

Portfolio Committees

# **Budget Estimates Guide 2019-2020**

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## Clerk's preface

This Guide provides information on the practices and procedures relevant to the inquiry into the Budget Estimates 2019-2020.

The Guide should be read together with *New South Wales Legislative Council Practice* and the *Annotated Standing Orders of the New South Wales Legislative Council* for a full understanding of the powers of Legislative Council committees. *New South Wales Legislative Council Practice* can be found on the NSW Parliament's [website](#).



David Blunt  
**Clerk of the Parliaments**



## Chapter 1      Budget Estimates resolution

In May 2019 the Legislative Council referred the Budget Estimates for the 2019-2020 financial year to the portfolio committees for inquiry and report.

### Referral by the House

- 1.1      The resolution of the House establishing the inquiry is known as the Budget Estimates resolution. It sets out the key rules for how the inquiry will be conducted.<sup>1</sup>
- 1.2      In June, the house additionally agreed to the schedule for the initial round of hearings.<sup>2</sup>
- 1.3      This year the initial hearings will take place over 12 days.

### Budget Estimates resolution

- 1.4      On 8 May 2019, the House adopted the following Budget Estimates resolution:
  - 1.      That on tabling, the Budget Estimates and related papers for the financial year 2019 – 2020 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
  - 2.      That for the purposes of the Budget Estimates inquiry 2019 – 2020:
    - (a)    initial hearings be scheduled over 12 days from 29 to 30 August, 2 to 6 September and 9 to 13 September 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
    - (b)    supplementary hearings be scheduled over five days from 28 October to 1 November 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
    - (c)    further hearings be scheduled over 12 days from 6 to 7 February, 10 to 14 February and 17 to 21 February 2020, with the examination of portfolios on those days to be specified by further resolution of the House,
    - (d)    each scheduled day for the initial, supplementary and further rounds of hearings will begin at 9.30 am and conclude by 8.30 pm, with ministers, parliamentary secretaries and officers giving evidence in the morning sessions and officers giving further evidence during the afternoon sessions,
    - (e)    the committees must hear evidence in public,

<sup>1</sup> Minutes, *NSW Legislative Council*, 8 May 2019, pp 117-119.

<sup>2</sup> Minutes, *NSW Legislative Council*, 5 June 2019, pp 171-2; 19 June 2019, p 230.

- (f) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure,
  - (g) witnesses, including ministers, may not make an opening statement before the committee commences questions,
  - (h) members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, excluding Saturday and Sunday, following a hearing,
  - (i) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members, and
  - (j) committees are to present a final report to the House by 30 June 2020.
3. That this House resolve to adopt a revised schedule for future budget estimates inquiries similar to the Senate estimates process comprised of:
- (a) an initial round of estimates hearings over 12 days on the tabling of the Budget Estimates and related papers,
  - (b) supplementary hearings scheduled over five days in October or November of that year, and
  - (c) further hearings scheduled over 12 days in February or March of the following year.

## Schedule of initial hearings

**1.5** On 5 June 2019, the House adopted the following schedule for the initial round of hearings:

That, further to the resolution referring the Budget Estimates and related papers to the Portfolio Committees for inquiry and report, adopted by this House on 8 May 2019, the initial hearings be scheduled as follows:

### **Day One: Thursday 29 August 2019**

PC 5	Police and Emergency Services	9.30 am – 12.30 pm
		2.00 pm – 5.00 pm
		6.00 pm – 8.30 pm
PC 1	Treasury	9.30 am – 12.30 pm
		2.00 pm – 5.00 pm
		6.00 pm – 8.30 pm



**Day Two: Friday 30 August 2019**

PC 6	Transport and Roads	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 1	Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Three: Monday 2 September 2019**

PC 5	Attorney General and Prevention of Domestic Violence	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 7	Local Government	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Four: Tuesday 3 September 2019**

PC 1	Finance and Small Business	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 2	Mental Health, Regional Youth and Women	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Five: Wednesday 4 September 2019**

PC 3	Education and Early Childhood Learning	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 5	Families, Communities and Disability Services	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Six: Thursday 5 September 2019**

PC 2	Health and Medical Research	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 1	Premier	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Seven: Friday 6 September 2019**

PC 3	Skills and Tertiary Education	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 4	Water, Property and Housing	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Eight: Monday 9 September 2019**

PC 6	Better Regulation and Innovation	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 5	Counter Terrorism and Corrections	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Nine: Tuesday 10 September 2019**

PC 6	Regional Transport and Roads	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 4	Agriculture and Western New South Wales	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 1	The Legislature	9.30 am – 12.30 pm

**Day Ten: Wednesday 11 September 2019**

PC 7	Planning and Public Spaces	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 1	Jobs, Investment, Tourism and Western Sydney	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Eleven: Thursday 12 September 2019**

PC 6	Customer Service	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC5	Sport, Multiculturalism, Seniors and Veterans	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm

**Day Twelve: Friday 13 September 2019**

PC 4	Regional New South Wales, Industry and Trade	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm
PC 7	Energy and Environment	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm.



## Chapter 2 Committee membership

2.1 Each of the seven portfolio committees has seven members, comprising:

- three government members
- two opposition members
- two cross bench members.<sup>3</sup>

2.2 The membership of each committee is listed at Appendix 1.

### Substitute members

2.3 Under the sessional orders for the 57th Parliament, members may substitute for other members, whether for a particular meeting or for a whole inquiry. A substitute member has the same rights as a substantive member and may question witnesses, vote and be counted for the purposes of a quorum or division.

2.4 Nominations for substitute government or opposition members may be made by the Leader of the Government or Leader of the Opposition, or government or opposition Whips or Deputy Whips, as applicable. Nominations for substitute cross bench members are to be made by the substantive member or another cross bench member.<sup>4</sup>

2.5 Nominations for substitute members should be submitted by email to the Budget Estimates secretariat prior to the commencement of the hearing or meeting.

### Participating members

2.6 Unless a committee decides otherwise, a member of the House who is not a member of a committee may take part in the public or private proceedings of a committee and question witnesses, but cannot vote, move a motion or be counted for the purpose of a quorum or division.<sup>5</sup>

2.7 Members wishing to participate in a meeting should advise the committee by email to the Budget Estimates secretariat prior to the commencement of the meeting.

### Quorum

2.8 The quorum of a portfolio committee is three members.<sup>6</sup>

<sup>3</sup> Resolution establishing the Portfolio Committees, Item 7, 8 May 2019, pp 112-17.

<sup>4</sup> Sessional order – Substitute members, *Minutes*, NSW Legislative Council, 8 May 2019, p 67.

<sup>5</sup> SO 218, as amended by Sessional order – Participation by members of the House and others in committee inquiries, *Minutes*, NSW Legislative Council, 8 May 2019, p 67.

<sup>6</sup> SO 214(1).



## Chapter 3 Hearings

The initial Budget Estimates hearings will be held from Thursday 29 August to Friday 13 September 2019. The week of 28 October to 1 November 2019 has been set aside for supplementary hearings. Further hearings will be held over 12 days from 6 February to 21 February 2020.

The schedule of initial hearings is shown by date in Appendix 2 and by committee in Appendix 3.

### Attendance of ministers, parliamentary secretaries and public servants

- 3.1 The Budget Estimates resolution stipulates that initial, supplementary and further hearings begin at 9.30 am and conclude by 8.30 pm, with ministers, parliamentary secretaries and officers giving evidence in the morning sessions, and officers giving further evidence in the afternoon sessions.<sup>7</sup>
- 3.2 The Budget Estimates resolution also provides that committees may ask for explanations from ministers and parliamentary secretaries, as well as officers of departments, statutory bodies or corporations.<sup>8</sup>
- 3.3 It is standard practice for ministers of both Houses to appear during the initial round of hearings, although a Council committee cannot compel current ministers to appear before it.
- 3.4 Ministers who are members of the Legislative Assembly should follow the procedures established by the committee. If a minister does not wish to comply with these procedures, they may decide to leave the hearing at any time.<sup>9</sup>
- 3.5 Committees will write to ministers to request that they provide an initial list of witnesses, including department officers, to answer questions relating to each portfolio. On receipt of that list, the committee may then resolve to request the attendance of additional witnesses which are then negotiated with the minister's office.
- 3.6 In relation to supplementary hearings, advice has previously been provided that 'it is the Minister's prerogative to attend'.<sup>10</sup> However, since then the House has explicitly resolved in the current Budget Estimates resolution that ministers and parliamentary secretaries give evidence during the morning sessions only. Therefore it would appear that it is within the power of the committee to resolve whether to accept or decline any request from a minister or parliamentary secretary to also be in attendance during an afternoon or evening session. Where the committee declines such a request, the minister would not be prevented from viewing proceedings from the advisers' table or the public gallery.
- 3.7 Although public servants normally appear voluntarily, there is no restriction on committees summoning public servants as witnesses.

<sup>7</sup> Budget Estimates resolution, Item 2(d).

<sup>8</sup> Budget Estimates resolution, Item 2(f).

<sup>9</sup> NSW Legislative Council, Clerk's Advice, *Advice to General Purpose Standing Committees in relation to Budget Estimates hearings*, September 1999, reproduced in [Budget Estimates Guide 2001-2002](#), Appendix D.

<sup>10</sup> NSW Legislative Council, *Budget Estimates Guide 2001-2002*, p 7.

## Hearing procedures<sup>11</sup>

### Role of the Chair

- 3.8** The role of the committee Chair is analogous to that of the President in the House. The Chair is responsible for guiding the inquiry process and presiding over meetings, including conducting votes. During hearings, the Chair is responsible for maintaining order and ruling on the admissibility of questions and points of order. The Chair is also able to ask questions of witnesses in the same way as other committee members.
- 3.9** Where the resolution appointing a committee and the standing orders are silent on a matter, the procedures of the House should be used for guidance. For example, the rules of debate under standing order 91 in relation to offensive words, reflecting on a resolution of the House and making personal reflections on members or officers should be used to guide committee proceedings. Where remarks are considered to be offensive, the Chair may request that the offensive remark be withdrawn. However, only the House can take action in relation to disorderly conduct.
- 3.10** The Deputy Chair acts as Chair when the Chair is absent from a meeting. In the absence of both the Chair and Deputy Chair, a member of the committee is elected by the members present to act as Chair for that meeting.<sup>12</sup>
- 3.11** The Chair has a deliberative vote and, in the event of an equality of votes, a casting vote.<sup>13</sup>

### Swearing in witnesses

- 3.12** All witnesses from departments, statutory bodies or corporations are sworn prior to giving evidence.
- 3.13** Ministers and parliamentary secretaries do not need to be sworn because members of Parliament have previously sworn an oath to that office.
- 3.14** If a witness makes more than one appearance before the same committee, the witness does not need to be sworn at each subsequent hearing. Witnesses need only be reminded that they are giving evidence on their former oath or affirmation. However, if a witness appears before multiple committees, the witness will need to be sworn once before each committee.

### Chair's opening statement

- 3.15** At the start of a hearing the Chair normally makes a short statement on various procedural matters. The Chair then declares the proposed expenditure open for examination.

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<sup>11</sup> Also see the NSW Legislative Council [Procedural Fairness Resolution](#), which outlines procedures to be followed by committees to provide procedural fairness for inquiry participants.

<sup>12</sup> SO 211(2) and (3).

<sup>13</sup> SO 211(4).



### **No opening statement by witnesses, including the minister**

- 3.16** The Budget Estimates resolution stipulates that witnesses, including ministers, may *not* make an opening statement before the committee commences questions.<sup>14</sup> This differs from the standard practice in other inquiries where witnesses are usually invited to make an opening statement.

### **Tendered documents**

- 3.17** Witnesses may tender documents during a hearing. The committee will decide whether to accept and publish such documents.
- 3.18** A witness seeking to tender a document should identify the document and state clearly why the document is being provided. It is not desirable for documents that are publicly available to be tendered as part of a committee inquiry. However, a witness may request that such documents be circulated to members for their information.
- 3.19** Committee members are able to table documents during Budget Estimates hearings, for example if a member wants to question the witnesses on a matter referred to in a document. If the document identifies an individual, the committee should confirm that the member has the consent of that individual to table the document.

### **Time limits for witnesses to answer questions**

- 3.20** A committee has the power to limit the time taken by a witness to answer a question. However, any time limits should be applied flexibly, and the committee should allow the witness to apply for an extension of time if required.<sup>15</sup>

### **Documents in the possession of witnesses**

- 3.21** In previous Budget Estimates inquiries an issue has arisen as to whether a committee can compel witnesses to provide *immediately* material in their possession, such as briefing folders.
- 3.22** Witnesses appear voluntarily at Budget Estimates hearings, and therefore by convention, witnesses should only be requested to produce documents voluntarily during a hearing.
- 3.23** If a witness declines to produce a document during a hearing, the committee should ask the witness to state their reasons. Unless the committee determines immediately that the request should not be pressed, the committee should consider in private whether to order the production of the document.

<sup>14</sup> Budget Estimates resolution, Item 2(g).

<sup>15</sup> NSW Legislative Council, Clerk's Advice, *Advice to General Purpose Standing Committees in relation to Budget Estimates hearings*, September 1999, reproduced in [Budget Estimates Guide 2001-2002](#), Appendix D.

**Orders for the production of documents**

- 3.24** In May 2019, the House agreed to a new sessional order noting the power of committees to order the production of documents and setting out the administrative arrangements that will apply to orders agreed to from 2019 onwards. These administrative arrangements mirror many of those that apply under standing order 52 to orders made by the House.
- 3.25** Consistent with established practice, committees are encouraged to request documents in the first instance. However, in the event that a request is declined, a committee may seek to order the documents. The terms of an order agreed to by a committee must specify the inquiry to which the order relates and the date by which the documents are to be returned.<sup>16</sup>

**Private (*in camera*) evidence**

- 3.26** The Budget Estimates resolution requires Budget Estimates hearings to be held in public. This prevents the committees from hearing confidential evidence in private (*in camera*).<sup>17</sup>

**Broadcast of proceedings**

- 3.27** The Budget Estimates hearings are streamed live on the Parliament's website and are open to the media. Each committee has previously resolved to authorise the broadcasting of its proceedings, in accordance with the Broadcasting Resolution of the House.<sup>18</sup>
- 3.28** The Broadcasting Resolution states that a committee may give instructions for the observance of the terms and conditions of the resolution. A committee may also order that part of its proceedings not be recorded or broadcast.

**Dissent from a ruling of the Chair**

- 3.29** A member may move dissent from a ruling of the Chair by moving a motion 'That the committee dissent from the ruling of the Chair'. In this case, the Chair requests that witnesses, members of the public and the media leave the room, and the committee considers the matter in private.
- 3.30** Once the room has been cleared, the dissenting member must state the objection in writing, in accordance with the pro-forma available from the committee clerk. The Chair will inform the committee of the member's grounds for dissent, and debate may ensue. The question on the motion will be put and the committee decides whether to uphold the dissent. If resolved in the affirmative, the ruling of the Chair is overturned. If resolved in the negative, the ruling stands.
- 3.31** Once the matter has been decided witnesses, members of the public and media will be readmitted. Where appropriate, the Chair may advise the audience of the outcome of the dissent motion.

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<sup>16</sup> Minutes, *NSW Legislative Council*, 8 May 2019, pp 81-83.

<sup>17</sup> Budget Estimates resolution, Item 2(e).

<sup>18</sup> *Minutes*, NSW Legislative Council, 18 October 2007, pp 279-281.

## Questions on notice

- 3.32** There are two ways in which questions may be placed on notice.
- During a hearing: if a witness is unable to answer a question, the witness may undertake to provide the answer at a later time. It is important for the Chair to confirm if a witness has agreed to take a question on notice.
  - After a hearing: members may lodge supplementary questions with the committee clerk by 5.00 pm, within two days, excluding Saturday and Sunday, following the hearing.<sup>19</sup>
- 3.33** On receipt of the proof transcript of evidence, the Budget Estimates secretariat will highlight the questions taken on notice during the hearing and email the transcript to the witnesses through the relevant minister's office, together with any supplementary questions received from committee members. It is the responsibility of the relevant minister to distribute the marked up transcript and ensure that all answers to questions taken on notice and supplementary questions are provided by the due date.
- 3.34** All answers to questions on notice and supplementary questions must be provided within 21 calendar days of the date on which questions are forwarded to the witness, or as otherwise determined by the committee.<sup>20</sup>
- 3.35** All answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested.<sup>21</sup>

## Supplementary and further hearings

- 3.36** Under the Budget Estimates resolution, the week of 28 October to 1 November 2019 has been set aside for supplementary hearings.<sup>22</sup>
- 3.37** The Budget Estimates resolution also provides that further hearings be scheduled over 12 days between 6 February and 21 February 2020.

## Transcripts of evidence

- 3.38** A proof transcript of evidence will be published on the committee's website by the following morning.
- 3.39** Witnesses will be given the opportunity to correct transcription errors in their transcript of evidence. Amendments to or clarifications of evidence may be requested in writing.

<sup>19</sup> Budget Estimates resolution, Item 2(h).

<sup>20</sup> Resolution establishing the Portfolio Committees, Item 9(f).

<sup>21</sup> Budget Estimates resolution, Item 2(i).

<sup>22</sup> Budget Estimates resolution, Item 2(b).

- 3.40** Proof transcripts will be forwarded to the relevant minister's office. The minister's office is responsible for distributing the transcripts to witnesses for correction.

## Chapter 4 Questions to witnesses

### Rules governing questions

- 4.1 Budget Estimates is a broad-ranging inquiry and wide latitude is allowed in the asking of questions, subject to the following guidance.

#### Questions must be relevant

- 4.2 Questions must be relevant to the matter that has been referred to a committee for inquiry and report.<sup>23</sup> In the case of the Budget Estimates inquiry, this refers to the estimates of expenditure from the Consolidated Fund and other matters covered by the budget papers.
- 4.3 The budget papers and related documents not only contain information about the estimates of expenditure but also refer to the activities of government agencies and the implementation of policy. Information from a number of other sources can also relate to expenditure from the Consolidated Fund and therefore be relevant to the Budget Estimates inquiry, such as policy announcements by ministers or other government officials, and reports by the Audit Office.<sup>24</sup>

#### Questions relating to current committee inquiries

- 4.4 The Budget Estimates inquiry is usually one of several current committee inquiries. There may be a degree of overlap with other inquiries.
- 4.5 Questions asked during the Budget Estimates hearings should not attempt to debate the unreported proceedings of other current committee inquiries. However, this does not prevent members from asking questions that deal with the subject matter of other inquiries.<sup>25</sup>

#### Questions to public servants

- 4.6 Public servants should not be asked to express an opinion on the merits of a government policy. By convention, committees should direct such questions to the responsible minister. This is because public servants should not be held accountable for the actions or policy decisions of ministers.

<sup>23</sup> For further discussion see Evans H and Laing R (ed), *Odgers' Australian Senate Practice*, 14<sup>th</sup> ed, Canberra, Department of the Senate, 2016, p 482.

<sup>24</sup> Legislative Council, Clerk's Advice, *Advice regarding questioning in Budget Estimates with respect to Committee's other terms of reference and the content of questions*, June 2001, reproduced in [Budget Estimates Guide 2002-2003](#), Appendix E.

<sup>25</sup> Legislative Council, Clerk's Advice, *Advice regarding questioning in Budget Estimates with respect to Committee's other terms of reference and the content of questions*, June 2001, reproduced in [Budget Estimates Guide 2002-2003](#), Appendix E.

- 4.7 The Premier's guidelines for public servants appearing before parliamentary committees state that, 'Officers should only give evidence of a factual nature and should refer questions seeking opinions or judgments of a political nature to the Minister (when in attendance) or take them on notice for a written response from the Minister'.<sup>26</sup>
- 4.8 Public servants may, however, be asked to explain government policy, to describe how it has been formulated and how it differs from past policies.

## Objections to questioning

- 4.9 Under the *Parliamentary Evidence Act 1901*, the Council and its committees have extensive powers to compel a witness to answer a 'lawful question'. Generally speaking, a question of fact, as opposed to an opinion, relevant to the committee's terms of reference, would be a lawful question.
- 4.10 Where witnesses object to answering a question, they should be invited to state the grounds for their objection. If a member seeks to press the question, the committee should consider whether to insist on an answer, having regard to:
- the grounds for the objection
  - the relevance of the question to the inquiry terms of reference
  - the necessity to the inquiry of the information sought.
- 4.11 If the committee decides that it requires an answer, it should inform the witness of the reasons why.
- 4.12 In the past, witnesses have raised objections to answering questions or providing documents on a number of grounds:
- the question asks for an opinion from a departmental officer on a matter of government policy
  - the question or request for papers raises issues of commercial-in-confidence
  - the question breaches the *sub judice* convention
  - the question seeks adverse reflection on another person
  - the question is not relevant to the inquiry terms of reference
  - the disclosure of information required by the question would be prejudicial to the privacy or rights of others
  - the question or request for papers raises issues relating to public interest immunity (previously known as Crown privilege)

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<sup>26</sup> Department of Premier and Cabinet memorandum M2017-01, '*Guidelines for Government Sector Employees dealing with the Legislative Council's Portfolio Committees*', 3 April 2017; Department of Premier and Cabinet circular C2011-27, '*Guidelines for appearing before parliamentary committees*', 20 October 2011.

- the question or request for papers raises issues relating to legal professional privilege
- the witness claims privilege against self-incrimination.





## Chapter 5 Role of committee members

### Attendance at deliberative meetings

#### Prior to the Budget Estimates inquiry

- 5.1** Each committee should meet in the lead-up to the Budget Estimates inquiry to consider:
- the list of witnesses from the previous year, the list of witnesses proposed by the minister, and any requests for specific witnesses by members, including parliamentary secretaries
  - if a committee is to consider more than one portfolio during a particular hearing – time limits for the examination of each portfolio and the order in which portfolios will be examined
  - allocation of questions including whether government members will use their allocation.

#### Before the hearing

- 5.2** A short deliberative meeting will be held at the start of each day to deal with procedural matters, including any advice of substitute and participating members. Meetings will be scheduled 15 minutes prior to the advertised commencement time for the hearing.

### Supplementary questions

#### Lodging supplementary questions

- 5.3** The Budget Estimates resolution provides for supplementary questions to be lodged by members with the committee clerk by 5.00 pm, within two working days, excluding Saturday and Sunday, following the hearing.<sup>27</sup> Members will be reminded by email of the deadline for lodging supplementary questions for each hearing.
- 5.4** Supplementary questions will not be accepted after the deadline. Late questions may be lodged on the Questions and Answers paper in the House in the usual manner.
- 5.5** Supplementary questions must be emailed to [BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au). The subject line should specify the committee number, the hearing date, and the portfolio, eg: 'PC 6 – 30 August – Transport and Roads'.
- 5.6** Members should proofread questions prior to lodgement. Unlike questions lodged through the House, questions will not be checked for typographical or grammatical errors before they are forwarded to the relevant minister.

<sup>27</sup> Budget Estimates resolution, Item 2(h).

- 5.7** Unless there is a clear request for confidentiality, answers to questions on notice and supplementary questions will be published on the committee's website after they have been circulated to members. Any requests for confidentiality are to be considered by the committee.

**Format for supplementary questions**

- 5.8** Supplementary questions should follow the format of questions lodged on the Questions and Answers paper, as shown in the example below.

**Money contributed by parents to public schools**

1. (a) Does the Department of Education keep any records of the unit of money that parents contribute to public schools, such as:
  - (i) Nominal school fees?
  - (ii) Additional school fees for special purposes, for example specialist teachers for music, sport, languages?
  - (iii) Library fund contributions?
  - (iv) Fundraising monies for school asset acquisition?
- (b) If so, can details of those figures be provided?
- (c) If not, is any such information provided to the department by individual public schools that could be collected?
- (d) Has this ever been considered in the past?
- (e) If so, when and by whom?

## Chapter 6      Role of ministerial contact officers

### Responsibilities before the hearing

- 6.1** Each ministerial office nominates a contact officer to co-ordinate matters between the minister, parliamentary secretaries, the agency or agencies under their direction and the Budget Estimates secretariat.
- 6.2** Ministerial contact officers liaise with, and ensure the attendance of, witnesses from departments, statutory bodies or corporations.
- 6.3** Before each hearing, the ministerial contact officer is responsible for:
- providing a list of witnesses identified by job title and agency
  - advising of any requests by witnesses in relation to the time of their appearance (for example, a witness request to leave the hearing early to attend another engagement)
  - advising of any witness who requires a holy book other than the Bible for taking the oath.
- 6.4** Lists of witnesses are due to be emailed to [BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au) by Friday 26 July 2019.
- 6.5** If a witness proposes to tender any documents during the hearing, the ministerial contact officer should ensure that there are 10 copies of each document.

### Responsibilities after the hearing

#### Return of answers to questions on notice and supplementary questions

- 6.6** On the third business day after a hearing, the ministerial contact will be emailed a proof copy of the transcript. The questions taken on notice will be highlighted in the transcript. A list of supplementary questions submitted by members will also be attached.
- 6.7** Answers to questions on notice and supplementary questions are due 21 days from the date when the questions are sent to the ministerial contact officer, unless the committee decides on another timeframe.<sup>28</sup>
- 6.8** Answers should be provided in two separate pdf documents (one for answers to questions on notice and another for answers to supplementary questions). Both documents should be sent by email and in hard copy, to:
- Email – [BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au)
  - Hard copy – delivered to the Budget Estimates secretariat in Room 812, Level 8, Parliament House.

<sup>28</sup> Resolution establishing the Portfolio Committees, Item 9(f), 8 May 2019.

- 6.9** Answers must be accompanied by a cover letter signed by the relevant minister. There is no need for the minister to sign every page of the answers. It is acceptable for the minister to provide an electronic signature.

**Requests for answers to be kept confidential**

- 6.10** Answers will be automatically published on the committee's website, unless there is a clear request that a particular answer be kept confidential. If there is a request for confidentiality, it is the decision of the committee whether to agree to the request.
- 6.11** Any request for confidentiality should be noted on the cover letter enclosing the answers. Confidential material should be clearly identified, and separated from material to be made public.

**Transcripts of evidence**

- 6.12** Ministerial contact officers should distribute proof Hansard transcripts to the minister and other witnesses who appeared at the hearings so they can make any necessary corrections. The usual rules regarding corrections to Hansard transcripts apply. Alterations should only be made if they are necessary to correct a transcription error, not to improve style or sentence construction. Amendments to or clarifications of evidence may be requested in writing through a separate letter.
- 6.13** Transcript corrections are due at the same time as the answers to questions on notice and supplementary questions.
- 6.14** Proof transcripts will be published on the committee's website shortly after the hearing is held.

## Appendix 1 Committee membership

### Portfolio Committee No. 1 – Premier and Finance

<b>The Hon Tara Moriarty MLC</b>	Australian Labor Party	<i>Chair</i>
<b>The Hon Robert Borsak MLC</b>	Shooters, Farmers and Fishers Party	<i>Deputy Chair</i>
<b>Ms Abigail Boyd MLC</b>	The Greens	
<b>The Hon Ben Franklin MLC</b>	The Nationals	
<b>The Hon Taylor Martin MLC</b>	Liberal Party	
<b>The Hon Adam Searle MLC</b>	Australian Labor Party	
<b>The Hon Natalie Ward MLC</b>	Liberal Party	

### Portfolio Committee No. 2 – Health

<b>The Hon Greg Donnelly MLC</b>	Australian Labor Party	<i>Chair</i>
<b>Ms Cate Faehrmann MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Lou Amato MLC</b>	Liberal Party	
<b>The Hon Wes Fang MLC</b>	The Nationals	
<b>The Hon Emma Hurst MLC</b>	Animals Justice Party	
<b>The Hon Natasha Maclaren-Jones MLC</b>	Liberal Party	
<b>The Hon Walt Secord MLC</b>	Australian Labor Party	

**Portfolio Committee No. 3 – Education**

<b>The Hon Mark Latham MLC</b>	Pauline Hanson's One Nation	<i>Chair</i>
<b>The Hon Matthew Mason-Cox MLC</b>	Liberal Party	<i>Deputy Chair</i>
<b>The Hon Anthony D'Adam MLC</b>	Australian Labor Party	
<b>The Hon Wes Fang MLC</b>	The Nationals	
<b>The Hon Scott Farlow MLC</b>	Liberal Party	
<b>The Hon Courtney Houssos MLC</b>	Australian Labor Party	
<b>Mr David Shoebridge MLC</b>	The Greens	

**Portfolio Committee No. 4 – Industry**

<b>The Hon Mark Banasiak MLC</b>	Shooters, Fishers and Farmers Party	<i>Chair</i>
<b>The Hon Emma Hurst MLC</b>	Animal Justice Party	<i>Deputy Chair</i>
<b>The Hon Lou Amato MLC</b>	Liberal Party	
<b>The Hon Catherine Cusack MLC</b>	Liberal Party	
<b>The Hon John Graham MLC</b>	Australian Labor Party	
<b>The Hon Trevor Khan MLC</b>	The Nationals	
<b>The Hon Mick Veitch MLC</b>	Australian Labor Party	

### Portfolio Committee No. 5 – Legal Affairs

<b>The Hon Robert Borsak MLC</b>	Shooters, Fishers and Farmers Party	<i>Chair</i>
<b>Mr David Shoebridge MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Niall Blair MLC</b>	The Nationals	
<b>The Hon Rose Jackson MLC</b>	Australian Labor Party	
<b>The Hon Natasha Maclaren-Jones MLC</b>	Liberal Party	
<b>Hon Shaoquett Moselmane MLC</b>	Australian Labor Party	
<b>The Hon Natalie Ward MLC</b>	Liberal Party	

### Portfolio Committee No. 6 – Transport and Customer Service

<b>Ms Abigail Boyd MLC</b>	The Greens	<i>Chair</i>
<b>Hon Mark Banasiak MLC</b>	Shooters, Fishers and Farmers Party	<i>Deputy Chair</i>
<b>The Hon Catherine Cusack MLC</b>	Liberal Party	
<b>The Hon Wes Fang MLC</b>	The Nationals	
<b>The Hon Shayne Mallard MLC</b>	Liberal Party	
<b>The Hon Daniel Mookhey MLC</b>	Australian Labor Party	
<b>The Hon Peter Primrose MLC</b>	Australian Labor Party	

**Portfolio Committee No. 7 – Planning and Environment**

<b>Ms Cate Faehrmann MLC</b>	The Greens	<i>Chair</i>
<b>The Hon Mark Pearson MLC</b>	Animal Justice Party	<i>Deputy Chair</i>
<b>The Hon Mark Buttigieg MLC</b>	Australian Labor Party	
<b>The Hon Catherine Cusack MLC</b>	Liberal Party	
<b>The Hon Ben Franklin MLC</b>	The Nationals	
<b>The Hon Shayne Mallard MLC</b>	Liberal Party	
<b>The Hon Penny Sharpe MLC</b>	Australian Labor Party	



## Appendix 2 Initial hearings – by date

### Thursday 29 August 2019 (PC 5 & 1)

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Police and Emergency Services (Elliott)	5	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Treasury (Perrottet)	1	Jubilee

### Friday 30 August 2019 (PC 6 & 1)

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Transport and Roads (Constance)	6	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts (Harwin)	1	Jubilee

### Monday 2 September 2019 (PC 5 & 7)

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Attorney General and Prevention of Domestic Violence (Speakman)	5	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Local Government (Hancock)	7	Jubilee

**Tuesday 3 September 2019 (PC 1 & 2)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Finance and Small Business (Tudehope)	1	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Mental Health, Regional Youth and Women (Taylor)	2	Jubilee

**Wednesday 4 September 2019 (PC 3 & 5)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Education and Early Childhood Learning (Mitchell)	3	Jubilee
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Families, Communities and Disability Services (Ward)	5	Macquarie

**Thursday 5 September 2019 (PC 2 & 1)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Health and Medical Research (Hazzard)	2	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Premier (Berejiklian)	1	Jubilee

**Friday 6 September 2019 (PC 3 & 4)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Skills and Tertiary Education (Lee)	3	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Water, Property and Housing (Pavey)	4	Jubilee

**Monday 9 September 2019 (PC 6 & 5)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Better Regulation and Innovation (Anderson)	6	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Counter Terrorism and Corrections (Roberts)	5	Jubilee

**Tuesday 10 September 2019 (PC 6, 4 & 1)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Regional Transport and Roads (Toole)	6	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Agriculture and Western New South Wales (Marshall)	4	Jubilee
9.30 am – 12.30 pm	The Legislature (Ajaka)	1	Preston-Stanley

**Wednesday 11 September 2019 (PC 7 & 1)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Planning and Public Spaces (Stokes)	7	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Jobs, Investment, Tourism and Western Sydney (Ayres)	1	Jubilee

**Thursday 12 September 2019 (PC 6 & 1)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Customer Service (Dominello)	6	Jubilee
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Sport, Multiculturalism, Seniors and Veterans (Sidoti)	5	Macquarie

**Friday 13 September 2019 (PC 4 & 7)**

Time	Portfolio	PC	Room
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Regional New South Wales, Industry and Trade (Barilaro)	4	Macquarie
9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Energy and Environment (Kean)	7	Jubilee

**Colour code**

	Portfolio Committee No. 1 – Premier and Finance
	Portfolio Committee No. 2 – Health
	Portfolio Committee No. 3 – Education
	Portfolio Committee No. 4 – Industry
	Portfolio Committee No. 5 – Legal Affairs
	Portfolio Committee No. 6 – Transport and Customer Service
	Portfolio Committee No. 7 – Planning and Environment

## Appendix 3 Initial hearings – by committee

### Portfolio Committee No. 1 – Premier and Finance

Date	Time	Portfolio	Room
Thursday 29 August 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Treasury (Perrottet)	Jubilee
Friday 30 August 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts (Harwin)	Jubilee
Tuesday 3 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Finance and Small Business (Tudehope)	Macquarie
Thursday 5 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Premier (Berejiklian)	Jubilee
Tuesday 10 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	The Legislature (Ajaka)	Preston- Stanley
Wednesday 11 September 2019	9.30 am – 12.30 pm	Jobs, Investment, Tourism and Western Sydney (Ayres)	Jubilee

**Portfolio Committee No. 2 – Health**

Date	Time	Portfolio	Room
Tuesday 3 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Mental Health, Regional Youth and Women (Taylor)	Jubilee
Thursday 5 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Health and Medical Research (Hazzard)	Macquarie

**Portfolio Committee No. 3 – Education**

Date	Time	Portfolio	Room
Wednesday 4 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Education and Early Childhood Learning (Mitchell)	Jubilee
Friday 6 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Skills and Tertiary Education (Lee)	Macquarie

**Portfolio Committee No. 4 – Industry**

Date	Time	Portfolio	Room
Friday 6 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Water, Property and Housing (Pavey)	Jubilee
Tuesday 10 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Agriculture and Western New South Wales (Marshall)	Jubilee
Friday 13 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Regional New South Wales, Industry and Trade (Barilaro)	Macquarie

**Portfolio Committee No. 5 – Legal Affairs**

<b>Date</b>	<b>Time</b>	<b>Portfolio</b>	<b>Room</b>
Thursday 29 August 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Police and Emergency Services (Elliott)	Macquarie
Monday 2 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Attorney General and Prevention of Domestic Violence (Speakman)	Macquarie
Wednesday 4 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Families, Communities and Disability Services (Ward)	Macquarie
Monday 9 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Counter Terrorism and Corrections (Roberts)	Jubilee
Thursday 12 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Sport, Multiculturalism, Seniors and Veterans (Sidoti)	Macquarie

**Portfolio Committee No. 6 – Transport and Customer Service**

Date	Time	Portfolio	Room
Friday 30 August 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Transport and Roads (Constance)	Macquarie
Monday 9 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Better Regulation and Innovation (Anderson)	Macquarie
Tuesday 10 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Regional Transport and Roads (Toole)	Macquarie
Thursday 12 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Customer Service (Dominello)	Jubilee

**Portfolio Committee No. 7 – Planning and Environment**

Date	Time	Portfolio	Room
Monday 2 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Local Government (Hancock)	Jubilee
Wednesday 11 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Planning and Public Spaces (Stokes)	Macquarie
Friday 13 September 2019	9.30 am – 12.30 pm 2.00 pm – 5.00 pm 6.00 pm – 8.30 pm	Energy and Environment (Kean)	Jubilee