



Parliament of Tasmania

JOINT SELECT COMMITTEE

WORKING ARRANGEMENTS OF THE PARLIAMENT

REPORT NO. 1 ON ESTIMATES COMMITTEES

MEMBERS OF THE COMMITTEE

Mr Aird (Chairman)	Mr Groom
Mrs Sue Smith	Mr Lennon
Mr Wilson	Mr Patmore

Joint Secretaries : Mrs Sue McLeod
Mr Peter Bennison

INTRODUCTION

The Committee was established on 7 October 1998 for the purposes set out below in the Terms of Reference. Due to the time constraints for dealing with the 1998/99 budget process, the Committee's initial deliberations focussed on the system of estimates committees in the Parliament and the options available to include the Legislative Council either jointly or separately.

The Committee has made its recommendations on this issue on the basis of a *trial only* and believes that more detailed consideration of the success, or otherwise, of the process will be necessary prior to the 1999/2000 budget.

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.

and that -

Mr Aird

Mrs Sue Smith

Mr Wilson

Mr Groom

Mr Lennon

Mr Patmore

be Members of the Committee, and that the Committee finalise its report by 31 March 1999.

BACKGROUND

The Committee considered the operation of similar committees in other jurisdictions within Australia.

Victoria

Victoria has a joint Public Accounts and Estimates Committee which undertakes portfolio based assessment of the budget and related documents. Although there have been both joint estimates committees and Legislative Council only estimates committees in the past, these have always deliberated after the budget has been passed by the Parliament. Under the present system the Government is required to respond to the report of the committee.

New South Wales

In 1995 and 1996 New South Wales operated joint estimates committees. In 1997 an attempt was made again to have joint estimates committees however a number of difficulties were highlighted. These did not occur and the estimates committee in 1997 were Legislative Council only. Some of the problems raised at this time by both houses of the New South Wales Parliament included :-

- Membership - numbers and status (independent/party)
- Chair and Deputy of each Committee - election of
- Quorum
- Questioning of Ministers and/or Departmental Officers
- Time limits for questions and answers
- Tabling of report - one house or both

South Australia

In South Australia the budget estimate process has occurred in the House of Assembly only since 1980. The Upper House is constitutionally excluded from holding estimates committees.

Western Australia

Western Australia has estimates committees only in the Legislative Council.

Australian Capital Territory

In the ACT budget estimates are set up as a select committee. These committees not only examine the budget but also review annual reports.

HOUSE OF ASSEMBLY ESTIMATES COMMITTEES

The House of Assembly estimates committees have been successful in the past. Although minor changes may need to be made to various procedures, there would be no difficulty to continue the previous practices for this year's budget.

LEGISLATIVE COUNCIL ESTIMATES COMMITTEES

Although the Legislative Council has never had formal estimates committees, Expenditure Review Briefings have been held in the past which were similar in their function. These briefing sessions allowed Members to examine the details of the budget with Ministers and public servants in attendance.

It is evident that there are three options available :-

1. Continue the Expenditure Review Briefings as outlined
2. Formalise the Briefings, with strict rules and hansard
3. Develop a formal estimates committee system modelled on the Tasmanian House of Assembly model.

JOINT ESTIMATES COMMITTEES

Joint estimates committees are not common in Australia. The Victorian Parliament however had joint estimates committees from 1988 to 1992 which examined the estimates after the budget passed the Parliament and not as part of the budget process. New South Wales had joint estimates committees in 1995 and 1996 and in 1997 again attempted to run joint estimates committees. The two houses could not agree on a number of issues involving the way the committees would work and therefore in 1997 the estimates committees were Upper House only.

There are several areas which have been considered, based not only on the New South Wales experience, but also on the likely areas of concern within the Tasmanian Parliament. These concerns have been incorporated in the procedures attached which set out the proposed rules for both houses of Parliament operating estimates committees simultaneously.

SIMULTANEOUS BUDGET DEBATES

The need to consider simultaneous budget debates was acknowledged due to time constraints. In 1993 the Legislative Council debated the second reading stage of the Consolidated Fund Appropriation Bill simultaneously. It is evident that it is possible for all stages to be debated simultaneously and then to formally agree (or disagree) to the first and second reading, committee stage and third reading when the Bill is received in the Council with little debate.

The procedure to be followed would be similar to that set out in a paper by the Leader for the Government and sent to all Legislative Council Members in May 1989.

Stage 1 - when the budget is introduced in the Lower House, the Budget Papers together with the Premier's Budget speech would be tabled in the Legislative Council. The Leader for the Government in the Legislative Council would then move a Motion without Notice "That the Budget Papers entitled : Budget Overview 1998-99; Operations of Government Departments Volumes 1 and 2 1998-99; Budget Speech 1998-99; and the Consolidated Fund Appropriation Bill 1998-99 be taken into consideration" and present his speech. The debate would then continue as if it were the formal second reading of the bill.

At the close of the debate the Leader would move “That the Legislative Council do resolve itself into a Committee of the Whole Council to consider the Budget Papers in detail” and then adjourn the Council. The House of Assembly would also adjourn at this stage for the Estimates Committee process (either joint or separate).

Stage 2 - At the conclusion of the Estimates Committees the House of Assembly would resume sitting to table the report of the Committees and to finalise the committee stage of the debate. The House of Assembly would then read the Bill a third time and send it to the Legislative Council for its formal consideration.

The formal consideration by the Legislative Council would involve the agreement (or otherwise) to the first and second reading stages of the Bill. The Estimates Committee reports would then be tabled and dealt with in the committee stage, followed by the normal third reading of the Bill.

CONCLUSION

The Committee has made its recommendations taking into consideration the limited time available to debate the Budget Papers entitled : Budget Overview 1998-99; Operations of Government Departments Volumes 1 and 2 1998-99; Budget Speech 1998-99; and the Consolidated Fund Appropriation Bill 1998-99. In order to meet these time constraints the Committee believes it is essential for the Legislative Council to again debate these papers simultaneously with the House of Assembly and to introduce simultaneous Estimates Committees in the Legislative Council.

The attached recommendations have been made with the tripartite support within the appointed Committee.

RECOMMENDATIONS

1. JOINT ESTIMATES COMMITTEES

The Committee recommends that there be further consideration as to whether Joint Estimates Committees are an appropriate and efficient way of dealing with the budget process by both houses of Parliament.

2. SIMULTANEOUS DEBATES

1. The Committee recommends that simultaneous debates in the House of Assembly and the Legislative Council on the principal of the Consolidated Fund Appropriation 1998-99 Bill be held, using the precedent established in 1993 in the Legislative Council.
2. That such debates be concluded by Thursday, 12 November next.

3. ESTIMATES COMMITTEES

That the Legislative Council and the House of Assembly agree, notwithstanding anything to the contrary in the Standing Orders of either House, that:-

- a) when the Consolidated Fund Appropriation 1998-99 Bill has been read the Second time in the House of Assembly, the Bill be referred to Estimates Committees A and B of the House of Assembly; and
- b) debate in the Legislative Council on the question "That the budget papers entitled: 'Budget Overview 1998-99'; 'Operations of Government Departments Volumes 1 and 2 1998-99'; 'Budget Speech 1998-99'; and the Consolidated Fund Appropriation Bill 1998-99 be taken into consideration", has concluded, the budget papers be referred to Estimates Committees A, B and C of the Legislative Council.

Such Committees may not vote on, but may examine and report upon the proposed expenditures contained in the Bill by no later than 24 November 1998, with such expenditures being considered on an output by output basis, including Grants, Subsidies and Loans and the Capital Investment Program.

COMMITTEE SCHEDULE - HOUSE OF ASSEMBLY

Estimates Committee A

For indicative purposes, the seven Ministerial portfolio units, numbered 1 to 7, are allocated as follows:

Date	Minister	Portfolios
Monday, 16 November	1	
Tuesday, 17 November	3	
Wednesday, 18 November	5	
Thursday, 19 November		
Friday, 20 November	4	

Estimates Committee B

For indicative purposes, the seven Ministerial portfolio units, numbered 1 to 7, are allocated as follows:

Date	Minister	Portfolios
Monday, 16 November	2	
Tuesday, 17 November		
Wednesday, 18 November	6	
Thursday, 19 November	7	
Friday, 20 November		

COMMITTEE SCHEDULE - LEGISLATIVE COUNCIL

Estimates Committee A

For indicative purposes, the seven Ministerial portfolio units, numbered 1 to 7, are allocated as follows:

Date	Minister	Portfolios
Monday, 16 November	4	
Tuesday, 17 November	1	

Wednesday, 18
November
Thursday, 19
November
Friday, 20
November

Estimates Committee B

For indicative purposes, the seven Ministerial portfolio units, numbered 1 to 7, are allocated as follows:

Date	Minister	Portfolios
Monday, 16 November		
Tuesday, 17 November	2	
Wednesday, 18 November		
Thursday, 19 November	6	
Friday, 20 November	7	

Estimates Committee C

For indicative purposes, the seven Ministerial portfolio units, numbered 1 to 7, are allocated as follows:

Date	Minister	Portfolios
Monday, 16 November		
Tuesday, 17 November		
Wednesday, 18 November	3	
Thursday, 19 November	5	
Friday, 20 November		

MEMBERSHIP OF COMMITTEES - HOUSE OF ASSEMBLY

1. Estimates Committee A and B shall each consist of 5 Members, being 3 from the Government nominated by the Leader of the House, and 2 from the Opposition nominated by the Leader of Opposition Business in the House, to the Speaker.
2. The Chair of Committees shall be the Chair of Estimates Committee A, and a Deputy Chair of Committees shall be the Chair of Estimates Committee B. In the absence of the Chair of either Committee, the Members of the Committee present shall elect another Chair *pro tempore*.
3. The Honourable Member for Denison, Ms *Putt*, shall be able to attend either Estimates Committee A or Estimates Committee B, and have the questioning rights of a Member of that Committee on that day, by notifying the Chair of that Committee in writing when she first attends on each day.
4. During sittings, substitute Members may be allowed at the discretion of the Chair.
5. 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 as appointed by the House.
6. A Committee may proceed with business despite a vacancy in its membership.
7. The Chair of each Committee has a deliberative vote only.
8. The quorum of a Committee is a majority of the Committee.
9. 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.
10. Any time lost for lack of a quorum shall be added to the time allocated to that session.
11. Members of the House who are not Members of the Committee may participate in proceedings by asking a maximum of two questions on each program unit, but may not vote, move any motion or be counted for the purposes of a quorum.
12. A Minister shall appear before an Estimates Committee for a maximum period of nine hours.

MEMBERSHIP OF COMMITTEES - LEGISLATIVE COUNCIL

1. Estimates Committees shall each consist of 5 Members, nominated by the Leader of the Government. The President, the Leader of the Government, the Deputy Leader of the Government and the Treasurer shall not be appointed as Members of a Committee.
2. The Chair of Committees shall be the Chair of Estimates Committee A, and Deputy Chairs of Committees shall be the Chair of Estimates Committees B and C. In the absence of the Chair of either Committee, the Members of the Committee present shall elect another Chair *pro tempore*.
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 President may nominate a Member in substitution, but in so doing has regard to the composition of the Committee as appointed by the Council.
5. A Committee may proceed with business despite a vacancy in its membership.
6. The Chair of each Committee has a deliberative vote only.
7. The quorum of a Committee is a majority of the Committee.
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 Council who are not Members of the Committee may participate in proceedings by asking a maximum of two questions on each program unit, but may not vote, move any motion or be counted for the purposes of a quorum.
11. A Minister shall appear before an Estimates Committee for a maximum period of six hours.

SITTING TIMES - HOUSE OF ASSEMBLY

1. Each Estimates Committee meets only in accordance with the timetable adopted by the House or as varied by the Chair. If a Committee is sitting on any day

- (a) it commences at 9.30 am. and is suspended at 12.30 pm., unless otherwise ordered;
 - (b) it commences at 2.30 pm and is suspended at 5.30 pm, unless otherwise ordered;
 - (c) it commences at 7.30 pm and is suspended at 10.30 pm, unless otherwise ordered.
2. Estimates Committees may sit only when the House is not sitting.

SITTING TIMES - LEGISLATIVE COUNCIL

1. Each Estimates Committee meets only in accordance with the timetable adopted by the Council or as varied by the Chair. If a Committee is sitting on any day
 - (a) it commences at 9.30 am. and is suspended at 12.30 pm., unless otherwise ordered;
 - (b) it commences at 2.30 pm and is suspended at 5.30 pm, unless otherwise ordered.
2. Estimates Committees may sit only when the Council is not sitting.

OPEN HEARINGS

All hearings of the Estimates Committees are open to the public.

PROCEEDINGS OF AN ESTIMATES COMMITTEE

1. Consideration of proposed expenditures in an Estimates Committee follows as far as possible the procedure observed in a Committee of the whole House.
2. A Committee will consider expenditures on an output by output basis, including Grants, Subsidies and Loans and the Capital Investment Programme.
3. A Committee may ask for explanations from a Minister relating to the outputs.
4. The Minister who is asked for explanations may be assisted where necessary by officers 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 Estimates Committees.
7. In the case of the House of Assembly Estimates Committees, 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 Minister may advise an Estimates Committee that an answer to a question, or part of a question, asked of the Minister will be given later to the Committee, where possible that Committee sitting day.
9. A Minister may provide additional information to a Committee about an answer given by or for the Minister.
10. Additional information -
 - (a) is to be written;
 - (b) given by a time decided by the Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the House or Council, as the case may be, by the Committee.
11. If any Member persistently disrupts the business of an Estimates Committee, the Chair-
 - (a) names the Member;
 - (b) if the Member named is a Member of the Estimates Committee, suspends the sittings of the Estimates Committee until the Chair has reported the offence to the Presiding Officer of the House of which they are a Member; and
 - (c) if the Member named is not a Member of the Estimates Committee, orders that Member's withdrawal from the sittings of the Committee until the Chair has reported the offence to the Presiding Officer of the House of which they are a Member;

as soon as practicable, the Chair advises the Presiding Officer who then gives notice that the Member of the Estimates 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 relevant Presiding Officer who makes a ruling on the matter; and
 - (c) the Estimates Committee may continue to meet but may not further examine the output then under consideration.
13. Television coverage will be allowed, subject to the same conditions that apply to televising of the House of Assembly.

HANSARD REPORT

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

REPORTS OF ESTIMATES COMMITTEES

1. In the case of the House of Assembly, a report of an Estimates Committee is presented by the Chair of that Committee or the Deputy Chair to a Committee of the whole House, and in the case of the Legislative Council, by the Chair of that Committee or the Deputy Chair to the Council, such reports contain any resolution or expression of opinion of that Committee.
2. When the reports of the Estimates Committee are presented they may be taken into consideration at once or at a future time.

4. MINISTERS

The Committee recommends that :

- a) the Legislative Council agrees to any requests made from the House of Assembly for the granting of leave to allow the appearance of the Treasurer before the relevant House of Assembly Estimates Committee;
- b) the House of Assembly agrees to any requests made from the Legislative Council for the granting of leave to allow the appearance of any Minister before the relevant Legislative Council Estimates Committee; and
- c) each House orders Ministers to attend in accordance with the program.

Hon Michael Aird MLC
Chair

Parliament House, Hobart
28 October 1998

