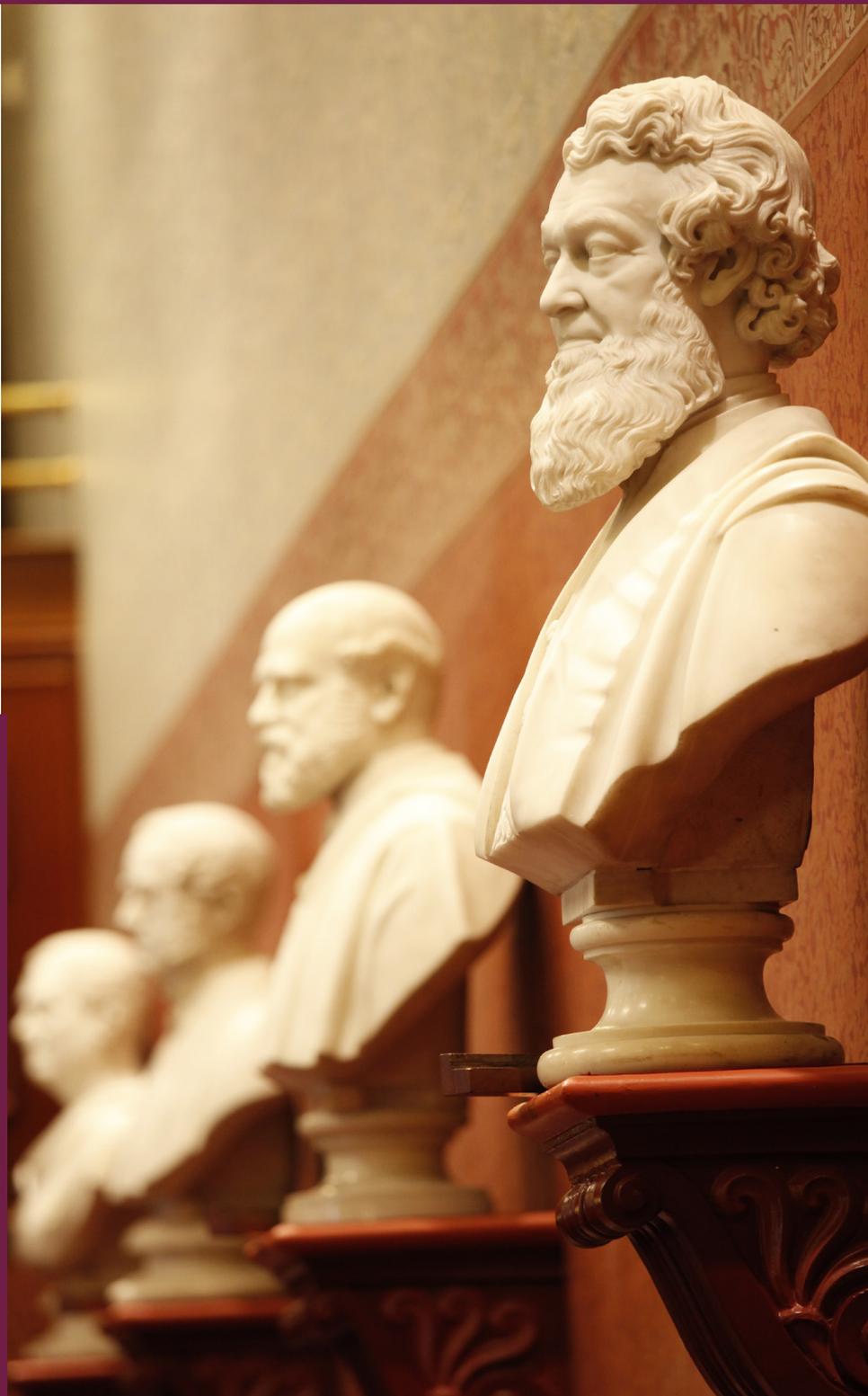


# PORTFOLIO COMMITTEES

## Budget Estimates Guide 2022-2023



Upper House  
Committees





Portfolio Committees

# **Budget Estimates Guide 2022-2023**

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## Chapter 1 Budget Estimate resolution

The agreement of the House establishing the annual inquiry into budget estimates is known as the Budget Estimates resolution. It sets out the key rules for how the inquiry will be conducted.

### Referral by the House

- 1.1 On 22 June 2022, the Legislative Council referred the Budget Estimates for the 2022-2023 financial year to the portfolio committees for inquiry and report.<sup>1</sup>
- 1.2 On 16 November 2021 and 22 June 2022, the Legislative Council resolved that hearings for Budget Estimates 2022-2023 be held over 13 days from 22 August to 7 September 2022, and supplementary hearings be scheduled over five days from 24 to 28 October 2022. The hearing schedule was amended by the House on 10 August 2022.<sup>2</sup>
- 1.3 Transcripts, tabled documents, answers to questions on notice and supplementary questions will be published on the [Budget Estimates webpage](#).
- 1.4 Committees are required to present a final report to the House by **Friday 23 December 2022**.

### Budget Estimates resolution

- 1.5 The Budget Estimates resolution and schedule was agreed to by the House on 22 June 2022, referring the Budget Estimates and related papers for 2022-2023 to the Portfolio Committees for inquiry and report and is reproduced, as amended on 10 August 2022, as follows<sup>3</sup>:

- (1) That the Budget Estimates and related papers for the financial year 2022-2023 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
- (2) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-2023 initial budget estimates hearings be scheduled as follows:

**Day One: Monday 22 August 2022**

PC 5 Attorney General  
PC 1 Treasurer, Energy

**Day Two: Tuesday 23 August 2022**

PC 3 Education and Early Learning  
PC 7 Environment and Heritage

**Day Three: Wednesday 24 August 2022**

PC 6 Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence

**Day Four: Thursday 25 August 2022**

<sup>1</sup> *Minutes*, Legislative Council, 22 June 2022, pp 3481-3482.

<sup>2</sup> *Minutes*, Legislative Council, 16 November 2022, p 2713; 22 June 2022, pp 3481-3482 and *Minutes*, Legislative Council 10 August 2022, p 3566.

<sup>3</sup> *Minutes*, Legislative Council, 22 June 2022, pp 3481-3482, as amended *Minutes*, Legislative Council 10 August 2022, p 3566.

PC 7 Local Government  
PC 3 Skills and Training, Science, Innovation and Technology

**Day Five: Friday 26 August 2022**

PC 6 Transport, Veterans, Western Sydney  
PC 1 Finance, Employee Relations

**Day Six: Monday 29 August 2022**

PC 5 Corrections  
PC 7 Planning, Homes

**Day Seven: Tuesday 30 August 2022**

PC 4 Customer Service and Digital Government  
PC 5 Families and Communities, Disability Services

**Day Eight: Wednesday 31 August 2022**

PC 6 Regional Transport and Roads  
PC 5 Deputy Premier, Regional NSW, Police

**Day Nine: Thursday 1 September 2022**

PC 1 Enterprise, Investment and Trade, Sport  
PC 5 Multiculturalism, Seniors

**Day Ten: Friday 2 September 2022**

PC 5 Emergency Services and Resilience, Flood Recovery  
PC 4 Lands and Water, Hospitality and Racing

**Day Eleven: Monday 5 September 2022**

PC 4 Agriculture and Western NSW  
PC 1 Aboriginal Affairs, Arts, Regional Youth, Tourism

**Day Twelve: Tuesday 6 September 2022**

PC 2 Women, Regional Health, Mental Health  
PC 6 Infrastructure, Cities and Active Transport  
PC 1 The Legislature

**Day Thirteen: Wednesday 7 September 2022**

PC 4 Small Business and Fair Trading  
PC 2 Health  
PC 1 Premier

- (3) That for the purposes of the 2022-2023 initial budget estimates hearings:
- (a) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon session, if required,
  - (b) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 am until 12.30 pm.
- (4) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-2023 supplementary budget estimates hearings be held over five days from 24 October to 28 October 2022.
- (5) That for the purposes of the 2022-2023 initial and supplementary budget estimates hearings:
- (a) the committees must hear evidence in public,
  - (b) 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,

- (c) ministers be invited to appear for the morning sessions only unless requested by committees to appear also for the afternoon session,
  - (d) witnesses, including ministers, may not make an opening statement before a committee commences questions,
  - (e) members may lodge supplementary questions with the committee clerk by 5.00 pm within two business days following a hearing, and
  - (f) 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.
- (6) That the committees present a final report to the House by 23 December 2022.

**1.6** On 21 September 2022, the Budget Estimates resolution and schedule, as it relates to the Corrections hearing, was varied by the House as follows<sup>4</sup>:

- (1) That this House notes that:
  - (a) on Wednesday 22 June 2022, the House adopted a schedule of initial budget estimates hearings for 2022-2023 over 13 working days from Monday 22 August to Wednesday 7 September 2022, and
  - (b) the following hearing was unable to be conducted as scheduled by Portfolio Committee No. 5 – Regional NSW and Stronger Communities due to the unavailability of the Minister:

<b>Day Six:</b>	<b>Monday 29 August 2022</b>
PC 5	Corrections

- (2) That in view of the inability of Portfolio Committee No. 5 – Regional NSW and Stronger Communities to conduct this hearing, the committee be authorised to undertake the hearing on a date of its choosing under the same arrangements as originally agreed to by the House on Wednesday 22 June 2022.

**1.7** According to a resolution of Portfolio Committee No. 5 – Regional NSW and Stronger Communities, the Corrections hearing was rescheduled to Monday, 24 October 2022.

<sup>4</sup> *Minutes*, Legislative Council, 21 September 2022, p 3645.



## 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>5</sup>

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

### Substitute members

2.3 Under the standing and 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 crossbench members are to be made by the substantive member or another crossbench member.<sup>6</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 the relevant committee may take part in the public or private proceedings of a committee, question witnesses and, once they have formally communicated their intention to participate in the inquiry, have access to all committee evidence and documents but may not vote, move any motion or be counted for the purpose of any quorum or division.<sup>7</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>8</sup>

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<sup>5</sup> Resolution establishing the Portfolio Committees, Item 9, 8 May 2019, pp 112-17, as amended.

<sup>6</sup> [SO216A](#) Substitute Members.

<sup>7</sup> [SO218\(1\)](#) Participation by members of the House and others.

<sup>8</sup> [SO214\(1\)](#).



## Chapter 3 Hearings

The Budget Estimates initial hearings are scheduled to be held over 13 days from 22 August to 7 September 2022, followed by supplementary hearings to be held over five days from 24 to 28 October 2022. The schedule of 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 provides that committees may ask for explanations from ministers and parliamentary secretaries, as well as officers of departments, statutory bodies or corporations.<sup>9</sup>
- 3.2 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.
- 3.3 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>10</sup>
- 3.4 Committees will write to ministers to request that they provide a list of witnesses, including department officers, they wish to nominate to appear before the committee to answer questions relating to each portfolio. At the same time, committees will provide a list of witnesses requested to attend the relevant hearing to answer questions. Following this, the committee may resolve to request the attendance of additional witnesses which are then negotiated with the minister's office.
- 3.5 In relation to supplementary hearings, advice has previously been provided that 'it is the Minister's prerogative to attend'.<sup>11</sup> For any session that the minister is not required to attend, 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 the 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.
- 3.6 While public servants are normally invited by the committee and appear voluntarily, there is no restriction on committees summoning public servants as witnesses, if requested.

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<sup>9</sup> Budget Estimates resolution, 22 June 2022, Item (5)(b).

<sup>10</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>11</sup> NSW Legislative Council, *Budget Estimates Guide 2001-2002*, p 7.

## Hearing procedures<sup>12</sup>

### Role of the Chair

- 3.7** The role of the committee Chair is analogous to that of the President in the House, having powers necessary to conduct the Committee's proceedings in an orderly and expeditious manner.<sup>13</sup> 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.
- 3.8** 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.
- 3.9** 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>14</sup>
- 3.10** The Chair, Deputy Chair or other member acting as Chair at a meeting of a committee has a deliberative vote, and in the event of an equality of votes, a casting vote.<sup>15</sup>

### Swearing in witnesses

- 3.11** All witnesses from departments, statutory bodies or corporations are sworn prior to giving evidence.
- 3.12** Ministers and parliamentary secretaries do not need to be sworn because members of Parliament have previously sworn an oath to that office.
- 3.13** 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.

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<sup>12</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>13</sup> [SO211\(2\)](#) Chair and Deputy Chair.

<sup>14</sup> [SO211\(3\) and \(4\)](#) Chair and Deputy Chair.

<sup>15</sup> [SO211\(7\)](#) Chair and Deputy Chair.

### Chair's opening statement

- 3.14** 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.

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

- 3.15** The Budget Estimates resolution stipulates that witnesses, including ministers, may **not** make an opening statement before the committee commences questions.<sup>16</sup> This differs from the standard practice in other inquiries where witnesses are usually invited to make an opening statement.

### Tendered documents

- 3.16** Witnesses may tender documents during a hearing. The committee will decide whether to accept and publish such documents.
- 3.17** 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.
- 3.18** 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

- 3.19** 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>17</sup>

### Documents in the possession of witnesses

- 3.20** 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.
- 3.21** Witnesses appear voluntarily at Budget Estimates hearings, and therefore by convention, witnesses should only be requested to produce documents voluntarily during a hearing.
- 3.22** 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

<sup>16</sup> Budget Estimates resolution, 22 June 2022, Item (5)(d).

<sup>17</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](#).

should not be pressed, the committee should consider in private whether to order the production of the document.

### **Orders for the production of documents**

- 3.23** In May 2019, the House agreed to a 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.<sup>18</sup>
- 3.24** 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>19</sup>

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

- 3.25** 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>20</sup>

### **Broadcast of proceedings**

- 3.26** 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>21</sup>
- 3.27** 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**

- 3.28** 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.
- 3.29** 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

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<sup>18</sup> [Sessional order – Orders for the production of documents by committees \(SO208\)](#)

<sup>19</sup> [Sessional order – Orders for the production of documents by committees \(SO208\)\(2\)](#).

<sup>20</sup> Budget Estimates resolution, 22 June 2022, Item (5)(a).

<sup>21</sup> *Minutes*, NSW Legislative Council, 18 October 2007, pp 279-281. [Broadcast of Proceedings](#).

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.

- 3.30** 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.

## Questions on notice

- 3.31** 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 business days following a hearing.<sup>22</sup>
- 3.32** 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.
- 3.33** 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>23</sup>
- 3.34** All answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested.<sup>24</sup>

## Transcripts of evidence

- 3.35** A proof transcript of evidence will be published on the committee's website as soon as it is available.
- 3.36** 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.
- 3.37** 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.

<sup>22</sup> Budget Estimates resolution, 22 June 2022, Item (5)(e).

<sup>23</sup> Resolution establishing the Portfolio Committees, Item (11)(f).

<sup>24</sup> Budget Estimates resolution, 22 June 2022, Item (5)(f).



## 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>25</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>26</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>27</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.
- 4.7 Public servants may, however, be asked to explain government policy, to describe how it has been formulated and how it differs from past policies.

<sup>25</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>26</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>27</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.

## Objections to questioning

- 4.8** 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.
- 4.9** 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.
- 4.10** If the committee decides that it requires an answer, it should inform the witness of the reasons why.
- 4.11** 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)
  - 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 business days following a hearing.<sup>28</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 5 – 22 August – Attorney General.
- 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.

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<sup>28</sup> Budget Estimates resolution, 22 June 2022, Item (5)(e).

- 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.<sup>29</sup> Any requests for confidentiality are to be considered by the committee.

### **Format for supplementary questions**

- 5.1 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?

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<sup>29</sup> Budget Estimates resolution, 22 June 2022, Item (5)(f).

## 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 to be emailed to [BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au).
- 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 officer 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 calendar days from the date when the questions are sent to the ministerial contact officer, unless the committee decides on another timeframe.<sup>30</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 823, Level 8, Parliament House.

<sup>30</sup> Resolution establishing the Portfolio Committees, Item (11)(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.<sup>31</sup> 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.

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<sup>31</sup> Budget Estimates resolution, 22 June 2022, Item (5)(f).

## 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 Scott Farlow MLC</b>	Liberal Party	
<b>The Hon Taylor Martin MLC</b>	Liberal Party	
<b>The Hon Chris Rath MLC</b>	Liberal Party	
<b>The Hon Penny Sharpe MLC</b>	Australian Labor Party	

### Portfolio Committee No. 2 – Health

<b>The Hon Greg Donnelly MLC</b>	Australian Labor Party	<i>Chair</i>
<b>The Hon Emma Hurst MLC</b>	Animals Justice Party	<i>Deputy Chair</i>
<b>The Hon Lou Amato MLC</b>	Liberal Party	
<b>Ms Cate Faehrmann MLC</b>	The Greens	
<b>The Hon Wes Fang MLC</b>	The Nationals	
<b>The Hon Aileen MacDonald 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 Wes Fang MLC</b>	The Nationals	<i>Deputy Chair</i>
<b>Ms Abigail Boyd MLC</b>	The Greens	
<b>The Hon Anthony D'Adam MLC</b>	Australian Labor Party	
<b>The Hon Scott Farlow MLC</b>	Liberal Party	
<b>The Hon Courtney Houssos MLC</b>	Australian Labor Party	
<b>The Hon Aileen MacDonald MLC</b>	Liberal Party	

**Portfolio Committee No. 4 – Customer Service and Natural Resources**

<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 Scott Barrett MLC</b>	The Nationals	
<b>The Hon Taylor Martin MLC</b>	Liberal Party	
<b>The Hon Peter Poulos MLC</b>	Liberal Party	
<b>The Hon Peter Primrose MLC</b>	Australian Labor Party	
<b>The Hon Mick Veitch MLC</b>	Australian Labor Party	

### Portfolio Committee No. 5 – Regional NSW and Stronger Communities

<b>The Hon Robert Borsak MLC</b>	Shooters, Fishers and Farmers Party	<i>Chair</i>
<b>Ms Sue Higginson MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Lou Amato MLC</b>	Liberal Party	
<b>The Hon Scott Barrett MLC</b>	The Nationals	
<b>The Hon Shaoquett Moselmane MLC</b>	Australian Labor Party	
<b>The Hon Peter Poulos MLC</b>	Liberal Party	
<b>The Hon Adam Searle MLC</b>	Australian Labor Party	

### Portfolio Committee No. 6 – Transport

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

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

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<b>Ms Sue Higginson MLC</b>	The Greens	<i>Chair</i>
<b>The Hon Mark Pearson MLC</b>	Animal Justice Party	<i>Deputy Chair</i>
<b>The Hon Scott Barrett MLC</b>	The Nationals	
<b>The Hon Rose Jackson MLC</b>	Australian Labor Party	
<b>The Hon Aileen MacDonald MLC</b>	Liberal Party	
<b>The Hon Shayne Mallard MLC</b>	Liberal Party	
<b>The Hon Penny Sharpe MLC</b>	Australian Labor Party	

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## Appendix 2 Schedule: Hearings – by date

### Initial hearings:

#### Monday 22 August 2022 (PC 5 & 1)

Portfolio	PC	Room
Attorney General (Speakman)	5	Macquarie Room
Treasurer, Energy (Kean)	1	Jubilee Room

#### Tuesday 23 August 2022 (PC 3 & 7)

Portfolio	PC	Room
Education and Early Learning (Mitchell)	3	Macquarie Room
Environment and Heritage (Griffin)	7	Jubilee Room

#### Wednesday 24 August 2022 (PC 5 & 6)

Portfolio	PC	Room
Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence (Ward)	6	Macquarie Room

**Thursday 25 August 2022 (PC 7 & 3)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Local Government (Tuckerman)	7	Jubilee Room
Skills and Training, Science, Innovation and Technology (Henskens)	3	Macquarie Room

**Friday 26 August 2022 (PC 6 & 1)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Transport, Veterans, Western Sydney (Elliott)	6	Macquarie Room
Finance, Employee Relations (Tudehope)	1	Jubilee Room

**Monday 29 August 2022 (PC 5 & 7)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Planning, Homes (Roberts)	7	Jubilee Room

**Tuesday 30 August 2022 (PC 4 & 1)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Customer Service and Digital Government (Dominello)	4	Jubilee Room
Families and Communities, Disability Services (Maclaren-Jones)	5	Macquarie Room

**Wednesday 31 August 2022 (PC 6 & 5)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Regional Transport and Roads (Farraway)	6	Jubilee Room
Deputy Premier, Regional New South Wales, Police (Toole)	5	Macquarie Room

**Thursday 1 September 2022 (PC 2 & 1)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Enterprise, Investment and Trade, Sport (Henskens)	1	Jubilee Room
Multiculturalism, Seniors (Coure)	5	Macquarie Room

**Friday 2 September 2022 (PC 5 & 4)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Emergency Services and Resilience, Flood Recovery (Cooke)	5	Macquarie Room
Lands and Water, Hospitality and Racing (Anderson)	4	Jubilee Room

**Monday 5 September 2022 (PC 4 & 1)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Agriculture, Western New South Wales (Saunders)	4	Macquarie Room
Aboriginal Affairs, Arts, Regional Youth, Tourism (Franklin)	1	Jubilee Room

**Tuesday 6 September 2022 (PC 2 & 6)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Women, Regional Health, Mental Health (Taylor)	2	Macquarie Room
Infrastructure, Cities, Active Transport (Stokes)	6	Jubilee Room
The Legislature (Mason-Cox)	1	Room 814/815

**Wednesday 7 September 2022 (PC 4, 5 & 1)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Small Business, Fair Trading (Dominello)	4	Room 814/815
Health (Hazzard)	2	Macquarie Room
Premier (Perrottet)	1	Jubilee Room

**Monday 24 October 2022 (PC 5)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Corrections (Lee)	5	Macquarie Room

**Supplementary hearings:****Tuesday 25 October 2022 (PC 3)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Education and Early Learning	3	Jubilee Room

**Wednesday 26 October 2022 (PC 6)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Metropolitan Roads, Transport, Regional Transport and Roads, Infrastructure, Cities, Active Transport	6	Macquarie Room

**Thursday 27 October 2022 (PC 2)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Health (Hazzard)	2	Macquarie Room

**Friday 28 October 2022 (PC 4)**

<b>Portfolio</b>	<b>PC</b>	<b>Room</b>
Fair Trading (Dominello)	4	Macquarie Room

## Appendix 3 Schedule: Hearings – by committee

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

Date	Portfolio	Room
Monday 22 August 2022	Treasurer, Energy (Kean)	Jubilee Room
Friday 26 August 2022	Finance, Employee Relations (Tudehope)	Jubilee Room
Thursday 1 September 2022	Enterprise, Investment and Trade, Sport (Henskens)	Jubilee Room
Monday 5 September 2022	Aboriginal Affairs, Arts, Regional Youth, Tourism (Franklin)	Jubilee Room
Tuesday 6 September 2022	The Legislature (Mason-Cox)	Room 814/815
Wednesday 7 September 2022	Premier (Perrottet)	Jubilee Room

### Portfolio Committee No. 2 – Health

Date	Portfolio	Room
Tuesday 6 September 2022	Women, Regional Health, Mental Health (Taylor)	Macquarie Room
Wednesday 7 September 2022	Health (Hazzard)	Macquarie Room
<b>Supplementary hearing:</b>		
Thursday 27 October 2022	Health (Hazzard)	Macquarie Room

**Portfolio Committee No. 3 – Education**

<b>Date</b>	<b>Portfolio</b>	<b>Room</b>
Tuesday 23 August 2022	Education and Early Learning (Mitchell)	Macquarie Room
Thursday 25 August 2022	Skills and Training, Science, Innovation and Technology (Henskens)	Macquarie Room
<b>Supplementary hearing:</b>		
Tuesday 26 October 2022	Education and Early Learning (Mitchell)	Jubilee Room

**Portfolio Committee No. 4 – Customer Service and Natural Resources**

<b>Date</b>	<b>Portfolio</b>	<b>Room</b>
Tuesday 30 August 2022	Customer Service and Digital Government (Dominello)	Jubilee Room
Friday 2 September 2022	Lands and Water, Hospitality and Racing (Anderson)	Jubilee Room
Monday 5 September 2022	Agriculture, Western New South Wales (Saunders)	Macquarie Room
Wednesday 7 September 2022	Small Business, Fair Trading (Dominello)	Room 814/815
<b>Supplementary hearing:</b>		
Friday 28 October 2022	Fair Trading (Dominello)	Macquarie Room

**Portfolio Committee No. 5 – Regional NSW and Stronger Communities**

<b>Date</b>	<b>Portfolio</b>	<b>Room</b>
Monday 22 August 2022	Attorney General (Speakman)	Macquarie Room
Tuesday 30 August 2022	Families and Communities, Disability Services (Maclaren-Jones)	Macquarie Room
Wednesday 31 August 2022	Deputy Premier, Regional New South Wales, Police (Toole)	Macquarie Room
Thursday 1 September 2022	Multiculturalism, Seniors (Coure)	Macquarie Room
Friday 2 September 2022	Emergency Services and Resilience, Flood Recovery (Cooke)	Macquarie Room
Monday 24 October 2022	Corrections (Lee)	Macquarie Room

**Portfolio Committee No. 6 – Transport**

<b>Date</b>	<b>Portfolio</b>	<b>Room</b>
Wednesday 24 August 2022	Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence (Ward)	Macquarie Room
Friday 26 August 2022	Transport, Veterans, Western Sydney (Elliott)	Macquarie Room
Wednesday 31 August 2022	Regional Transport and Roads (Farraway)	Jubilee Room
Tuesday 6 September 2022	Infrastructure, Cities, Active Transport (Stokes)	Jubilee Room
<b>Supplementary hearing:</b>		
Wednesday 26 October 2022	Metropolitan Roads, Transport, Regional Transport and Roads, Infrastructure, Cities, Active Transport	Macquarie Room

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

<b>Date</b>	<b>Portfolio</b>	<b>Room</b>
Tuesday 23 August 2022	Environment and Heritage (Griffin)	Jubilee Room
Thursday 25 August 2022	Local Government (Tuckerman)	Jubilee Room
Monday 29 August 2022	Planning, Homes (Roberts)	Jubilee Room

## Appendix 4 Budget Estimates Resolutions

### BUDGET ESTIMATES 2022-2023

#### TERMS OF REFERENCE adopted 22 June 2022

- (1) That the Budget Estimates and related papers for the financial year 2022-2023 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
- (2) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-2023 initial budget estimates hearings be scheduled as follows:

**Day One: Monday 22 August 2022**

PC 5 Attorney General  
PC 1 Treasurer, Energy

**Day Two: Tuesday 23 August 2022**

PC 3 Education and Early Learning  
PC 7 Environment and Heritage

**Day Three: Wednesday 24 August 2022**

PC 6 Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence

**Day Four: Thursday 25 August 2022**

PC 7 Local Government  
PC 3 Skills and Training, Science, Innovation and Technology

**Day Five: Friday 26 August 2022**

PC 6 Transport, Veterans, Western Sydney  
PC 1 Finance, Employee Relations

**Day Six: Monday 29 August 2022**

PC 5 Corrections  
PC 7 Planning, Homes

**Day Seven: Tuesday 30 August 2022**

PC 4 Customer Service and Digital Government  
PC 5 Families and Communities, Disability Services

**Day Eight: Wednesday 31 August 2022**

PC 6 Regional Transport and Roads  
PC 5 Deputy Premier, Regional NSW, Police

**Day Nine: Thursday 1 September 2022**

PC 1 Enterprise, Investment and Trade, Sport  
PC 5 Multiculturalism, Seniors

**Day Ten: Friday 2 September 2022**

PC 5 Emergency Services and Resilience, Flood Recovery  
PC 4 Lands and Water, Hospitality and Racing

**Day Eleven: Monday 5 September 2022**

PC 4 Agriculture and Western NSW  
PC 1 Aboriginal Affairs, Arts, Regional Youth, Tourism

**Day Twelve: Tuesday 6 September 2022**

PC 2 Women, Regional Health, Mental Health  
PC 6 Infrastructure, Cities and Active Transport  
PC 1 The Legislature

**Day Thirteen: Wednesday 7 September 2022**

PC 4 Small Business and Fair Trading  
PC 2 Health  
PC 1 Premier

- (3) That for the purposes of the 2022-2023 initial budget estimates hearings:
- (a) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 am to 11.00 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at the end of the morning and afternoon session, if required,
  - (b) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 am until 12.30 pm.
- (4) That, further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2022-2023 supplementary budget estimates hearings be held over five days from 24 October to 28 October 2022.
- (5) That for the purposes of the 2022-2023 initial and supplementary budget estimates hearings:
- (a) the committees must hear evidence in public,
  - (b) 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,
  - (c) ministers be invited to appear for the morning sessions only unless requested by committees to appear also for the afternoon session,
  - (d) witnesses, including ministers, may not make an opening statement before a committee commences questions,
  - (e) members may lodge supplementary questions with the committee clerk by 5.00 pm within two business days following a hearing, and
  - (f) 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.
- (6) That the committees present a final report to the House by 23 December 2022.

**FURTHER HEARING**  
**adopted 21 September 2022**

- (1) That this House notes that:
- (a) on Wednesday 22 June 2022, the House adopted a schedule of initial budget estimates hearings for 2022-2023 over 13 working days from Monday 22 August to Wednesday 7 September 2022, and
  - (b) the following hearing was unable to be conducted as scheduled by Portfolio Committee No. 5 – Regional NSW and Stronger Communities due to the unavailability of the Minister:

**Day Six:           Monday 29 August 2022**  
PC 5                Corrections

- (2) That in view of the inability of Portfolio Committee No. 5 – Regional NSW and Stronger Communities to conduct this hearing, the committee be authorised to undertake the hearing on a date of its choosing under the same arrangements as originally agreed to by the House on Wednesday 22 June 2022.

Note: Portfolio Committee No. 5 – Regional NSW and Stronger Communities, has resolved that the Corrections hearing is to be rescheduled to Monday, 24 October 2022.



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