



PARLIAMENT OF TASMANIA

JOINT SELECT COMMITTEE

WORKING ARRANGEMENTS OF THE PARLIAMENT

REPORT No. 3

GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEES

*Brought up by the Deputy Premier (the Honourable Paul Lennon MHA)
and ordered to be printed.*

MEMBERS OF THE COMMITTEE

Hon. *Michael Aird* MLC (Chair)

Hon. *Sue Smith* MLC

Hon. *Stephen Wilson* MLC

Hon. *Ray Groom* MHA

Hon. *Paul Lennon* MHA

Hon *Peter Patmore* MHA

INTRODUCTION

The Committee was established by both Houses of the Tasmanian Parliament at the commencement of the First Session of the Forty-fourth Parliament on 7 October 1998. The Terms of Reference for the Committee are set out below. The principal role of the Committee is to examine and recommend to both House measures which may improve the performance and efficiency of the Parliament

TERMS OF REFERENCE

That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place, and with leave to report from time to time, to inquire into and report upon —

- (1) Measures for reform which may improve the performance and efficiency of the Parliament and its Members having particular regard to, but not confined by, a consideration of —
 - (a) the Statement of Principles agreed to by resolution of the Legislative Council on the 3rd and 4th day of September 1997;
 - (b) the procedures for the resolution of dispute and deadlocks between both Houses including standing order provisions and Parliamentary custom and conventions;
 - (c) the system of Statutory Standing, Joint Sessional and Joint Select Committees of both Houses, their roles, functions and relevance to contemporary Parliamentary practice;

(d) whether a separate Appropriation Act for —

- (i) the Parliament;
- (ii) the Auditor-General's office;
- (iii) the Ombudsman's Office;
- (iv) the Electoral Office;

is desirable.

(e) and any other matters incidental thereto.

(2) That the Committee be authorised to disclose or publish, as it thinks fit, any evidence or document presented to it prior to such evidence being reported to either House.

(3) That the Committee finalise its report by 31 March 1999.

REPORT ON SCRUTINY OF GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS

Background

In November 1996 the House of Assembly Reform of Parliament Committee released its second interim report (Paper No. 35 of 1996) recommending the establishment of a committee to examine the operations of various Government Business Enterprises and Government Corporations (GBEs and GCs). These bodies, although they account for a significant amount of public expenditure and State debt, traditionally had not been capable of being scrutinised during the annual budget estimates debate.

During December 1996 the first GBEs and GCs Scrutiny Committee, was established and sat to enquire into selected organisations. The Committee was re-established in 1997 and sat in March 1998 to repeat the process. A list of those organisations examined and sitting times in 1996 and 1998 is contained in appendix No.1.

Deliberations

The purpose of Report No. 3 is to propose draft Resolutions to both Houses which set out the powers and terms of reference for Committees of the House of Assembly and the Legislative Council, to examine the operations of various Government Business Enterprises and Government Corporations.

The Committee has considered the operations of the House of Assembly Government Business Enterprises and Government Corporations Scrutiny Committee in 1997 and 1998 and assessed options, responsibilities and powers which could be assigned to Committees of each House to scrutinise the operations of Government Business Enterprises and Government Corporations. The Committee believes such Committees need to have an ongoing role, to allow a regular rotation in the list of organisations being examined each year.

Recommendations

The Committee's draft motions to set up Scrutiny Committees for the House of Assembly and Legislative Council are as follows:-

PROCEDURES FOR EXAMINATION OF GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS

Motion to be moved in the House of Assembly

That the House of Assembly appoint a Government Business Enterprises and Government Corporations Scrutiny Committee, with leave to sit on 9 and 10 March 1999 between the hours of 9 a.m. and 5 p.m. to inquire into Government Business Enterprises and Government Corporations (GBEs and GCs) in accordance with the following schedule and rules.

For 1999 the following Government Business Enterprises and Government Corporations are allocated to the Committee as detailed below:-

Tuesday, 9 March 1999 Hydro-Electric Corporation/Transend/Tascorp

Wednesday, 10 March 1999 Motor Accidents Insurance Board/Printing
 Authority of Tasmania/TT-Line/Tasmanian Dairy
 Industry Authority

MEMBERSHIP OF THE COMMITTEE -

- (1) The Committee shall consist of five Members appointed by the House as follows:-
The Chair of Committees (Chair);
Mrs *James* (Deputy Chair);
Mr *Cheek*;
Mr *Hidding*; and
Mr *Kons*.
- (2) The Honourable Member for Denison, Ms *Putt* shall be able to attend the Committee and have the questioning rights of a Member of the Committee by notifying the Chair in writing when she first attends on each day.
- (3) During sittings, substitute Members may be allowed at the discretion of the Chair.
- (4) If a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the House.

- (5) A Committee may proceed with business despite a vacancy in its membership.
- (6) The Chair of a Committee has a deliberative vote only.
- (7) The quorum of a Committee is three of whom one is the Chair of the Committee or Deputy Chair.
- (8) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (9) Any time lost for lack of a quorum shall be added to the time allocated to that session.
- (10) Members of the House who have not been appointed as Members of the Committee, may participate in proceedings by asking questions at the discretion of the Chair, but not more than two in succession; and may not vote, move any motion or be counted for the purposes of a quorum.
- (11) The responsible Minister and Chairperson of the Board of a GBE or GC shall be examined before a Committee for a maximum period of 4 hours.

SITTING TIMES

- (1) The Committee meets only in accordance with the time-table adopted by the House or as varied by the Chair.
- (2) A one hour period shall be provided each day at the discretion of the Chair for the purpose of a luncheon break.
- (3) The Committee may sit only when the House is not sitting.

HEARINGS

All hearings of the Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard *in camera*. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the House and the House resolves that the information be made public.

PROCEEDINGS OF A GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEE.

- (1) When the activities of a GBE or GC are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.
- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GBE or GC.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GBE or GC in the provision of factual information.
- (5) Officers may answer questions at the request of the responsible Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
- (7) Questions may be asked on a ratio of three Opposition, one Tasmanian Green and one Government or in such form as the Committee determines.
- (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
- (9) Additional information may be provided to a Committee about an answer given.
- (10) Additional information -
 - (a) is to be written;
 - (b) given by a time decided by a Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the House by the Committee.
- (11) If any Member persistently disrupts the business of a Committee, the Chair
 - (a) names the Member;
 - (b) if the Member named is a Member of the Committee, suspends the sittings of the

- Committee until he or she has reported the offence to the Speaker; and
- (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the Speaker; as soon as practicable, the Chair advises the Speaker who then gives notice that the Member of the Committee be replaced.

- (12) 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 matter; and
 - (c) the Committee may continue to meet but may not further examine the matter then under consideration.

- (13) Television coverage will be allowed, subject:-
 - (a) to the foregoing provisions contained under "Hearings"; and
 - (b) to the same guidelines that apply to televising of the House of Assembly itself.

TRANSCRIPT

An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

Evidence taken *in camera* shall be printed on coloured paper and shall only be circulated to the Committee Members and shall not be divulged in any way to any other person.

REPORTS OF COMMITTEES

A Report of the Committee is to be brought up by the Chair or the Deputy Chair to the House and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

And that the House of Assembly give leave to Ministers of the Crown who have relevant portfolio responsibilities to attend any similar Committee established by the Legislative Council if requested by that Committee as follows:-

Thursday 11 March Hobart Ports Corporation/Burnie Port
1999 Corporation/State Fire Commission/Rivers and

Water Supply Commission

Friday 12 March 1999 Racing Tasmania/Totalisator Agency
Board/Forestry Tasmania

Motion to be moved in the Legislative Council

That the Legislative Council appoint a Government Business Enterprises and Government Corporations Scrutiny Committee, with leave to sit on 11 and 12 March 1999 between the hours of 9 a.m. and 5 p.m. to inquire into Government Business Enterprises and Government Corporations (GBEs and GCs) in accordance with the following schedule and rules.

For 1999 the following Government Business Enterprises and Government Corporations are allocated to the Committee as detailed below:-

Thursday 11 March 1999 Hobart Ports Corporation/Burnie Port
Corporation/State Fire Commission/Rivers and
Water Supply Commission

Friday 12 March 1999 Racing Tasmania/Totalisator Agency
Board/Forestry Tasmania

MEMBERSHIP OF THE COMMITTEE -

- (1) The Committee shall consist of seven Members appointed by the Council.
- (2) During sittings, substitute Members may be allowed at the discretion of the Chair.
- (3) If a vacancy occurs in the membership of a Committee, the President may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the Council.
- (4) A Committee may proceed with business despite a vacancy in its membership.
- (5) The Chair of a Committee has a deliberative vote only.
- (6) The quorum of a Committee is four of whom one is the Chair of the Committee or Deputy Chair.

- (7) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (8) Any time lost for lack of a quorum shall be added to the time allocated to that session.
- (9) Members of the Council who have not been appointed as Members of the Committee, may participate in proceedings by asking questions at the discretion of the Chair; and may not vote, move any motion or be counted for the purposes of a quorum.
- (10) A responsible Minister and Chairperson of the Board of a GBE or GC shall be examined before a Committee for a maximum period of 4 hours.

SITTING TIMES

- (1) The Committee meets only in accordance with the time-table adopted by the Council or as varied by the Chair.
- (2) A one hour period shall be provided each day at the discretion of the Chair for the purpose of a luncheon break.
- (3) The Committee may sit only when the House is not sitting.

HEARINGS

All hearings of the Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard *in camera*. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the Council and the Council resolves that the information be made public.

PROCEEDINGS OF A GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEE.

- (1) When the activities of a GBE or GC are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.

- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GBE or GC.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GBE or GC in the provision of factual information.
- (5) Officers may answer questions at the request of the Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
- (7) The ratio of Questions to be asked may be in such form as the Committee determines.
- (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
- (9) Additional information may be provided to a Committee about an answer given.
- (10) Additional information -
 - (a) is to be written;
 - (b) given by a time decided by a Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the Council by the Committee.
- (11) If any Member persistently disrupts the business of a Committee, the Chair
 - (a) names the Member;
 - (b) if the Member named is a Member of the Committee, suspends the sittings of the Committee until he or she has reported the offence to the President; and
 - (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the President; as soon as practicable, the Chair advises the President who then gives notice that the Member of the Committee be replaced.
- (12) 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 President who makes a ruling on the matter; and
- (c) the Committee may continue to meet but may not further examine the matter then under consideration.

(13) Television coverage will be allowed, subject:-

- (a) to the foregoing provisions contained under "Hearings"; and
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An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

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REPORTS OF COMMITTEES

A Report of the Committee is to be brought up by the Chair or the Deputy Chair to the Council and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

And that the Legislative Council give leave to the Treasurer to attend any similar Committee established by the House of Assembly if requested by that Committee should it examine GBEs or GCs within the area of the Treasurer's portfolio responsibilities

Parliament House
December 1998

Hon Michael Aird, MLC,
CHAIRPERSON

APPENDIX 1

House of Assembly Government Business Enterprises and Government Corporations Scrutiny Committee
Schedule of examination of organisations

All GBEs and GCs examined for a three hour period unless otherwise indicated.

1996

TUESDAY, 3 DECEMBER

AM Motor Accidents Insurance Board

PM Totalisator Agency Board Tasmania

WEDNESDAY, 4 DECEMBER

AM TT-Line Company Pty. Ltd.

PM Metropolitan Transport Trust

THURSDAY, 5 DECEMBER

AM Hydro-Electric Corporation & HEC Enterprises Corporation

PM Forestry Tasmania

1998

TUESDAY, 3 MARCH

AM Hydro-Electric Corporation & HEC Enterprises Corporation

PM TT Line

WEDNESDAY, 4 MARCH

AM Civil Construction Services Corporation

PM Printing Authority of Tasmania (90 minutes)

PM Tasmanian Public Finance Corporation (TASCORP) (90 minutes)

THURSDAY, 5 MARCH

AM Metro Tasmania

PM Forestry Tasmania