Dam
- Rates and charges
- Effluent treatment plant in Albany

3.10 Water and Rivers Commission (Division 75)

3.10.1 Outline of Selected Issues and Topics

Salinity Action Plan

The Commission said that the resources devoted to the implementation of the relevant parts of the Western Australian Salinity Action Plan in the 1998/99 financial year were in the vicinity of \$4.5 million. In this regard, the Commission advised that they were assisted by both permanent and contract staff and consultants.

3.10.2 Summary of Subjects

Matters discussed were as follows -

- Water reform process
- Foreign ownership of irrigation schemes
- Water allocation management plan
- Karnup and Dandalup groundwater area
- Regional Structure of the Water and Rivers Commission
- Watheroo mound
- Loan liability and interest rates
- Water law reform
- Ground water contamination
- Swan River Trust
- Kent Street Weir
- Swan-Canning clean-up program

3.11 Family and Children's Services (Division 69)

3.11.1 Outline of Selected Issues and Topics

Domestic Violence

The Department noted that there had been an effective increase in the budget for domestic violence. In particular, there had been a significant increase in the number of available services including the Aboriginal family violence support intervention services, domestic violence counselling services for children, supported accommodation assistance program and the establishment of domestic violence centres in regional areas.

Drug Abuse Strategy Office

The Drug Abuse Strategy Office had been established in the Department at the commencement of 1997/98 financial year. During the year, the Office's resources comprised various transfers from the Health Department and the Ministry of the Premier and Cabinet as well as additional allocations. The net cost of the resources in the 1997/98 financial year were \$7.218 million and increased to \$11.251 million in the 1998/99 financial year. The asset register has been

accordingly updated for movements associated with the restructure and transfer of the Office to the Department.

Implementation of the report into the removal of Aboriginal and Torres Strait Islander children from their homes

The Department advised that \$1 million had been made been allocated for the 1998/99 financial year to address the issues relating to the "Brining Them Home" report by Sir Ronald Wilson. The following initiatives were proposed -

- increasing the resources to improve the tracing system for Aboriginal people and families;
- liaising with the Aboriginal Affairs Department concerning details of the removal of children;
- improving access and maintenance of records relating to the removal of children; and
- providing counselling services for relevant persons.

3.11.2 Summary of Subjects

Matters discussed were as follows -

- Restructuring of the Department
- Security measures to prevent unauthorised use or accidental losses of sensitive information in the Child Protection Services register
- Domestic violence budget
- Wards of the State
- Juvenile offenders
- Karalundi Aboriginal Community
- Investigation of child maltreatment allegations
- Adoption Act
- Screening for criminal records of staff

3.12 Transport (Division 39)

3.12.1 Outline of Selected Issues and Topics

Licensing Centres

The Department's focus is on providing an efficient and expedient service in relation to the licensing matters. It was explained that the licensing bills can now be paid by credit card over the telephone and that continuous efforts were being made to improve the system. It is hoped that the advances in technology will mean that it will not be necessary for people to attend a licensing centre to carry out the relevant transactions. Accordingly, it is intended to review the distribution, function and location of the licensing centres in accordance with the changing circumstances.

3.12.2 Summary of Subjects

Matters discussed were as follows -

- Gas fired engine buses
- Dredging contract at Shark Bay
- Concessional public transport fees
- Transform WA
- Transcom Gas Technologies
- Pinjarra Road extension
- Fare evasion
- Aboriginal consultants for the widening of the Narrows Bridge

3.13 Police Service (Division 76)

3.13.1 Outline of Selected Issues and Topics

Maritime Union Dispute

The Police Service expended \$2.168 million on the Maritime Union Dispute. According to the Police Service, the police presence and contingent at the Fremantle Port varied from approximately 50 to 500 personnel. The Police Service said that the allocation of resources to the dispute will be subject to a supplementation application to the Government.

Police Training

The amount of expenditure allocated to training police officers has increased from approximately \$300 000 in 1990 to \$3 million in the 1998/99 financial year. It was commented that this drastic increase in expenditure is indicative of the Police Service's dedication to providing officers with high standard training.

3.13.2 Summary of Subjects

Matters discussed were as follows -

- Murdoch Police Station
- Ombudsman's report on the Mr Richard Brendan case
- Ngaanyatjarra Council
- Balgo community
- DNA technology
- Number of serving officers in the Western Australian police service compared with other States
- Child Abuse Unit
- Bureau of Criminal Intelligence Unit
- Police Academy site

- Relationship between drug use and armed robbery
- Criminal record searches
- Spent Convictions Act
- Municipal community patrols
- Public Sector Investigation Unit
- Average police response times
- Video recording of suspects
- Operation Barrow
- Recidivism rates while on bail
- Keep left road rule

**HON MURIEL PATTERSON MLC
(DEPUTY CHAIR)**

17 JUNE 1998

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Appendix 1**LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES
AND FINANCIAL OPERATIONS****1998/99 ESTIMATES HEARINGS PROCEDURE POLICY****1. Circulation of invitations and procedural guidelines prior to the hearings**

The Committee will issue invitations and procedural guidelines as follows:

(a) Agency representatives

The Chief Executive Officer (CEO) and the responsible Minister for each agency included in the review will be issued invitations to attend the relevant hearing approximately one month in advance of the hearing date. Where however, conditions dictate otherwise, a shorter time frame may be necessary. Should this occur, the Committee will endeavour to advise the CEO and Minister at the earliest possible opportunity.

(b) Members of the Legislative Council

Members of the Legislative Council will be issued invitations to attend the hearings approximately one month in advance of the date of the hearing. Where however, conditions dictate otherwise, a shorter time frame may be necessary. Should this occur, the Committee will endeavour to advise the Members at the earliest possible opportunity.

Once the Committee has determined which agencies will appear before it, Members of the Legislative Council will be informed of the agencies to be reviewed.

2. Witness Information Sheet

Ministerial advisors appearing before the hearings will be requested to complete a 'Witness Information Sheet' (copy attached at appendix A). All the information sought is necessary to allow Hansard to meet various requirements involved in producing a final and correct document.

3. Opening statements by agency representatives

Opening statements by the Minister and CEO will be collectively limited to no more than five minutes.

4. Order of questions

Precedence will be given to questions from Committee members.

Precedence will also be given to questions relating to reports or on-going areas of investigation of the Committee.

Questions will only be permitted during the time allocated for the hearing.

At the Chair's discretion, questions outstanding at the close of the hearing may be directed to the agency in writing through the Committee. Outstanding questions should be forwarded in writing to the Advisory/Research Officer (ARO) within 24 hours of the close of each hearing for forwarding to the agency via the responsible Minister. Response to the question should be forwarded to the ARO within five working days of receipt of the question.

5. Procedure for asking questions

During the hearings, questions should be directed through, and be acknowledged by, the Chair appointed for the particular hearing.

Responses to questions will be limited to one agency representative.

6. Type of questions permitted

Questions can be in regard to any matter relating to the financial administration of the State and should not:

- . be hypothetical or based on personal observation; or
- . be questions regarding Government policy, unless directed toward the responsible Minister (SO331).

7. Questions taken on notice

Questions that agency representatives are unable to answer during the hearing will be taken on notice.

Following the hearing, the ARO will forward a (faxed) copy of the question as it appears in the uncorrected Hansard to the office of the Minister responsible for the relevant agency. The responsible Minister must then on-forward such question to the relevant agency CEO.

Agencies responding to questions on notice should do so through their responsible Minister.

Agencies are asked to respond to questions on notice in the manner outlined in Appendix B.

The Agencies response to the questions on notice, and other supplementary information, should be provided in **both** hard copy and disc form, preferably WordPerfect 6.1. Any queries in this regard should be directed to the Hansard Sub-Editor, Mr Moray Grafton, by telephone on 9222 7266 or facsimile on 9222 7813.

Responses should be received by the ARO within five working days of the ARO's initial forwarding date of questions to the responsible Minister.

In any case where delays are expected to agency responses, the responsible Minister must immediately advise of the circumstances and the new response date.

Appendix ACommittee Hearings
Information for Witnesses

Important: Please read the following notes before giving evidence.

Full Name: (Title) _____ (First Name) _____ (Last Name) _____

Title of Position Held: _____

Business Name and Address: _____

Telephone: _____ **Fax:** _____

Signature: _____ **Date:** _____

Introduction

1. A committee hearing is a proceeding in Parliament. As such, you must not deliberately mislead the committee and you must respect the members of the committee and the committee's orders and procedures. If you do not comply with these requirements, you may be subject to legal penalties.

What happens at a hearing?

2. Committees are made up of members of Parliament. Usually there are 3 - 5 members of a committee.
3. You will be escorted to the committee's meeting room by one of the committee's staff. After you are seated, the chairperson of the committee will ask you:
 - 3.1 to state your full name, address and the capacity in which you appear before the committee; and
 - 3.2 if you have read and understood these notes.
4. The chairperson may invite you to make an opening statement to the committee.
5. The chairperson will then ask you a series of questions, following which other members of the committee may ask you more questions. If other members of the Legislative Council are present, they may also ask you questions. With limited exceptions (discussed below) you must answer questions you are asked.
6. The chairperson may invite you to make any additional comments you consider necessary.

Parliamentary privilege

7. Your evidence given to a committee is protected by parliamentary privilege. This means that your evidence, among other things, cannot be used against you in subsequent related proceedings in a court or tribunal.

Your entitlements

8. Unless the committee determines otherwise, in giving your evidence you are entitled to:
 - (a) access to relevant documents;
 - (b) raise any matter of concern to you relating to evidence to be given or documents produced;

- (c) benefit of counsel¹;
- (d) apply for all or part of your evidence to be given in private session and for an order restricting publication of, or access to, that evidence;
- (e) decline to answer a question or produce a document on the grounds that the question is unlawful or outside the scope of the matters in issue or under inquiry;
- (f) be informed before your evidence is given that if part of it might incriminate you or another person, that fact should be made known to the committee before that part is actually given;
- (g) know of and, if desired, rebut any allegations made against you whether or not those allegations amount to criminal conduct or dealing;
- (h) a reasonable opportunity to correct errors in a transcript of evidence; and
- (I) provide supplementary or new evidence.

Evidence in private session may be reported to the Legislative Council

9. Note that, even if your evidence is given to a committee in private session, or your evidence is subject to an order restricting publication of it or access to it, the committee can still report your evidence to the Legislative Council if it considers it necessary to do so. This means that your evidence may become public.

If you are a public servant

10. Public servants appearing before a committee in that capacity are entitled to refuse to answer questions on matters of policy. The committee must direct all such questions to the responsible Minister.

You must not disclose evidence

11. You must not publish or disclose any evidence given to a committee in private session unless that evidence has been reported to the Legislative Council in a public document. Premature publication or disclosure may:
- a. constitute a contempt of the Legislative Council; and
 - b. mean that the publication or disclosure of the relevant material is not subject to parliamentary privilege.

Transcript of your evidence

12. A transcript of your evidence will be made and sent to you for correction of typographical and transcription errors.

Threats or intimidation

13. If you have been threatened or intimidated by any person in respect of giving your evidence to the committee, you should immediately inform the committee or one of its staff.

¹ This means that you are entitled to have counsel (a legal or other adviser) present with you to advise you. It does not mean that you are entitled to be represented by counsel who responds to the committee on your behalf.

Appendix B**LEGISLATIVE COUNCIL ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE****QUESTIONS ON NOTICE SUPPLEMENTARY INFORMATION**

Ministerial officers should follow the format shown below when supplying questions on notice related supplementary information.

- DAY:** Day, Date Month 1997
- DIVISION:** 99 (if applicable) - Ministry of Good Fortune
- QUESTION:** Hon A.B. Brown (not “The Member for West Metropolitan”) asked
- ANSWER:** The actual expenditure.....