



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO 3

Report on Budget Estimates 1999-2000

Volume 1

3

General Purpose Standing Committee No 3

**Report on
Budget Estimates 1999-2000**

Volume 1

Ordered to be printed 9 November 1999

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Chair's Foreword

General Purpose Standing Committee No 3 has examined the Budget Estimates for 1999-2000 for the portfolio areas of:

Police
Attorney General, Industrial Relations
Sport and Recreation, Fair Trading
Juvenile Justice

In this report, the Committee considers a number of specific matters relating to the various portfolio areas, and comments on a few issues of a more general nature.

The Committee expresses its appreciation for the assistance given by Ministers and officers of the departments and organisations who appeared before it.

The Hon Helen Sham-Ho MLC
Chair

Committee Membership

The Hon Helen Sham-Ho MLC (Chair)
The Hon John Hatzistergos MLC (Deputy Chair)
The Hon Don Harwin MLC
The Hon Jim Samios MLC
The Hon John Johnson MLC
The Hon Andrew Manson MLC
Ms Lee Rhiannon MLC

Other Members who attended the Hearings

The Hon Peter Breen MLC
The Hon Patricia Forsythe MLC
The Hon Mike Gallagher MLC
The Hon Charlie Lynn MLC
The Hon Henry Tsang MLC

Introduction

Establishment of the General Purpose Standing Committees

The five General Purpose Standing Committees were first constituted by resolution of the Legislative Council on 7 May 1997, during the 51st Parliament.¹ On 13 May 1999, shortly after the commencement of the 52nd Parliament, the five committees were reconstituted.²

The General Purpose Standing Committees may inquire and report on:

- (a) any matters referred to them by the House;
- (b) the expenditure, performance or effectiveness of any department of government, statutory body or corporation;
- (c) any matter in any annual report of a department of government, statutory body or corporation.³

Portfolios

The five committees reflect the Government Minister's portfolios as follows:

Committee No 1

- Premiers, Arts and Citizenship
- Treasury, State Development
- Olympics
- Education and Training
- Special Minister of State
- The Legislature

Committee No 2

- Health
- Community Services, Ageing, Disability Services, Women
- Small Business, Tourism
- Mineral Resources, Fisheries

Committee No 3

- Police
- Attorney General, Industrial Relations
- Fair Trading, Sport and Recreation
- Juvenile Justice, Youth

Committee No 4

- Urban Affairs and Planning, Aboriginal Affairs, Housing
- Transport, Road
- Gaming and Racing, Hunter Development
- Public Works and Services

¹ *Minutes of Proceedings, No 65, 7 May 1997, p 677. Also see Minutes of Proceedings, No 4, 14 September 1999, p 48, for amendment to the resolution (the addition of Special Minister of State in the portfolio areas).*

² *Minutes of Proceedings, No 3, 13 May 1999, p 62 (hereafter referred to as Resolution of 13 May 1999).*

³ *Resolution of 13 May 1999, para 3.*

Committee No 5

- Information Technology, Energy, Forestry, Western Sydney
- Agriculture, Land and Water Conservation
- Environment, Emergency Services, Corrective Services
- Local Government, Regional Development, Rural Affairs

Powers of the General Purpose Standing Committees

The General Purpose Standing Committees have power:

- (a) to send for and examine persons, papers, records and things;
- (b) to adjourn from place to place;
- (c) to make visits of inspection within the State;
- (d) to request the attendance of and examine Members of the House;
- (e) to publish, before presentation to the House, submissions received and evidence taken in public; and
- (f) to report from time to time their proceedings, evidence taken in public and recommendations.⁴

⁴ *Resolution of 13 May 1999, para 8.*

Referral of the 1999-2000 Budget Estimates

On 29 June 1999, the Legislative Council resolved that the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Funds be referred to the General Purpose Standing Committees for inquiry and report.⁵ Each Committee is to examine the Budget Estimates for their relevant portfolios and report to the House by the first sitting day in November 1999.⁶

Unlike previous years, the Committees' consideration of the Budget Estimates did not form part of the passage of the Appropriation Bills (which were passed on 2 July 1999). This separation of consideration of the Budget Estimates from the passage of the Appropriation Bills allows a more relaxed timeframe for their consideration. The reference is modelled on that used by the Commonwealth Senate and is particularly appropriate for the Legislative Council which, while having a scrutiny function concerning Government expenditure, is not able to prevent the passage of the ordinary annual services of the Government.

Police

The Committee heard evidence from the Hon Paul Whelan MP, Minister for Police, together with officers of relevant departments and agencies, at a public hearing held on 7 September 1999.

A brief summary of issues discussed at the hearing is provided below.

Budgets for Local Area Commands

A major focus of the hearing for the Police portfolio was the potential impact of the 1999/2000 budget on local area commands. For example, the Hon Charlie Lynn MLC asked the Minister:

Are you aware of comments attributed to Commissioner Ryan ... that police commanders have been asked to fund this year's six percent pay rise to the State's 13,000 officers from their budget allocations, and is this the reason why police commanders across the State are being forced to make budget cuts in other areas?

Questions were similarly raised about concerns over resources available to local stations in the Lower and Upper Hunter, Oxley Shoalhaven and Waratah regions. The committee also queried whether the behavioural change program and specialist operations programs have been cut as part of the budget.

The response from the Minister and, in later questions, the Police Commissioner, was essentially:

- The 1999/2000 budget of \$1.5 billion is \$110 million more than 1998/99 and is a record for the state. It includes a 90 % increase in the capital works budget;
- There will be no police station closures, no lay-offs of staff and no reduction in front line services or operating hours; and

⁵ *Minutes of Proceedings, No 14, 29 June 1999, pp 163-164 (hereafter referred to as Resolution of 29 June 1999).*

⁶ *Resolution of 29 June 1999, para 17.*

- The budgeting process has changed for local area commanders.

The Police Commissioner explained the process:

...we have given the local area commanders a particular budget and the budget has gone out to their regions, so they have yet to be disseminated across the whole of the local area commands.....we are expecting them to live within a budget figure which is yet to be absolutely determined because, until the end of the month... the actual figure will not be known. It is entirely up to them to decide how they are going to spend the money.

Specialist services and the Behavioural Change Program

The Minister and Commissioner were questioned about the level of funding for specialist services. The Commissioner stated that the approach to funding specialist services had been shifted in the 1999/2000 budget from being largely funded on the basis of inputs to an outcomes based model, where the desired outcomes are set then a notional budget applied.

In relation to the behavioural change program, the Minister criticised reported statements in the media which attributed significant reductions in crime to the work of staff in the program:

Anyone who believes that five people working in the behavioural change area of the Police Service are responsible for crime being driven down in New South Wales believes in Santa Claus.

The Minister stated that:

The reduction in crime in New South Wales as supported by recent BOCSAR stats must be attributed to the hundreds of local crime fighting operations including Lydia [the name of the Shoalhaven operation], which will continue ...

The drops in crime in the Shoalhaven area, particularly at Ulladulla, were spectacular because of the dedication and devotion of the police officers in that local area and because of the drive of the police ... they had a local crime problem and they found local solutions to their local crime problem. Credit is due to the police at the Shellharbour LAC or, more particularly Ulladulla, not to five people who worked in the human resources command of the Police Service.

The Minister stated that the behavioural change program is being reviewed as part of a larger review of the human resources services. It is not clear if a decision has been made to cut the program but certainly the Minister in his answers did not assign the program a major role to the State's policing.

Indigenous communities

Two issues in the hearing which received the most detailed answers were related to Indigenous peoples. The first concerned the use of culturally appropriate diversionary programs for Indigenous peoples, and the second was concerning allocations for the training of police officers against discriminatory application of the Summary Offences Act against Indigenous people.

The Minister did not specifically answer the part of the question relating to the allocation for training of police officers. It is possible this is broken down into local globally allocated budgets, and as such not a readily identifiable figure until local decisions have been made. However the

Minister partially answered the rest of both questions with a full description of the many and varied programs the Police were conducting throughout the state to improve relationships between the Police and the Aboriginal community.

The Minister also discussed the use of the diversionary measures established under the Young Offenders Act 1997, including the use of youth justice conferencing and the training of 80 youth liaison officers for each of the local area commands.

No figures were provided on numbers of Aboriginal persons diverted to conferencing; this is an issue pursued by the Committee with additional questions later put on notice. The question on diversion also referred to young offenders from a non-English Speaking background; this part of the question was taken on notice.

(The issue of conferencing is also considered in the section on the Attorney-General's portfolio, below).

New technology

The question of new technology was raised several times during the hearing. A question on the replacement of police analogue radio equipment with a digital radio network was not able to be answered in full because an associated contract has been reported to both the Police Integrity Commission and the ICAC. A question was also asked on the need for expenditure on the police database, known as COPS. The Minister responded by providing a breakdown of what the expenditure has been allocated to and how time trials have indicated it has significantly reduced the time spent on administration by police. The Minister agreed to take on notice a question seeking clarification of the strategies in place to train police in the use of the new technology.

Capsicum spray and batons

Another issue that was explored in some depth was the issue of capsicum spray and extendable batons. A total of \$525,000 was allocated in 1999-2000 for the issue of both, and the Minister undertook to provide a breakdown on the expenditure on the two items.

The use of the spray is currently the subject of an Ombudsman's review and its general validity as a non-lethal option in policing is outside the direct concerns of the estimate process. However the Minister agreed to take a notice a question on the specific cost of training for police in use of capsicum spray and extendable batons which should provide a clearer understanding of the implementation of safeguards.

Mandatory drug and alcohol testing

The hearing also considered the issue of mandatory drug and alcohol testing of police, especially those involved in car chases and shooting incidents. The minister reported on the implementation of random tests, with 5,018 conducted in the financial year to 1 June 1999, with 12 results proving positive. The Minister indicated future annual reports would include statistical information in relation to the ongoing program of achieving a cultural shift in relation to police drinking habits.

Miscellaneous

Questions were also asked regarding the Olympics, Strathfield and Narellan police stations, employment of a police officer and the capacity of the Police Integrity Commission to investigate category 1 complaints.

Attorney General, Industrial Relations

The Committee heard evidence from the Hon Jeff Shaw MLC, Attorney General and Minister for Industrial Relations, at a public hearing held on 8 September 1999.

A brief summary of issues discussed at the hearing is provided below.

Attorney-General

Public comments regarding international treaties and legal injecting rooms

The Committee questioned the Attorney-General about public comments he had made on radio that international conventions were not a barrier to the establishment of a legal injecting room at Kings Cross.

Recovery of Victims Compensation

The Committee queried why the Budget papers revealed a drop in the number of levy warrants used to recover victim's compensation from convicted defendants. The Attorney-General explained that the drop was attributable to the fact that recovery is now effected through the State Debt Recovery Office and the Victim's Compensation Tribunal rather than by warrants. The Attorney made general comments about the recovery process.

Apprehended Violence Orders

The Committee questioned the Attorney-General about the length of time used by the courts in determining applications for apprehended violence orders (AVOs).

Sentencing options open to magistrates and judges

The Committee inquired about the use of alternatives to sentencing for offenders. The Attorney-General commented on a number of options including home detention and conferencing, specifically in relation to young offenders, indigenous young people and drug offences.

District Court case management system

The Committee questioned the Attorney-General about the new case management system operating in relation to civil cases in the District Court, and in particular the extent to which litigants are bearing the costs of case management.

Miscellaneous

Other issues discussed included:

- the level of expenditure in Crown Solicitors fees and the core work of the Crown Solicitor's office;

- the barrister's briefing list of the Crown Solicitor (The Attorney-General undertook to provide the Committee with a copy of the briefing list and the fees.);
- the requirement of a guilty plea in order for a matter to be determined in the Drug Court; and
- the appointment of additional magistrates and judges, and acting judges.

Industrial Relations

Proposal to move the WorkCover Authority to Gosford

The Minister was questioned about the proposal to move the WorkCover Authority to Gosford, including the progress of the move, the restructure and redesign of the Authority, and the provisions made for employees who are required to move and for those who do not wish to move to Gosford. The Minister undertook to provide the Committee with information about the adequacy of budget provision for redundancies arising from voluntary redundancies.

Workers Compensation – private underwriting

The Committee questioned the Minister about the 12 month delay of the proposed introduction of private underwriting of the Workers Compensation Insurance Scheme and the consequent cost to the insurance industry.

Workers Compensation Resolution Service

The Committee asked the Minister about the background of the conciliators employed by the Workers Compensation Resolution Service.

Out workers

The Committee asked the Minister about Government strategies to deal with exploitation of those workers in the clothing industry who are employed in "sweat shops."

Casualisation of the labour force

The Minister told the Committee that the Labour Council has foreshadowed a test case in the Industrial Relations Commission about permanency of employment. If that test case is initiated the Government will play a positive role in trying to establish some guidelines.

Building and Construction Industry Long Service Scheme

The Committee sought clarification about the total equity of the Building and Construction Industry Long Service Scheme.

Sport and Recreation, Fair Trading

The Committee heard evidence from the Hon John Watkins MP, Minister for Sport and Recreation and Minister for Fair Trading, at a public hearing held on 9 September 1999.

A brief summary of issues discussed at the hearing is provided below.

Sport and Recreation

Department funding in rural communities

The Committee asked the Minister about the future of regional offices and staffing of the Department of Sport and Recreation. The Minister described in considerable detail rural initiatives his Department were undertaking in 1999-2000.

Sponsorship of regional academies

The Committee asked about the capacity of the nine regional academies (seven in rural areas) to obtain sponsorship compared to the New South Wales Institute of Sport and the Sydney Academy of Sport. This was not directly answered by the Minister, other than to say:

I am also aware that the academies have a level of sponsorship and that some of the academies are doing very good work in raising sponsorship services, which is important in the provision of services.

Spectators with Disabilities at sporting events

The committee asked the Minister about the measures the government was adopting to ensure people with disabilities were able to travel to and view major sporting events. The Minister provided information about a number of initiatives and also provided information about measures undertaken in other portfolios.

Women's sport

The committee questioned the Minister about expenditure by the Government on women's sport.

Gun related sports

The Minister answered a question regarding support for gun related sports.

Water safety

The Minister was questioned about the budget allocation for water safety programs.

Fair Trading

Petrol prices in country areas

The committee raised with the Minister reports of complaints regarding petrol prices in country areas. As described by the Minister, the problem is:

The price of a litre of petrol in most parts of New South Wales has increased by about 10c since early August. People in country New South Wales are among those who are suffering most as a result of that increase. In some areas they are paying 15c and up to 20c a litre more for petrol than are people living in the city...the higher price of petrol in regional areas impacts on employment in country towns and on rural industries.

The Minister provided a very extensive answer, much of which was descriptive of current debates on the deregulation of the petroleum industry rather than budgeted programs of the Department. The two initiatives being undertaken by the Department are:

- commissioning of research by the Australian Centre for Co-operatives Research and Development on the feasibility of forming co-operatives to purchase wholesale petrol and sell it to the local community at a lower price;
- establishment of a petrol complaints hotline with assistance from the Australian Competition and Consumer Commission. This has received 3,500 complaints and made 23 references to the Commission.

Olympics and rental increases

The committee inquired as to expenditure on an education program for landlords and tenants aimed at minimising evictions prior to the Olympics.

While the Minister outlined the funding of the Tenants Advice and Advocacy program which provides advice to tenants generally; he declined to provide a figure for the education program:

The campaign will be launched at an appropriate time. I do not plan to announce details of it tonight. I will be happy to brief Ms Lee Rhiannon prior to the announcement being made.

If the education campaign is funded from within the 1999-2000 budget it appears undesirable that the Minister not answer the question, at least to the extent of the financial commitment made to the program.

Aboriginal tenancy services

In response to a question about the enhancement of Aboriginal rural services provided by the Rental Bond Board, the Minister provided detail about a number of initiatives, including an Aboriginal Tenants Advisory Service and an anti-discrimination initiative aimed at landlords and real estate agents.

Miscellaneous

The Minister was also questioned by the committee regarding the funding provided to the Tenancy Advisory Program (\$3.8 million for 20 services across the state); and about contact with the Property Industry Council.

Juvenile Justice

The Committee heard evidence from the Hon Carmel Tebbutt MLC, Minister for Juvenile Justice, together with officers of the Department of Juvenile Justice, at a public hearing held on 6 October 1999.

A brief summary of issues discussed at the hearing is provided below.

Decline in numbers of juveniles in custody and budget cuts

The Minister was asked about reductions in the budget of the Department of Juvenile Justice and declines in the number of juveniles in custody.

Over representation of Aboriginal young people in the Juvenile Justice system

The committee queried the Minister about the over-representation of Aboriginal young people in custody.

Employment of Indigenous people within department facilities

In response to questioning, the Minister provided the Committee with information about the extent of employment of Aboriginal persons within the Department, and departmental policy in this regard. The Minister indicated that while there were sometimes difficulties in encouraging indigenous people to work within detention centres, greater success had been achieved with community-based services.

Issues relating to young offenders of Non-English Speaking Background

The Minister provided information about the level of representation of young offenders from a non-English speaking background. In addition, the Committee was advised about liaison and publication initiatives within the department targeted at young offenders from a non-English speaking background.

Yasmar and the "23 July Incident"

The committee questioned the Minister about whether staff at Yasmar had raised concerns about issues of safety in the days prior to the incident there on 23 July, 1999. Further, the Minister was asked whether any staff were on leave as a result of having raised concerns about their safety at the time of the 23 July incident. The Minister told the committee that she was limited in what she could say about that incident as it was still before the courts. She could not address the specific details Committee' concerns at that time and took the questions on notice. The Committee also asked about risk management issues in light of the 23 July incident.

Staff training

Clarification was sought by the Committee as to the duration of staff training.

Workers Compensation

The Committee asked about the level of workers compensation costs to the Department.

Specialist staff

The Committee asked about the availability of staff to support those young detainees who do not fit into the mainstream or who may be deemed unsuitable for vocational education or an ordinary classroom setting.

Drug and alcohol issues in Juvenile Justice Centres

The Minister was asked to clarify what amount has been allocated and what culturally sensitive drug and alcohol services have been provided for young people of indigenous and non-English speaking background.

Senior executive positions

The committee asked about the contract of the Director-General and the filling of Senior Executive Service positions within the Department.

Alternative care settings

The Committee noted that from time to time, juveniles who have come to the attention of the department, are placed in alternative care settings such as Triple Care Farm run by Mission Australia. It therefore sought clarification as to budget allocation for such placements.

Grafton Juvenile Justice Centre

The cost of the contract of the Grafton Juvenile Justice Centre was discussed.

Measures employed in Juvenile Justice Centres for suicidal detainees

The Committee asked about the measures employed in juvenile justice centres for suicidal detainees.

1997 Review of Nardoola

The Committee asked the Minister about the response to recommendations in a 1997 review of "Nardoola", a farm project providing an alternative to detention near Moree.

Kariong Juvenile Justice Centre

The committee requested details of improvements made at Kariong detention centre.

Harm reduction programs

The Minister was asked by the committee for the budget allocation for harm reduction programs.

Visiting facilities and policies

The committee raised a number of concerns about the facilities provided to visitors to juvenile justice centres.

Vocational Training Programs and Post-Release Programs

The committee requested details on the outcomes of vocational training programs run by the Department.

Youth Justice Advisory Council

The committee queried the Minister as to the effectiveness of the youth justice conferencing scheme overall. The Minister provided information about the Youth Justice Advisory Committee and its role in evaluating the effectiveness of the youth conferencing scheme.

Miscellaneous

The Committee also asked questions about:

- resources devoted to health issues such as Hepatitis A, B and C; and
- any difficulties experienced by the Department in placing sufficient staff to run HSC and School Certificate programs.

General Issues

Length of answers during hearings

A concern for Opposition and Cross Bench members in two of the estimate meetings (Police and the Fair Trading/Sport and Recreation portfolios) was the length of many of the answers provided by Ministers. In response to an Opposition question the Minister for Fair Trading gave a response which exceeded 20 minutes and exhausted the initial time allocated for Opposition questions on the Fair Trading portfolio. The Minister for Police also provided at least two

answers to Opposition questions which exceeded 10 minutes (although the first was in lieu of an opening statement).

At both meetings points of order were taken on the length of answers. During the Police portfolio hearing a Cross Bench member successfully moved a resolution that the Minister's answers be restricted to five minutes. The Minister then challenged the power of the Committee to limit him in this way. The Chair adjourned the hearing for a deliberative meeting in which advice was sought from the Deputy Clerk of the Legislative Council.

This matter was addressed in written advice issued by the Clerk on 16 September 1999, a copy of which is attached at Appendix One.

Minister's tabled answers to questions

The Committee wishes to raise a concern about the way in which information is presented in Minister's response to questions submitted prior to an estimates hearing. This arose during the hearing on Fair Trading and Sport and Recreation. As occurred in other hearings, the Minister tendered written responses to questions at the start of his evidence. One of the questions requested a breakdown of consultants used by the Department of Fair trading in 1998-99. The Minister responded by saying:

It is a requirement of the Annual Reports Act that relevant details regarding the engaging of consultants, costing over \$30,000, are included in annual reports. To avoid costly duplication of public resources the Honourable Member is referred to the relevant Department's annual report.

The Committee did not have access to the annual report at the hearing, as the annual report covering the period 1998/99 has not yet been tabled. The Committee was therefore unable to access the information requested.

This contrasted with a full list presented by the Attorney-General at the hearing held on 8 September 1999, which was extensively relied upon by committee members in pursuing lines of questioning.

The Committee recommends that future resolutions establishing estimate committee procedure should require that any written answers tendered at a hearing are complete in themselves; if cross reference is made to information contained within draft annual reports yet to be tabled, that information should be appended to the written answer.

Questions on notice

The Committee received responses to a number of questions placed on notice prior to the Budget Estimates hearings. Copies of these responses are to be tabled in the Legislative Council in a separate volume.

The Committee has set 26 October 1999 as the date by which Ministers should respond to questions placed on notice at, or after, the hearing. Responses to these questions will be tabled in the Legislative Council once they are received.

Supplementary hearings

The Committee has not set a date for supplementary hearings at this stage.

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 1

Thursday 1 July 1999

at Parliament House, Sydney at 4.55pm

MEMBERS PRESENT

Mrs Sham-Ho (In the Chair)

Mr Harwin	Mr Johnson
Mr Hatzistergos	Mr Manson
Mr Jobling (Samios)	Ms Rhiannon

Apologies

Nil.

Opening of Meeting

The Clerk declared the meeting open according to the Resolution establishing General Purpose Standing Committees adopted by the Legislative Council on Thursday, 13 May 1999.

The Clerk tabled the resolution.

In accordance with paragraph 7(1) of that Resolution, the Clerk announced receipt of a letter dated 1 July 1999 from the Opposition Whip, the Hon J Jobling MLC, nominating himself to act as a substitute Member of the Committee for this meeting, replacing the Hon J Samios MLC.

Election of Chair and Deputy Chair

The Clerk called for nominations for the Chair.

Mr Johnson moved that Mr Hatzistergos be elected Chair of the Committee.

Mr Jobling moved that Mrs Sham-Ho be elected Chair of the Committee.

Mr Harwin moved that Ms Rhiannon be elected Chair of the Committee.

There being no further nominations, the Clerk invited the three candidates to address the Committee.

Mr Hatzistergos addressed the Committee.

Mrs Sham-Ho addressed the Committee.

Ms Rhiannon addressed the Committee.

The Clerk informed the Committee that there being three nominations, in accordance with the practice of the House, a ballot must be held.

Ballot papers were distributed by the Clerk to Committee Members and Members lodged their votes.

The Clerk invited the Members who nominated each candidate to act as scrutineers.

The Clerk announced the result of the ballot as follows:

Mr Hatzistergos – 3 votes

Mrs Sham-Ho – 3 votes

Ms Rhiannon – 1 vote

As no candidate received a majority of votes, the candidate with the smallest number of votes, Ms Rhiannon, was withdrawn.

Fresh ballot papers were distributed by the Clerk to Committee Members and Members lodged their votes.

The Clerk announced the result of the ballot as follows:

Mr Hatzistergos – 3 votes

Mrs Sham-Ho – 4 votes

Mrs Sham-Ho, having a majority of the Members present and voting, was therefore declared elected Chair of General Purpose Standing Committee No 3.

Mrs Sham-Ho took the Chair.

The Chair called for nominations for Deputy Chair.

Mr Jobling moved that Mr Hatzistergos be elected Deputy Chair of the Committee.

There being no further nominations, Mr Hatzistergos was declared elected Deputy Chair.

Budget Estimates reference

The Chairman tabled the following reference from the House:

1. That the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.
2. That the Committees consider the Budget Estimates in accordance with the allocation of portfolios to the Committees.
3. For the purposes of this inquiry any Member of the House may attend a meeting of a Committee in relation to the Budget Estimates and question witnesses, participate in the deliberations of the Committee at such meeting and make a dissenting statement relating to the Budget Estimates, but may not vote or be counted for the purpose of any quorum.
4. The Committees must hear evidence on the Budget Estimates in public.
5. Not more than three Committees are to hear evidence on the Budget Estimates simultaneously.
6. When a Committee hears evidence on the Budget Estimates, the Chair is to call on items of expenditure in the order decided on and declare the proposed expenditure open for examination.
7. The Committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
8. The report of a Committee on the Budget Estimates may propose the further consideration of any items.
9. A daily Hansard record of the hearings of a Committee on the Budget Estimates is to be published as soon as practicable after each day's proceedings.
10. The Committees have leave to sit during the sittings or any adjournment of the House.
11. After a Committee has considered proposed expenditure referred to it by the House and agreed to its report to the House, the Committee must fix:
 - (a) a day for the submission to the Committee of any written answers or additional information relating to the proposed expenditure, and
 - (b) a day for the commencement of supplementary meetings of the Committee to consider matters relating to the proposed expenditure, which day must be not less than 10 days after the day fixed under subparagraph (a).

12. (1) A Member may lodge with a Committee, not less than 3 working days before the day fixed under subparagraph (11) (b), notice of matters relating to the written answers or additional information, or otherwise relating to the proposed expenditure referred to the committee, which the Member wishes to raise at the supplementary meetings of the Committee.
- (2) Any notice lodged with a Committee must be forwarded by the Committee to the Minister in the House responsible for the matters to which the notice relates.
13. A Committee may determine at any time the number and duration of any supplementary meetings.
14. At a supplementary meeting, questions may be put to Ministers or officers of departments, statutory bodies or corporations, relating to matters of which notice has been given, and the proceedings of the Committee must be confined to those matters.
15. A Committee may report to the House any recommendation for further action by the House arising from the Committee's supplementary meetings.
16. Written questions relating to the Budget Estimates may be supplied to the Clerk of the Committee, who must distribute them to the relevant Minister and departments, and to Members of the Committee. Answers must be supplied to, and circulated by, the Clerk.
17. The Committees are to finally report to the House by the first sitting day in November 1999.¹

The Committee deliberated.

Resolved, on motion of Mr Johnson, that the Committee hold a deliberative meeting at 10am on Tuesday, 20 July 1999, to discuss the conduct of the estimates hearings and to determine hearing dates.

Procedural motions

Resolved in globo, on motion of Mr Jobling:

That in accordance with the resolution of the Legislative Council of 11 October 1994, the Committee authorises the sound and television broadcasting as appropriate, of its public proceedings, unless otherwise ordered.

That arrangements for the calling of witnesses and for visits of inspection be left in the hands of the Chair and Director after consultation with the Committee.

¹ *Minutes of the Proceedings, No 14, 29 June 1999, pp 163-164.*

That press statements on behalf of the Committee be made only by the Chair, if possible after consultation with the Committee.

That persons with specialist knowledge may be invited to assist the Committee.

That the Director be empowered to advertise and/or write to persons, bodies and organisations inviting written submissions relative to the terms of reference.

That the Chair and Director make arrangements for travel and visits of inspection for the Committee as a whole.

That, unless otherwise ordered, transcripts of evidence taken by the Committee be not made available to any person, body or organisation (other than a Member of the Committee); provided that each witness will be given a proof copy of their evidence for correction and return to the Director.

That, unless otherwise ordered, parties appearing before the Committee will not be represented by members of the legal profession.

Adjournment

The meeting adjourned at 5.10pm until Tuesday, 20 July at 10.00am.

Anna McNicol
Director

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 2

Tuesday 20 July 1999

at Parliament House, Sydney at 10.00am

MEMBERS PRESENT

Mrs Sham-Ho (In the Chair)

Mr Harwin
Mr Hatzistergos
Mr Johnson

Mr Manson
Ms Rhiannon
Mr Samios

Apologies

Nil.

Confirmation of minutes

Resolved, on motion of Mr Manson, that the minutes of meeting number one be confirmed.

Business Arising

There was no business arising.

Budget Estimates reference

The Committee deliberated.

Resolved, on motion of Mr Manson, that the Director schedule budget estimate hearings, relating to all portfolios under the purview of the committee, on four of the following evenings (listed in descending order of preference and depending on the availability of Ministers): 14, 15, 21, 22, 7 and 8 September, from 7.30pm for a period of two and a half hours.

The Committee noted that supplementary hearings can be held if necessary.

Resolved, on motion of Mr Harwin, that:

1. Members who, prior to the hearing days, wish to forward written questions to Ministers for written response, do so through the Committee Director; Ministers will be required to provide written responses one week before they are scheduled to appear before the Committee to questions received by the Director by 7 August 1999; and
2. Where questions are placed on notice at a hearing, Ministers will be required to respond in writing to the questions within three weeks of the date of the hearing.

Adjournment

The meeting adjourned at 10.40am until the date of the first hearing in September, to be advised by the Director when this date is determined.

Anna McNicol
Director

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 3

Tuesday 7 September 1999

at Parliament House, Sydney at 7.50pm

MEMBERS PRESENT

Mrs Sham-Ho (In the Chair)

Mr Harwin	Mr Lynn (Samios)
Mr Hatzistergos	Mr Manson
Mr Johnson	Ms Rhiannon

Apologies

Nil

Budget Estimates reference

The Chair advised that Mr Lynn would be representing Mr Samios.

The Chair made a statement to Members regarding the broadcasting of proceedings.

The Committee deliberated.

The Hon Paul Whelan MP, Minister for Police, was admitted and accompanied by the following advisors:

Ministry for Police

Mr Les Tree, Director-General

Police Service

Mr Peter Ryan, QPM, Commissioner of Police

Mr Des Mooney, Executive Director, Management Services

Crime Commission

Mr Phillip Bradley, Commissioner

Police Integrity Commission

Mr G E Sage, Assistant Commissioner

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Chair declared the proposed expenditure for the portfolio area of Police open for examination.

The Minister tendered written answers to questions placed on notice prior to the hearing.

Resolved, on the motion of Mr Manson, that the Committee accept the document.

The Minister answered questions by Members of the Committee.

The Minister tendered two documents supporting his evidence.

Resolved, on the motion of Mr Johnson, that the Committee accept the documents.

The Committee resumed asking questions of the Minister.

Ms Rhiannon moved that: answers to questions be limited to five minutes.

Debate ensued.

Room cleared to allow the Committee to deliberate in private.

The Committee deliberated.

Question put that: answers to questions be limited to five minutes.

The Committee divided.

Ayes: Mrs Sham-Ho
Mr Harwin
Mr Lynn
Ms Rhiannon

Nos: Mr Hatzistergos
Mr Johnson
Mr Manson

Question resolved in the affirmative.

The Committee deliberated.

The witnesses, public and media were readmitted.

The Chair advised that as the Minister was under no obligation to attend the hearing, the Committee would not require his answers to be limited to five minutes; however, answers from public servants would be restricted to five minutes, although extensions would be granted for more complex questions.

The Committee resumed its examination of the portfolio area. Questions were asked of the Minister and relevant advisors.

The examination of the proposed expenditure for the portfolio area of Police concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on motion of Mr Lynn, that any additional questions relating to the portfolio area of the Police be lodged with the Director of the General Purpose Standing Committees by Friday 10 September 1999.

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that any matters relating to the Police portfolio that Members wish raised in the Committee's Budget Estimates report be advised to the Committee Clerk by Friday 10 September 1999.

Adjournment

The meeting adjourned at 10.40pm until 7.30pm on Wednesday, 8 September 1999.

Steven Reynolds
Clerk to the Committee

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 4

Wednesday 8 September 1999

at Parliament House, Sydney at 7.30pm

MEMBERS PRESENT

Mr Hatzistergos (Deputy Chair)

Mr Breen (Sham-Ho)	Mr Manson
Mr Gallacher (Harwin)	Ms Rhiannon
Mr Johnson	Mr Samios

Apologies

Nil

Budget Estimates reference

In the absence of the Chair the Deputy Chair took the Chair.

The Deputy Chair advised that Mr Gallacher would be representing Mr Harwin, and Mr Breen would be representing Mrs Sham-Ho.

The Deputy Chair made a statement to Members about the broadcasting of proceedings.

The Committee deliberated.

The Attorney General and Minister for Industrial Relations was admitted and accompanied by the following advisors:

Attorney General's Department

Mr Laurie Glanfield, Director General

Mr Russell Cox, Director Financial and Strategic Services

Legal Aid Commission

Mr Bill Grant, Acting Managing Director

Department of Industrial Relations

Mr W M McDonald, Director General

Mr P Hollis

Long Service Payments Corporation

Mr K Napper, CEO

The public and media were admitted.

The Deputy Chair made a statement regarding certain procedural matters during hearings on estimates.

The Deputy Chair declared the proposed expenditure for the portfolio areas of the Attorney General and Industrial Relations open for examination.

The Attorney General tendered written answers to questions placed on notice prior to the hearing.

Resolved, on the motion of Mr Johnson, that the Committee accept the document.

The Attorney General answered questions by Members of the Committee.

The examination of the proposed expenditure for the portfolio areas of Attorney General and Industrial Relations concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that any additional questions relating to the portfolio areas of the Attorney General and Industrial Relations , be lodged with the Director of the General Purpose Standing Committees by Friday, 10 September 1999.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that any matters relating to the Attorney General and Industrial Relations portfolios that Members wish raised in the Committee's Budget Estimates report be advised to the Committee Clerk by Friday 10 September 1999.

Adjournment

The meeting adjourned at 9.37pm until 7.30pm on Thursday, 9 September 1999.

Steven Reynolds
Clerk to the Committee

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 5

Thursday 9 September 1999

at Parliament House, Sydney at 7.35pm

MEMBERS PRESENT

Mr Hatzistergos (Deputy Chair)

Mr Gallacher (Harwin)	Ms Rhiannon
Mr Johnson	Mr Samios
Mr Manson	

Apologies

Mrs Sham-Ho

Budget Estimates reference

In the absence of the Chair the Deputy Chair took the Chair.

The Deputy Chair advised that Mr Gallacher would be representing Mr Harwin.

The Deputy Chair made a statement to Members about the broadcasting of proceedings.

The Minister for Fair Trading, Sport and Recreation was admitted and accompanied by the following advisors:

Department of Fair Trading

Mr J Schmidt, Assistant Director-General

Mr G Waters, Director of Management and Information Services

Department of Sport and Recreation

Mr J Cuthbert, Financial Controller

Ms Spencer, Deputy Director General, Management Services

Minister's Staff

Ms J Fitzgerald, Chief of Staff

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Deputy Chair declared the proposed expenditure for the portfolio areas of Fair Trading, Sport and Recreation open for examination.

The Minister tendered written answers to questions placed on notice prior to the hearing

Resolved, on the motion of Mr Johnson, that the Committee accept the document.

The Minister answered questions by Members of the Committee.

The Committee deliberated about the length of the Minister's answers.

Mr Gallacher moved: that the Minister limit his answers to two minutes, not twenty minutes.

Debate ensued.

Question put.

The Committee divided.

Ayes: Mr Gallacher
Ms Rhiannon
Mr Samios

Nos: Mr Hatzistergos
Mr Johnson
Mr Manson

The Deputy Chair exercised his casting vote in the negative.

Question resolved in the negative.

The Minister continued to answer questions.

The examination of the proposed expenditure for the portfolio areas of Fair Trading, Sport and Recreation concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that pursuant to the provisions of Section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk of the Committee to publish the documents accepted by the Committee during today's hearing and during the hearings held on Tuesday, 7 September 1999 and Wednesday, 8 September 1999.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that any additional questions relating to the portfolio areas of Fair Trading, Sport and Recreation be lodged with the Director of the General Purpose Standing Committees by Friday, 10 September 1999.

The Committee deliberated.

Resolved, on motion of Mr Johnson, that any matters relating to the Fair Trading, Sport and Recreation portfolios that Members wish raised in the Committee's Budget Estimates report be advised to the Committee Clerk by Friday, 10 September 1999.

Adjournment

The meeting adjourned at 9.36pm until 7.30pm on Thursday, 16 September 1999.

Steven Reynolds
Clerk to the Committee

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 6

Wednesday 6 October 1999

at Parliament House, Sydney at 5.00pm

MEMBERS PRESENT

Mrs Sham-Ho (In the Chair)

Mr Harwin	Mr Johnson
Mr Hatzistergos	Ms Rhiannon
Ms Forsythe (Samios)	Mr Tsang (Manson)

Apologies

Nil

Budget Estimates reference

The Chair advised that Ms Forsythe would be representing Mr Samios, and that Mr Tsang would be representing Mr Manson.

The Chair made a statement to Members about the broadcasting of proceedings.

The Minister for Juvenile Justice was admitted and accompanied by the following advisors:

Department of Juvenile Justice

Mr K Buttrum, Director-General

Mr Robert Hermann, Director, Corporate Services

Ms Clare Weir, Manager, Finance

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Chair declared the proposed expenditure for the portfolio area of Juvenile Justice open for examination.

The Minister tendered written answers to questions placed on notice prior to the hearing.

Resolved, on the motion of Mr Harwin, that the Committee accept the document.

The Minister and relevant advisors answered questions by Members of the Committee on the portfolio of Juvenile Justice.

The examination of the proposed expenditure for the portfolio areas of Juvenile Justice concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on motion of Mr Harwin, that pursuant to the provisions of Section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk of the Committee to publish the document accepted by the Committee during today's hearing.

The Committee deliberated.

Resolved, on motion of Mr Harwin, that any additional questions relating to the portfolio area of Juvenile Justice be lodged with the Director of the General Purpose Standing Committees by 5.00pm Thursday, 7 October 1999.

The Committee deliberated.

Adjournment

The meeting adjourned at 7.20pm until a date to be determined by the Chair to consider the draft report.

Steven Reynolds
Clerk to the Committee

GENERAL PURPOSE STANDING COMMITTEE No. 3

MINUTES OF THE PROCEEDINGS

52nd Parliament

Meeting No. 7

Wednesday 20 October 1999

at Parliament House, Sydney at 9.30am

MEMBERS PRESENT

Mrs Sham-Ho (In the Chair)

Mr Harwin
Mr Hatzistergos
Mr Johnson

Mr Manson
Ms Rhiannon

Apologies

Mr Samios

Confirmation of minutes

Resolved, on motion of Ms Rhiannon, that the minutes of meetings number 1 to 6 be confirmed.

Budget Estimates reference

The Chair submitted his draft report entitled "Report on Budget Estimates 1999-2000" which, having been circulated to each Member of the Committee, was accepted as being read.

The Committee proceeded to consider the draft report.

Resolved, on the motion of Mr Hatzistergos, to delete the commentary and recommendation concerning sponsorship of regional sporting academies (pages 7 & 8 of Chair's draft).

The Committee deliberated in relation to the text under the heading "Minister's Tabled Answers to Questions" (page 12 of Chair's draft) concerning an answer by the Minister for Fair Trading and Minister for Sport and Recreation.

Mr Hatzistergos asked that the minutes record that this text not be seen as expressing any dissatisfaction with the Minister's answer to the Committee.

Resolved, on motion of Mr Harwin, that the report as amended be adopted and that the report be signed by the Chair and presented to the House.

The Committee deliberated.

Resolved, on the motion of Mr Harwin, that 5pm on Tuesday, 26 October 1999 be fixed as the deadline for the return of answers to questions placed on notice in relation to each of the portfolios examined by the Committee, and that this return date be conveyed to the relevant Ministers and the Leader of the Government in the Legislative Council, by the Director of the General Purpose Standing Committees.

The Committee deliberated.

Resolved, on the motion of Mr Harwin, that the answers to questions placed on notice and referred to Ministers for response and any tabled documents accepted by the Committee during the budget estimates hearings be circulated to members and made public upon their receipt by the Director of the General Purpose Standing Committees, and included in a Second Report on the Budget Estimates hearings to be tabled in the House by the Chair.

Adjournment

The meeting adjourned at 10.05am *sine die*.

Anna McNicol
Director

Appendix One – Clerk’s Advice

During the Budget Estimates hearings conducted by General Purpose Standing Committees, my advice has been sought on a number of procedural issues. As these issues were not addressed in the Manual for *Budget Estimates Hearings*, published under my hand earlier this month, and the circumstances which have given rise to these requests for advice may arise again during further Budget Estimates hearing, or indeed during other inquiries conducted by the General Purpose Standing Committees, I believe it is important for the advice provided to be circulated to all Members.

1. (a) Can a General Purpose Standing Committee resolve to limit the time taken by a witness to answer questions?

A Committee of the House has the power and responsibility to determine its own practices and procedures, subject to: the resolutions establishing the Committee; any reference from the House; the Standing orders of the House; and established Committee practice.

The key provisions in the resolution of the House referring the Budget Estimates relating to the taking of evidence are:

2. That the Committees consider the Budget Estimates in accordance with the allocation of portfolios to the Committees.
6. When a Committee hears evidence on the Budget Estimates, the Chair is to call on times of expenditure in the order decided on and declare the proposed expenditure open for examination.
7. The Committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.¹

The only provision in the resolution establishing the General Purpose Standing Committees relating to the taking of evidence is:

10. Unless a committee otherwise decides, a member of the House, who is not a member of the relevant Committee may take part in the public proceedings of a Committee and question witnesses ...²

¹ *Minutes of Proceedings, No 14, 29 June 1999, pp 163-164.*

² *Minutes of Proceedings, No 3, 13 May 1999, p 62.*

The Standing Orders of the House do not prescribe specific procedures for the taking of evidence. However, the procedures by which Committees take evidence are well established. These procedures are set out in each of the relevant authorities on parliamentary practice and procedure.³ *Odger's Senate Practice* notes that "the Standing Orders allow the Senate and its Committees to formulate procedures for the giving of evidence before them ... This allows

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There is nothing in the resolution establishing the General Purpose Standing Committees, the reference of the budget Estimates to these Committees, the Standing Orders of the House, or established Committee practice, that would preclude the Committees from limiting the time taken by a witness to answer a question. The Committees therefore do have the power to limit the time taken by a witness to answer a question. (However, it would be hoped that any Committee resolving to impose a limit on the time taken by a witness to answer a question would make provision for a witness to apply for an extension of time if required, and that any such time limits would be applied somewhat flexibly.)

1. (b) If so, can such time limits be applied to a Minister from the Lower House?

Paragraph 7 of the resolution referring the Budget Estimates, set out above, provides for the Committee to "ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations". Paragraph 8 of the resolution establishing the General Purpose Standing Committees provides the Committees with powers "to send for and examine persons ..." and "to request the attendance of, and examine members of the House".⁵

The Standing Orders of the House do not specifically address the attendance of Members (including Ministers) from the Legislative Assembly before Legislative Council Committees (or indeed the attendance of Members of the Legislative Council before Legislative Council Committees).

The relevant authorities on parliamentary practice and procedure provide consistent information in relation to the attendance of Members before Committees. The position is that a Member may give evidence before a committee but cannot be compelled to do so. Where a Member refuses a request to attend to give evidence before a Committee, the Committee is required to inform the House, in order that the House determine the matter. However, a Member cannot be summoned to attend to give evidence before a Committee. This also applies to Members on House giving evidence before a Committee of the other House in a bicameral Legislature.⁶

Where a Member (including a Member or Minister from the other House in a bicameral Legislature) appears before a Committee, they are treated like any other voluntary witness. *Erskine May* states that:

³ See for example *'Erskine May', 22nd Edition, 1997, pp 650-651; 'Odger's Senate Practices', 8th Edition, 1997, p 421; 'House of Representatives Practice', 3rd Edition, 1997, pp 599-601.*

⁴ *'Odger's Senate Practice', p 421.*

⁵ *Minutes of Proceedings, No 3, 13 May 1999, p 62.*

⁶ *'Erskine May', pp 616, 648; 'Odger's Senate Practice', p 416; 'House of Representatives Practice', p 652.*

A Member who has submitted himself to examination without any order of the House is treated like any other witness. When a Member's refusal to answer questions has been reported to the House by a select committee, the House has ordered that he should submit his objection to the Committee.⁷

While a Minister from the Legislative Assembly is attending and giving evidence before a General Purpose Standing Committee (including during Budget Estimates hearings) they will be subject to any procedures established by such a Committee, including any time limits for the answers to questions agreed to by the Committee. A failure to comply with any such procedures established by such a Committee would need to be reported to the House by the Committee.

However, as a Minister from the Legislative Assembly cannot be compelled to attend and give evidence before a General Purpose Standing Committee (or any other Legislative Council Committee), a Minister from the Legislative Assembly may decide to leave such a hearing at any time, if they did not wish to comply with any procedures established by such a Committee, including any time limits for the answers to questions agreed to by the Committee.

2. Can a Committee hold additional hearings in relation to the portfolios of a Ministers already examined during the initial round of Budget Estimates hearings, prior to the Committee reporting on the initial round of hearings?

The *Manual for Budget Estimates Hearings* notes that the "the Government has provided a proposed timetable for the initial round of Budget Estimates hearings".⁸ The proposed timetable was published as an Appendix to the manual.

The resolutions referring the Budget Estimates prescribe a detailed procedure and sequence for the General Purpose Standing Committees to follow at the end of the initial round of hearings, including the procedures to be followed in relation to supplementary hearings. These procedures are set out on page 11 of the manual.

The relevant provision in the resolution referring the Budget Estimates in relation to the initial round of hearings is:

2. That the Committees consider the Budget Estimates in accordance with the allocation of portfolios to the Committees.

There is nothing in the resolution referring the Budget Estimates which requires the initial round of hearings to be limited to a single hearings for each Ministerial portfolio. There is nothing in the resolutions referring the Budget Estimates which requires the initial round of hearings to be limited to the hearings listed in the Government's proposed timetable published in the manual.

⁷ 'Erskine May', p 648.

⁸ 'Manual for Budget Estimates Hearings', p 3.

The General Purpose Standing Committees have the power to hold any number of hearings in relation to a portfolio area until such time as they have exhausted all questions in relation to that portfolio. At the time, the Committee must report to the House and the procedures set out on page 11 of the manual will then come into effect. Even if a Committee were to resolve to restrict questions to a particular period of time, the Committee could later resolve to change its view on this matter, and extend the time or have additional hearings.

A General Purpose Standing Committee resolving to conduct further hearings in relation to a portfolio area as part of the initial round of hearings, may invite a Minister from the Legislative Assembly to attend and give evidence at such further hearings.⁹ However, as noted above, a Minister from the Legislative Assembly cannot be compelled to attend any hearings of a General Purpose Standing Committee.

A General Purpose Standing Committee may invite officers of departments, statutory bodies or corporations to attend and give evidence at a Budget Estimates hearings, including at any further hearing in relation to a portfolio area.¹⁰ Under the provisions of the *Parliamentary Evidence Act 1901* the General Purpose Standing Committees may compel such officers to attend and give evidence through the issue of a summons, although the use of these coercive powers is not normally considered necessary.

3. Can the Committees meet prior to the starting time set out in the Government's proposed timetable for the Budget Estimates to deliberate?

As noted above, the Government's proposed timetable for the initial round of Budget Estimates hearings was published as an appendix to the *Manual for Budget Estimates Hearings*. This timetable has been the subject of a number of changes. Clearly, the timetable was published by way of guidance and was always subject to possible change.

There is nothing in the resolution referring the Budget Estimates to prevent the General Purpose Standing Committees from resolving to hold additional deliberative meetings during the period when the initial round of Budget Estimates hearings are being held. There is nothing in the resolution referring the Budget Estimates to prevent Committees from resolving to meet prior to the scheduled starting time for a particular hearing in order to deliberate.

4. Can Chairs of the General Purpose Standing Committees ask questions?

The provisions of the resolution establishing the General Purpose Standing Committees and the resolution referring the Budget Estimates relating to the examination of witnesses are set out above. There is nothing in the resolution establishing the General Purpose Standing Committees or the resolution referring the Budget Estimates to prevent Committee Chairs from asking questions at hearings.

⁹ The Minister for Environment, Emergency Services and Corrective Services has agreed to attend and give evidence at a further hearing of Committee No 5 on Thursday 23 September, in relation to Emergency Services and Corrective Services.

¹⁰ Arrangements are being made for the Directors-General of the Departments of Community Services, Women and Ageing to attend and give evidence at such a further hearing of Committee No 2 during the next few weeks.

The General Purpose Standing Committees are established to operate in generally the same way as the other Standing Committees of the Legislative Council, in which there has never been any doubt about the capacity of Chairs to ask questions.

5. Procedures for the publication of tabled documents, including answers to questions on notice forwarded to Ministers prior to the initial round of hearings.

Standing Order 252 of the House provides that:

Evidence taken by any Select Committee of the House, and documents presented to such Committee which have not been reported to the House, may not, except with the permission of the Committee, be disclosed or published by any Member of such Committee or by any other person.

Section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* provides that “a Committee may authorise the publication of documents received or evidence given before it”.

As set out on page 8 of the *Manual for Budget Estimates Hearings*, General Purpose Standing Committees need to move a resolution to accept and authorise the publication of any evidence or submissions or documents that are tabled during the Budget Estimates hearings. The manual suggests that “this *can* be done in globo at the end of the hearing” [emphasis added]. However, there is nothing to prevent a Committee from resolving to publish tabled documents or other papers received by the Committee as they are tabled, or in some other way.

There is nothing to prevent a Committee from resolving prospectively to publish documents to be received at or before a certain date. However, in pursuit of consistency, and in order to ensure that Committees have an opportunity to review documents which are to be published on their authority, it is recommended that each Committee authorise publication of tabled documents either at the time they are tabled or, at the conclusion of each hearing. (While this practice is recommended, it is not incumbent on Committees to follow this practice in all instances.)

6. Procedures for a General Purpose Standing Committees to “self refer” a matter for inquiry

Paragraph 3 and 4 of the resolutions establishing the General Purpose Standing Committees provide the Committees with a power to “self refer” matters for inquiry, and also set out the procedure to be followed in order for a Committee to commence such an inquiry.

3. The Committees may inquire into and report on: (a) any matters referred to them by the House; (b) the expenditure, performance or effectiveness of any department of government, statutory body or corporation; (c) any matter in any annual report of a department of government, statutory body or corporation.
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4. A meeting of a Committee may be convened at the request of any three members of the Committee in writing to the Clerk of a Committee.¹¹

During the 51st Parliament two inquiries were “self referred” to General Purpose Standing Committee in this way.¹² In each case, a meeting was convened following the receipt of a letter signed by three members of the relevant Committee requesting the convening of the Committee to conduct a particular inquiry.

Prior to the first of the Budget Estimates hearings on 7 September 1999, the Chair of Committee No 2 sought advice on the procedures for “self referring” a matter for inquiry by that Committee. Advice was provided that, as the Committee was scheduled to meet on 7 September, the provisions of paragraph 4 of the resolution establishing the Committees were redundant in this case and there was no need for a letter to be signed by three members of the Committee to request that the Committee convene. The Chair was advised that, once the Committee went into deliberative session, the Chair could table proposed terms of reference to “self refer” a matter for inquiry.

Where a General Purpose Standing Committee is scheduled to meet, paragraph 4 of the resolution establishing the General Purpose Standing Committees, is redundant, and a proposed “self reference” can be discussed by a Committee during a deliberative session at any scheduled meeting. However, where a General Purpose Standing Committee is not scheduled to meet, or where three or more members wish to initiate an inquiry prior to a scheduled meeting, the provisions of paragraph 4 of the resolutions establishing the Committees apply and a letter signed by three members must be provided to the Clerk of the Committee requesting the convening of the Committee.

I trust this information clarifies the situation for Members serving on General Purpose Standing Committees.

John Evans
Clerk of the Parliaments

¹¹ *Minutes of Proceedings, No 3, 13 May 1999, p 62.*

¹² *See General Purpose Standing Committee No 2, 'Interim Report – Inquiry into Rural and Regional New South Wales Health Services', July 1998; General Purpose Standing Committee No 1, 'Interim Report on the Inquiry into the Impact of the National Electricity Market on the Finances of the New South Wales Government', November 1998.*
