



THIRTY-NINTH PARLIAMENT

REPORT 69
STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS
2015-16 ANNUAL REPORT HEARINGS –
SCHEDULE OF HEARINGS

Presented by Hon Rick Mazza MLC (Chair)

October 2016

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Date first appointed:

30 June 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

‘3. Standing Committee on Estimates and Financial Operations

3.1 An *Estimates and Financial Operations Committee* is established.

3.2 The Committee consists of 5 Members, 3 of whom shall be non-government Members.

3.3 The functions of the Committee are to —

(a) consider and report on —

(i) the estimates of expenditure laid before the Council each year;

(ii) any matter relating to the financial administration of the State; and

(iii) any bill or other matter relating to the foregoing functions referred by the Council;

and

(b) consult regularly with the Auditor General.’

Members as at the time of this inquiry:

Hon Rick Mazza MLC (Chair)

Hon Peter Katsambanis MLC (Deputy Chair)

Hon Helen Morton MLC

Hon Alanna Clohesy MLC

Hon Dr Sally Talbot MLC

Staff as at the time of this inquiry:

Alex Hickman (Advisory Officer (Legal))

Anne Turner (Advisory Officer (Legal))

Mark Warner (Committee Clerk)

Tracey Sharpe (Committee Clerk)

Address:

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

lcco@parliament.wa.gov.au

Website: <http://www.parliament.wa.gov.au>

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REPORT OF THE STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

REPORT 69: 2015-16 ANNUAL REPORT HEARINGS – SCHEDULE OF HEARINGS

- 1.1 The Standing Committee on Estimates and Financial Operations (Committee) has finalised its schedule of hearings for departments and agencies it intends to examine during its 2015-16 Annual Report Hearings.
- 1.2 The Committee advises the House that, in addition to the dates advised in its Report 68,¹ an Annual Report hearing will also be held on Monday, 7 November 2016 at 2.15pm.
- 1.3 The schedule is attached as Appendix 1.
- 1.4 The hearings will be conducted in accordance with the Committee's Annual Report Hearings Procedure Policy. This policy is attached as Appendix 2.
- 1.5 The Committee wishes to thank Members who submitted questions prior to hearings. As noted in its Report 64, the deadline for departments/agencies to provide answers prior to the hearings is 10am, Tuesday, 18 October 2016. The Committee's practice is to make these answers public prior to the hearings.
- 1.6 The hearings will be held in the Legislative Council Committee Office, Committee Room 1, Ground Floor, 18-32 Parliament Place, West Perth, unless otherwise advised.
- 1.7 The Committee welcomes Member participation in its Annual Report hearings.



Hon Rick Mazza MLC
Chair

6 October 2016

¹ Western Australia, Legislative Council, Standing Committee on Estimates and Financial Operations, Report 68, *2015-16 Annual Report Hearings – Revised Timetable*, 21 September 2016.

APPENDIX 1

SCHEDULE OF HEARINGS



SCHEDULE OF HEARINGS

2015-16 ANNUAL REPORT HEARINGS

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
Tuesday, 25 October, 2016	9.30am – 10.45am 1.25hrs	Department of Fire and Emergency Services	Hon Michael Mischin MLC, Minister representing the Minister for Emergency Services
	Break		
	11.00am – 11.45am .75hrs	Department of Water	Hon Colin Holt MLC, Parliamentary Secretary to the Minister for Water
	Lunch		
	12.45pm – 1.30pm .75hrs	Office of the Information Commissioner	Hon Michael Mischin MLC, Attorney General
	Break		
	1.45pm – 3.00pm 1.25hrs	Department of Planning Western Australian Planning Commission	Hon Donna Faragher MLC, Minister for Planning
	Break		
3.15pm – 4.15pm 1.00hr	Metropolitan Redevelopment Authority	Hon Donna Faragher MLC, Minister for Planning	

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
	Break		
	4.30pm – 5.15pm .75hrs	Forest Products Commission	Hon Colin Holt MLC, Parliamentary Secretary to the Minister for Forestry
	Break		
Thursday, 27 October 2016	9.30am-10.30am 1.00hr	Department of Commerce Building Commission	Hon Michael Mischin MLC, Minister for Commerce
	Break		
	10.45am – 11.30am .75hrs	WorkCover WA	Hon Michael Mischin MLC, Minister for Commerce
	Break		
	11.45am – 12.30pm .75hrs	Department of the Attorney General	Hon Michael Mischin MLC, Attorney General
	Lunch		
	1.15pm – 2.30pm 1.25hrs	Department of Health	Hon Donna Faragher MLC, Minister representing the Minister for Health
	Break		
	2.45pm – 4.00pm 1.25hrs	Department of Health	Hon Donna Faragher MLC, Minister representing the Minister for Health
	Break		
4.15pm – 5.15pm 1.00hr	Department of Agriculture and Food	Hon Mark Lewis MLC, Minister for Agriculture and Food	
	Break		
Wednesday, 2 November 2016	9.30am – 10.30am 1.00hr	Main Roads Western Australia	Hon Jim Chown MLC, Parliamentary Secretary to the Minister for Transport
	Break		

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
	10.45am – 11.30am .75hrs	Department of Transport	Hon Jim Chown MLC, Parliamentary Secretary to the Minister for Transport
	Break		
	11.45am – 12.45pm 1.00hr	Public Transport Authority	Hon Jim Chown MLC, Parliamentary Secretary to the Minister for Transport
	Lunch		
	1.30pm – 2.45pm 1.25hrs	Department of Education Department of Education Services	Hon Peter Collier MLC, Minister for Education
	Break		
	3.00pm – 4.15pm 1.25hrs	Department of Education Department of Education Services	Hon Peter Collier MLC, Minister for Education
	Break		
	4.30pm – 5.00pm .50hrs	Insurance Commission WA	Hon Michael Mischin MLC, Attorney General representing the Treasurer
Thursday, 3 November 2016	9.30am – 10.30am 1.00hr	Department for Child Protection and Family Support	Hon Nick Goiran MLC, Parliamentary Secretary to the Minister for Child Protection
	Break		
	10.45am – 11.45am 1.00hr	Mental Health Commission	Hon Nick Goiran MLC, Parliamentary Secretary to the Minister for Mental Health
	Break		
	12.00pm – 12.45pm .75hrs	Water Corporation	Hon Colin Holt MLC, Parliamentary Secretary to the Minister for Water
Lunch			

DATE	TIME	DEPARTMENT	MINISTER / PARLIAMENTARY SECRETARY
	1.30pm – 2.45pm 1.25hrs	Western Australia Police	Hon Michael Mischin MLC, Attorney General representing the Minister for Police
	Break		
	3.00pm – 4.15pm 1.25hrs	Department of Corrective Services	Hon Michael Mischin MLC, Attorney General representing the Minister for Corrective Services
	Break		
	4.30pm – 5.30pm 1.00hr	Department of Fisheries	Hon Michael Mischin MLC, Attorney General representing the Minister for Fisheries
Monday, 7 November 2016	2.15pm – 3.15pm 1.00hr	Tourism WA	Hon Alyssa Hayden MLC, Parliamentary Secretary to the Minister for Tourism

APPENDIX 2

PROCEDURE POLICY

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

2015-16 AGENCY ANNUAL REPORT HEARINGS PROCEDURE POLICY

- 1. CONDUCT OF THE 2015-16 ANNUAL REPORT HEARINGS**
 - 1.1 The Estimates and Financial Operations Committee (Committee) has the function of considering agencies' annual reports laid before the Legislative Council each year. The conduct of the Annual Report Hearings is determined by the Committee in accordance with the Standing Orders of the Legislative Council.
 - 1.2 A Member of the Committee will preside over the hearings and has those powers necessary or incidental to the maintenance of the orderly conduct of its proceedings.
- 2. SELECTION OF AGENCIES TO BE REVIEWED**
 - 2.1 The Committee has determined which departments/agencies are to be reviewed. Committee Members have been authorised to confer with other Members about agencies/departments that they would like to appear.
- 3. TIMETABLE FOR HEARINGS AND INVITATIONS PRIOR TO THE HEARINGS**
 - 3.1 At the earliest possible opportunity, the Committee will:
 - circulate the timetable of the hearings, including the departments/agencies that will attend, the location, date and time of the hearings
 - send an invitation to heads of departments/agencies and the responsible Minister/Parliamentary Secretary to attend the hearings and reserving the Committee's right to request officers with specific expertise to attend.
- 4. INFORMATION FOR WITNESSES DOCUMENT**
 - 4.1 Departmental/agency staff and any Ministerial advisors appearing before the Committee will be required to complete an 'Information for Witness' form (a copy is attached at Appendix A). This information is requested to assist Hansard to produce a final and correct transcript.
 - 4.2 Ministerial staff cannot be a substitute for a Minister/Parliamentary Secretary at a hearing.
- 5. QUESTIONS PRIOR TO HEARING**
 - 5.1 A reasonable number of questions in relation to the 2015-16 Annual Reports for any agency or department prior to the hearings may be lodged by Members with the Committee Clerk via the Committee's email inbox (lcefoc@parliament.wa.gov.au) no later than **10am, Monday, 3 October 2016**.

- 5.2 As a guide each Member may lodge two pages of questions using the template attached as Appendix B. If a Member submits more than two pages of questions it will be at the Chair's discretion, in limited circumstances, to allow the questions to be submitted.
- 5.3 Questions should be submitted by email, in Word format, or a signed hard copy.
- 5.4 Questions will be forwarded to the department/agency via the responsible Minister. Responses to these questions are required to be provided to the Committee Clerk by 10am, Tuesday, 18 October 2016. Multiple page responses are to include page numbers.
- 5.5 Upon receipt of the department/agency's written response, the Committee will consider the answers and make them public at its discretion. The agency should indicate if it wishes the answers to be kept private and the reasons why.
- 5.6 If a department/agency believes that more time is needed to answer questions, it should seek an extension in writing for those questions not able to be answered by the due date by contacting Committee Staff prior to the deadline of 10am, Tuesday, 18 October 2016 and provide reasons for needing an extension.
6. **ASKING OF QUESTIONS DURING THE HEARING**
- 6.1 Each Member may ask a number of questions at the discretion of the Chair.
- 6.2 The Chair will facilitate the asking of questions by all Members present at a particular hearing (subject to time constraints).
- 6.3 The calling of questions is at the Chair's discretion. During the hearings, questions should be directed through, and be acknowledged by, the Chair.
- 6.4 After questions by Committee Members or their nominees, Members who submitted Questions Prior to Hearings for that agency/department will be given priority during the hearing, followed by other Members, who will be selected to ask questions in rotation and in a balanced and fair way.
- 6.5 The Chair has the discretion to rule a question out of order.
- 6.6 As a general guide for Members, the rules governing questions in the Chamber will be followed (Standing Orders 104 to 109 inclusive and Standing Orders 181 to 182).
7. **QUESTIONS TAKEN ON NOTICE DURING THE HEARING**
- 7.1 Questions that are asked during the hearings which the departmental/agency representatives are unable to answer prior to the end of the hearing will be taken on notice. Each question taken on notice will be allocated a number by the Chair to facilitate identification of the question in Hansard.
- 7.2 Following each hearing, the Committee Clerk will forward a copy of all questions taken on notice, as they appear highlighted within the uncorrected Hansard, to the office of the Minister responsible for the relevant department/agency, copied to the relevant department/agency.
- 7.3 Departments/agencies responding to questions taken on notice should do so through their responsible Minister. Answers to questions should be provided in both hard copy and an electronic copy via e-mail. This is to be in Word format and in accordance with the format set out in Appendix B. Multiple page responses are to include page numbers.

- 7.4 Answers are required within **ten working days** of the Committee Clerk's initial forwarding date of questions to the responsible Minister. Upon their receipt, the Committee will consider the answers and make them public at its discretion. The agency should indicate if it wishes the answers to be kept private and the reasons why. The answers remain private until they are made public and published by the Committee.
- 7.5 If a department/agency believes that more time is needed to answer the questions taken on notice, it should seek an extension in writing for those questions not able to be answered by the due date by contacting Committee Staff prior to the end of the ten working day period and provide reasons for needing an extension. The Committee expects that any questions that can be answered will be provided by the due date.
8. **ADDITIONAL QUESTIONS**
- 8.1 Additional Questions relevant to the 2015-16 Agency Annual Report hearings may be directed to the relevant department/agency for an answer in writing.
- 8.2 A reasonable number of Members' Additional Questions should be submitted by email in Word format and sent to the Committee via the Estimates e-mail inbox (icefoc@parliament.wa.gov.au) by:
- **12.00 midday on Monday 31 October 2016** for those attending hearings on Tuesday, 25 October 2016 and Thursday, 27 October 2016; and by
 - **12.00 midday on Monday, 7 November 2016** for those attending hearings on Wednesday 2 November 2016 and Thursday, 3 November 2016,
- to allow for forwarding to the department/agency via the responsible Minister. They should also be in accordance with the format set out in Appendix B.
- 8.3 As a guide each Member may lodge two pages of Additional Questions using the template attached as Appendix B. If a Member submits more than two pages of questions it will be at the Chair's discretion, in limited circumstances, to allow the questions to be submitted.
- 8.4 Answers to these Additional Questions will be requested from the relevant department/agency within **ten working days** of issue.
- 8.5 Upon receipt of written answers, the Committee will consider and make them public at its discretion. The agency should indicate if it wishes the answers to be kept private and the reasons why. The answers remain private until they are made public and published by the Committee.
- 8.6 If a department/agency believes that more time is needed to answer Additional Questions, it should contact Committee Staff prior to the end of the ten working day period and seek an extension, giving reasons why an extension is required. The Committee expects that any questions that can be answered will be provided by the due date.

APPENDIX A



Committee Hearings Information for Witnesses

Important: Please read the following notes before giving evidence.

Full Name: (Title)	(First Name)	(Last Name)
<hr/>		
Title of Position Held:		
<hr/>		
Business Name and Address:		
<hr/>		
<hr/>		
Telephone:	Email:	
<hr/>		
Signature:	Date:	
<hr/>		

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 3-10 members on 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 may ask you to take an oath or affirmation. The chairperson will then ask you:
 - a. to state your full name, address and the capacity in which you appear before the committee; and
 - b. if you have read and understood the information contained in this document.
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. With limited exceptions (discussed below) you must answer questions you are asked.
6. The chairperson may invite you to make any additional comments in closing.

aar15.Procedure Policy (A571271)

Parliamentary privilege

7. Parliamentary privilege provides protection for what is said in parliamentary proceedings, so that, for instance, what is said in such proceedings may not be the basis of a suit in defamation. However, it is only the authorised Hansard report, or that of an accredited media reporter, which is protected when what is said in the proceeding is related outside the confines of Parliament. Similarly, parliamentary privilege means that what you have said to a committee cannot be used against you in civil or criminal proceedings in a court or tribunal. The purpose of parliamentary privilege is to enable parliamentarians and witnesses to speak candidly without fear of legal repercussions.

Your entitlements

8. 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?

9. 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 chairman of the committee before you start giving evidence.
10. It is important that any request 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 confidential. If the committee grants your request, the public and media will be excluded from the hearing.
11. 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.
12. 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.

If you are a public servant

13. 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.

You must not disclose evidence given in private session

14. 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

15. 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

16. 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.

APPENDIX B

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE FORMAT FOR QUESTIONS AND ANSWERS

Department of [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:...

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