

2020-21 BUDGET ESTIMATES AND 2019-20 ANNUAL REPORTS PROCEDURE POLICY

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1 GENERAL INFORMATION

- 1.1 In the unique circumstances of the COVID-19 pandemic and its impact on the budget cycle, and timing around the end of the 40th Parliament, the Standing Committee on Estimates and Financial Operations (Committee) resolved to jointly consider the 2021-21 Budget Estimates and the 2019-20 Annual Reports.
- 1.2 The Committee will hold hearings with agencies in the week commencing Monday 16 November 2020 in the Legislative Council Chamber.
- 1.3 This consideration of financial publications differs from previous years in the following ways.
- There will be two rounds of questions prior to hearings. Round 1 will focus on annual reports and Round 2 on the Budget Papers as well as those annuals reports that were not tabled before Round 1 closed.
 - The number of people attending the hearing in the Chamber will be restricted. The attached seating plan shows the available seats around the Chamber (Attachment A).
 - Agencies' annual reports may contain less detail.¹
 - There will be no opportunity to submit additional questions after the hearing.
 - Attendees at the hearings are required to bring their own water.
- 1.4 The hearings will be conducted in accordance with Standing Orders of the Legislative Council and this Procedure Policy. The Chair will preside over the hearings and has those powers necessary or incidental to the maintenance of the orderly conduct of these proceedings.
- 1.5 Committee staff can be contacted on (08) 9222 7379 or via the mailbox at lcefoc@parliament.wa.gov.au for further information.

2 INFORMATION FOR MEMBERS

- 2.1 The Committee encourages Members of the Legislative Council to participate in the evidence gathering process for the Committee's consideration of the 2020-21 Budget Estimates and 2019-20 Annual Reports. Members may:
- nominate agencies to appear for a hearing
 - submit questions prior to hearings, via the Electronic Lodgement System (ELS)
 - participate in hearings.

¹ Government amendments to Treasurer Instruction 903 allow agencies to streamline their annual reports. Information that may be omitted includes the 'Overview of the agency', 'significant impacts impacting the agency'; and some legal disclosures. However, agencies are to comply with key requirements of the *Financial Management Act 2006*. These include producing financial statements and key performance indicators; reporting on the operations of the agency; and whether objectives have been met under resource agreements.

Key dates

• ELS for questions prior to hearings (Round 1, which relates to the annual reports) will open	9:00am, Thursday 24 September 2020
• ELS for questions prior to hearings (Round 1) will close	5:00pm, Tuesday 6 October 2020
• ELS for questions prior to hearings (Round 2, which relates to the 2020-21 Budget Papers and those annual reports not tabled before Round 1 closed) will open	9:00am, Thursday 8 October 2020
• Nominations for agencies to appear for hearings due	5:00pm, Tuesday 13 October 2020
• ELS for questions prior to hearings (Round 2) will close	5:00pm, Friday 16 October 2020
• Timetable will be distributed	Week commencing Monday 19 October 2020
• Hearings week	Week commencing Monday 16 November 2020

Nominating agencies to appear for a hearing

- 2.2 Individual Members may nominate agencies for hearings at which they intend to participate. Nominations are due by 5:00pm on Tuesday 13 October 2020 and should be emailed to lcefoc@parliament.wa.gov.au.
- 2.3 The Committee will determine which agencies appear, guided by the strength of interest expressed by Members and the Committee's priorities. The Committee intends circulate a timetable to Members in the week commencing Monday 19 October 2020.

Submitting questions to agencies

- 2.4 Members may submit a reasonable number of questions to any agency through the ELS. Members should specify whether the question relates to the Budget Papers or an annual report. Questions not submitted by the ELS close will not be circulated to Ministers.
- 2.5 Committee staff will provide Members with instructions on how to use the ELS.
- 2.6 The Committee will make answers to submitted questions public (where appropriate) and staff will advise Members when those answers are available.

Hearings

- 2.7 Participating Members are encouraged to advise by email (lcefoc@parliament.wa.gov.au) their attendance at a particular hearing.
- 2.8 The seating arrangements continue as per current practice in the Chamber and additional Participating Members will be located in the President's Gallery. Participating Members seated in the President's Gallery are required to ask their questions from the lectern.
- 2.9 The Chair will allocate each Participating Member a specific amount of time to ask questions.

- 2.10 In hearings, Members should indicate whether a question relates to the Budget Papers or an annual report. The time allocated will depend on the number of Participating Members attending and time allocated to that hearing.
- 2.11 Questions should be directed through, and acknowledged by, the Chair. The Chair has the discretion to rule a question out of order.
- 2.12 Questions should not be hypothetical or seek an opinion on government policy, unless directed towards the Minister, Minister Representing or Parliamentary Secretary.
- 2.13 Uncorrected transcripts will be made available as soon as possible after the hearing and located at the Committee's website at www.parliament.wa.gov.au/est. Members should note the usual caveats about quoting from uncorrected transcripts.

3 INFORMATION FOR MINISTERS, MINISTERS REPRESENTING, PARLIAMENTARY SECRETARIES AND WITNESSES

- 3.1 The Committee values the contribution made by Ministers² and witnesses during this process.

Key dates

• Questions prior to hearings (Round 1, which relates to the annual reports) will be distributed	Friday 9 October 2020
• Questions prior to hearings (Round 2, which relates to the 2020-21 Budget Papers and those annual reports not tabled before Round 1 closed) will be distributed	Tuesday 20 October 2020
• Answers to questions prior to hearings (Round 1) due	5:00pm, Friday 23 October 2020
• Answers to questions prior to hearings (Round 2) due	5:00pm, Monday 2 November 2020
• Completed 'Information for Witnesses' sheet and seating plan due	5:00pm, Tuesday 10 November 2020
• Hearings week	Week commencing Monday 16 November 2020
• Uncorrected transcripts and Supplementary Information will be distributed	As soon as possible after the hearing
• Corrections to uncorrected transcripts due	5:00pm, five working days after receipt
• Answers to Supplementary Information due	5:00pm, ten working days after receipt

Submitting answers to questions

- 3.2 Ministers should provide the Committee with all requested information. If a Minister decides not to provide certain information, the Minister should consider advising each House of

² Ministers includes references to Ministers Representing and Parliamentary Secretaries.

Parliament and the Auditor General, as required by section 82 of the *Financial Management Act 2006*.

- 3.3 If the Minister considers that an answer provided should remain private, the Minister should advise the Committee accordingly. The Minister should also provide an explanation as to why that answer should remain private. The Committee will consider any request presented by a Minister.
- 3.4 If the Minister considers that more time is needed to answer questions, the Minister should seek an extension in writing for those questions not able to be answered by the due date. The Minister should provide those answers that are available in that response and the reasons why the remaining answers cannot be provided. The request for extension should be emailed to lcefoc@parliament.wa.gov.au as soon as possible.
- 3.5 Ministers should provide answers to questions in the format set out at Appendix B. The Minister should sign or initial each page of the response. A pdf version of the answer should be emailed to lcefoc@parliament.wa.gov.au.

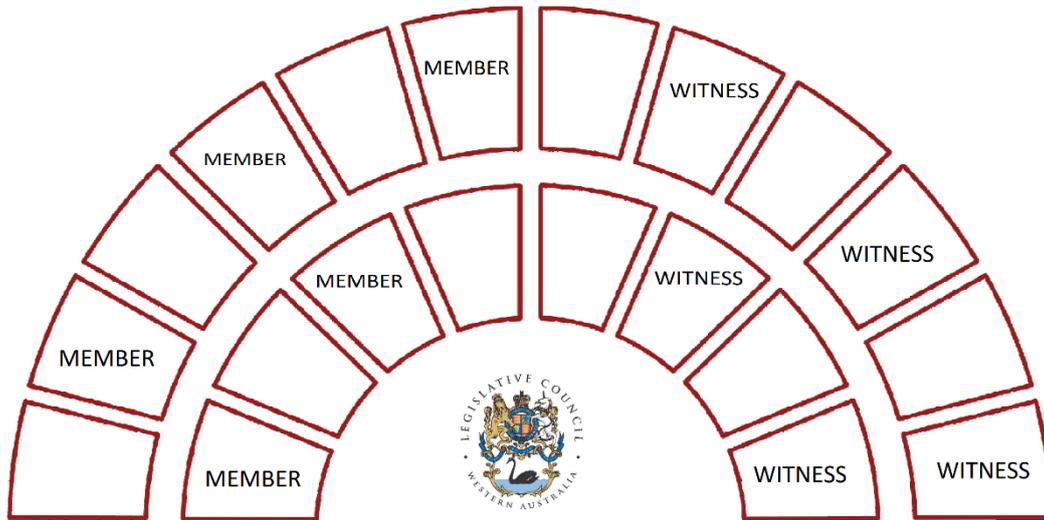
Hearings

- 3.6 The Committee will consult with Ministers and witnesses to finalise the hearing timetable.
- 3.7 Some witnesses will need to be located in the President's Gallery due to social distancing and are required to answer questions from the lectern (see Appendix A). To assist Hansard, witnesses using the lectern should preface their answer with their name.
- 3.8 Any witness appearing before the Committee is required to complete an 'Information for Witnesses' document (see Appendix A). The information sought is necessary for Hansard to produce a final and correct transcript. Signed information sheets should be emailed to lcefoc@parliament.wa.gov.au by 5:00pm Tuesday 10 November 2020.
- 3.9 Ministerial staff cannot be a substitute for a Minister at a hearing.
- 3.10 Ministers will be invited to provide an opening statement of no more than two minutes.
- 3.11 Questions that witnesses are unable to answer prior to the end of the hearing will be taken on notice. These questions are identified as 'Supplementary Information' in the Hansard transcript.
- 3.12 Committee staff will provide the Minister and witnesses with an uncorrected transcript of the hearing as soon as possible after the hearing. The transcripts will be available from the Committee's website at www.parliament.wa.gov.au/est. Ministers and witnesses will be asked to identify typographical and transcription errors. Corrections to the uncorrected transcript should be emailed to the Committee at lcefoc@parliament.wa.gov.au by 5:00pm, five working days after receipt of the transcript. The uncorrected transcript will also highlight requests for Supplementary Information (with a formal request for information to follow). The Supplementary Information should be emailed to the Committee at lcefoc@parliament.wa.gov.au by 5:00pm, ten working days after receipt of the transcript.

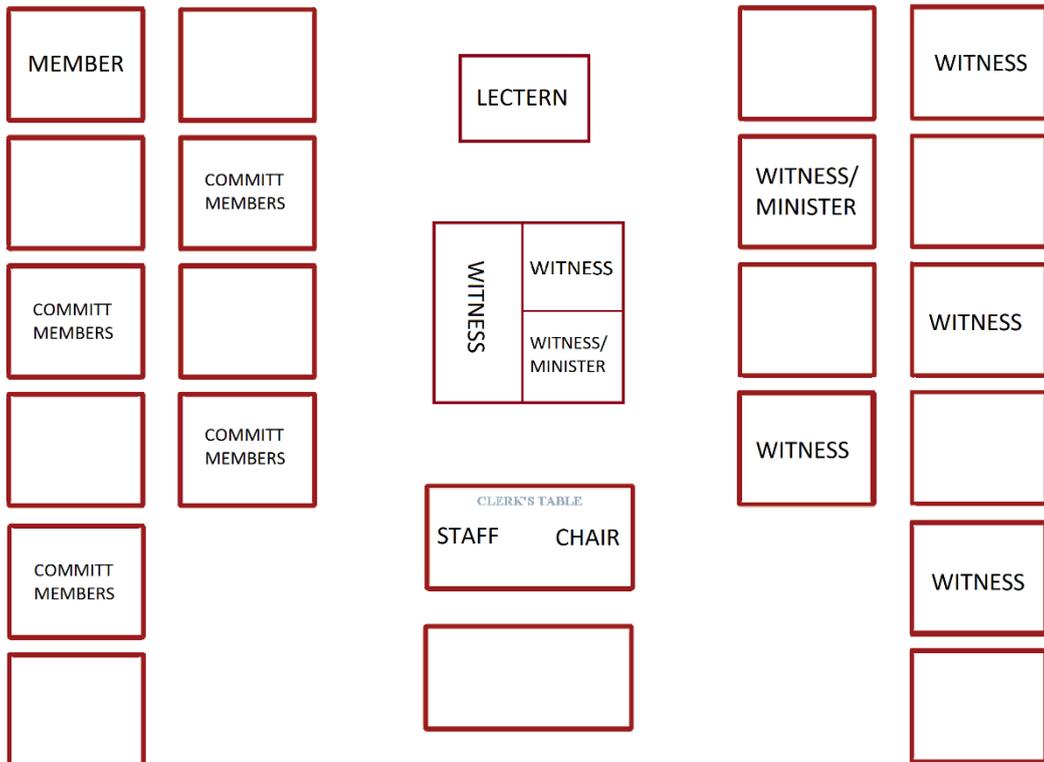
APPENDIX A

MEMBER	MEMBER
MEMBER	MEMBER
MEMBER	MEMBER

WITNESS	WITNESS
WITNESS	WITNESS
WITNESS	WITNESS



Legislative Council Seating Plan



STAFF	STAFF
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WITNESS	WITNESS
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APPENDIX B

LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

ANSWERS TO [IDENTIFY IF IT IS QUESTIONS PRIOR TO HEARING OR SUPPLEMENTARY INFORMATION]

[Insert name of department/agency]

Hon [insert Member's name] asked:

1) [Insert question 1]

[If a question has a number of parts]

a) [Insert first part of question]

Answer:...

i) [Insert any sub questions]

Answer:...

ii) [etc.]

Answer:...

iii) [etc.]

Answer:...

b) [Insert second part of question etc.]

Answer:...

i) [Insert any sub questions]

Answer:...

ii) [etc.]

Answer:...

iii) [etc.]

Answer:...

[etc.]

2) [Insert question 2]

Answer:...

Minister's initials

APPENDIX C

Committee Hearings Information for Witnesses



Important: Please read the following notes before giving evidence.

A witness is required to complete this form, sending a copy to lcefoc@parliament.wa.gov.au prior to giving evidence. This indicates that you understand your obligations as a witness and agree to appear.

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

Title of Position Held:

Business Name and Address:

Telephone: Email:

Signature: Date:

Introduction

1. A committee hearing is a proceeding in the 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 4-8 members on a committee.
3. Committee staff will escort you into the Legislative Council chamber. After you are seated, the chairperson of the committee may ask you to take an oath or affirmation. The chairperson will then ask you:
 - to state your full name, address and the capacity in which you appear before the committee
 - if you have read and understood the information contained in this document.
4. You may be invited 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. With limited exceptions (discussed below) you must answer questions you are asked.
6. The chairperson may invite you to make any additional comments at the end of the hearing.

Parliamentary privilege

7. Evidence given to Parliamentary committees is protected by Parliamentary Privilege. This means what you say to a committee, so long as it is not deliberately false, cannot be questioned or used against you in a court, tribunal or similar proceedings. Privilege is important as it allows you to be honest and direct in your evidence to a committee without fear of being sued.
8. It is important to note the protection is strictly limited to the evidence you give to the Committee during the hearing. If you repeat or publish your statements elsewhere they will not be protected by Parliamentary Privilege.
9. If you are concerned about the evidence you are going to give you should tell the Committee.

Your entitlements

10. Subject to order, any person examined before a Committee is entitled to –
 - a. access to relevant documents before and during examination;
 - b. benefit of counsel;
 - c. request that the evidence be deemed private or *in camera*;
 - d. be informed prior to the examination of the right of objection provided by section 7 of the *Parliamentary Privileges Act 1891*;
 - e. a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct made against the witness if the allegations are relevant to the Committee's inquiry;
 - f. a reasonable opportunity to correct errors of transcription in a transcript of evidence;
 - g. an opportunity to provide supplementary or new evidence; and
 - h. any additional entitlements as determined by the Council.

Is your evidence public or private?

11. Most committee hearings are public. In other words, members of the public and the media may attend the hearings and the proceedings may be reported. In contrast, a committee may conduct a private hearing, which means that members of the public and the media may not attend. If you are uncertain as to whether your hearing is private or public, ask the committee's staff before the hearing or the chair of the committee before you start giving evidence.
12. This year, because of COVID-19, members of the general public are unable to attend in person.

Requests to give evidence in private

13. You can ask the committee to take your evidence in a private session. It is important that any request for a private hearing, for the committee to prohibit publication of all or part of your evidence, or your identity, be made *prior* to giving the relevant evidence. You should be prepared to state why you want your evidence to remain private. If the committee grants your request, the public and media will be excluded from the hearing.
14. The committee may also decide that all, or part, of the hearing should be in private, particularly if the evidence adversely reflects on a third person or the matter being investigated is subject to legal proceedings.
15. You should note that the committee retains the power to publish any private evidence. The Legislative Council may also authorise publication. This means that even your private evidence may become public.

16. Evidence given *in camera* can only be disclosed by an order of the Legislative Council. It is rare for a committee to agree to evidence being given in camera.

Broadcasting

17. The Committee will broadcast these hearings on the internet. They will also be recorded and may be available online for viewing after the hearing. If you object to the hearing being broadcast, you should advise staff at the earliest opportunity and provide an explanation for your request not to broadcast the hearing. The Committee will consider your request and you will be advised of their decision.

If you are a public servant

18. Public servants appearing before a committee in that capacity are entitled to refuse to answer a question asking to give an opinion on a matter of policy. The committee must direct all such questions to the responsible Minister, representing Minister or Parliamentary Secretary.

You must not disclose evidence given in private session

19. 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:
- constitute a contempt of the Legislative Council
 - mean that the publication or disclosure of the relevant material is not subject to parliamentary privilege.

Transcript of your evidence

20. A transcript of your evidence will be made and sent to you for correction of typographical and transcription errors. Please see the letter that will accompany the uncorrected transcript in this regard.

Threats or intimidation

21. 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. If this occurs after you have given evidence you should notify the committee staff. It is a criminal offence to threaten, punish or injure a witness.