

**ESTIMATES COMMITTEE AND GOVERNMENT OWNED CORPORATIONS COMMITTEE –  
TERMS OF REFERENCE 2009/2010 - MOTION AGREED TO:**

The Leader of Government Business (Dr Burns), pursuant to notice, moved - That the Assembly appoint an Estimates Committee 2009/2010 and a Government Owned Corporations Scrutiny Committee 2009/2010, pursuant to the terms circulated to Members below:

**ESTIMATES COMMITTEE 2009/2010**

**TERMS OF REFERENCE**

**A. INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed an Estimates Committee of the Legislative Assembly for the purposes of examining and reporting on the estimates of proposed expenditure contained in the Appropriation Bill 2009/2010.
2. That the Schedule to the Appropriation Bill 2009/2010 and related budget documents be referred to the Estimates Committee for examination and report on proposed expenditure when the Bill has been presented.
3. That the Committee may not vote on but may examine and report on the proposed expenditure contained in the Bill by no later than 19 June 2009.
4. That the Committee examine the proposed expenditure contained in the Bill by portfolio units in accordance with the Schedule and that the proposed expenditure be considered on an output by output basis for each portfolio unit.
5. That the Committee consider the *Appropriation Bill* and related Budget Papers. To the extent that transactions of other public sector entities are included in the Budget Papers, these transactions can be questioned by the Committee. This would apply to Community Service Obligations paid to and dividends received from the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*. The Statement of Corporate Intent for the Power and Water Corporation for 2009/2010 stands referred to the Government Owned Corporations Scrutiny Committee.

**B. MEMBERSHIP**

6. The membership of the Estimates Committee shall consist of the membership of the Public Accounts Committee.
7. The Chairman of the Public Accounts Committee shall be the Chairman of the Estimates Committee.
8. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.
9. Other Members of the Assembly may not vote on any matters before the Committee.
10. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven (7) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and one (1) Independent Member.

11. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided for in paragraph 10 above.
12. The Committee may proceed with business despite a vacancy in its membership.
13. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.
14. The quorum of the Committee is to be 4 of the members of the Committee.
15. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

**C. SITTING TIMES**

16. The Estimates Committee will meet in accordance with the dates and times in the Schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman.
17. Unless otherwise ordered by the Committee the Committee shall sit during the following periods:
  - (a) on Tuesday 16 June, 2009 commencing at 8:30am and adjourning at 11.00pm;
  - (b) on Wednesday 17 June, 2009 commencing at 8.30am and adjourning at 11.00pm;
  - (c) on Thursday 18 June, 2009 commencing at 8.30am and adjourning at 11.00pm;
  - (d) on Friday 19 June, 2008 commencing at 8.30am and adjourning at 1 pm; and
  - (e) the Committee may suspend the hearings from time to time.
18. The Estimates Committee may sit only when the Assembly is not sitting.

**D. HEARING PROCEDURE**

19. All hearings of the Estimates Committee are open to the public unless the Committee otherwise orders.
20. The Committee will consider proposed expenditure on an output by output basis, following procedures agreed to by the Estimates Committee in accordance with the other provisions of this Order and Standing Orders.
21. Unless the Committee otherwise determines, the Minister (or Speaker) may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.

22. Members of the Committee may ask for explanations from a Minister (or Speaker) relating to proposed expenditure and outputs.
23. The Minister (or Speaker) who has been asked for explanations may be assisted, where necessary, by officers in the provision of relevant information.
24. Officers may answer questions at the request of the Minister, but shall not be required to comment on policy matters.
25. Questions and explanations should be brief and avoid irrelevance and tedious repetition.

**E. QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION**

26. The Minister (or Speaker) may advise the Estimates Committee that an answer to a question or part of a question will be provided later to the Committee.

At that time the Chairman shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Minister (or Speaker) by the Committee Secretariat.

27. A Minister (or Speaker) may also give the Committee additional information about an answer given by them or on their behalf.
28. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than the next sittings of the Assembly and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

**F. HANSARD REPORT AND OTHER TABLED DOCUMENTS**

29. The Clerk of the Legislative Assembly is authorised to publish an unedited transcript of the Estimates Committee proceedings in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.
30. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.
31. The provisions of Standing Order 274 and section 22 of the *Legislative Assembly (Powers and Privileges) Act* as applicable to the Committee, are limited to documents prepared for and submitted to the Committee, evidence taken by the Committee or a report of such evidence.

**G. BROADCASTING AND TELEVISIONING OF PROCEEDINGS**

32. Sound and vision broadcast and re-broadcast of the hearings of the Estimates Committee will be allowed, subject to the same conditions which apply to the sittings of the Assembly and as determined by the Committee.

## **H. DISORDER**

33. At an Estimates Committee hearing the Chairman may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chairman, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.
34. A member ordered to withdraw in accordance with the direction of the Chairman must immediately withdraw for the stated period.
35. If a Member persistently disrupts the business of the Committee:
  - (a) The Chair may name the Member;
  - (b) If the Member named is a member of the Estimates Committee, suspend the sittings until the Chair has reported the offence to the Speaker;
  - (c) If the Member named is not a member of the Estimates Committee, orders that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.
36. As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Estimates Committee be replaced.
37. If any objection is taken to a ruling or decision of the Chair:
  - (a) The objection must be taken at once and stated in writing;
  - (b) The Chair as soon as practicable advises the Speaker who makes a ruling on the matters; and
  - (c) The Estimates Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

## **I. REPORT OF ESTIMATES COMMITTEE**

38. A report of the Estimates Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
39. When the Report of the Estimates Committee is presented it shall be taken into consideration forthwith, together with the Report of the Government Owned Corporations Scrutiny Committee.
40. The following time limits shall apply to consideration of the reports of the Committees on the question:

"that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the committees in relation to the proposed expenditure or outputs with reference to the Appropriation Bill 2009/2010; and

the transactions of public sector entities included in the Budget Papers and applicable Community Service Obligations paid to and dividends received from

the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*, be noted."

- Ministers, Leader of the Opposition and Shadow Ministers—20 minutes;
  - Any other Member—10 minutes,
  - The maximum period for consideration shall be 5 hours.
41. When the consideration of the reports of the Committees has been completed the following question is proposed and put forthwith:
- "that the remainder of the Bill be agreed to".
42. When the Bill has been agreed to by the Committee-of-the-Whole and reported to the Assembly, the third reading may be taken into consideration forthwith.

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## **GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE 2009/2010**

### **TERMS OF REFERENCE**

#### **INTRODUCTION**

1. That, notwithstanding anything contained in Standing Orders and Sessional Orders there be appointed a Committee of the Legislative Assembly to be known as the Government Owned Corporations Scrutiny Committee for the purpose of examining and reporting on the activities, performance, practices and financial management of the Power and Water Corporation, a Government Owned Corporation under the *Government Owned Corporations Act*, with reference to the Power and Water Corporation's Statement of Corporate Intent for 2009/2010.

#### **MEMBERSHIP**

2. The membership of the Government Owned Corporations Scrutiny Committee shall consist of the membership of the Public Accounts Committee.
3. The Chairman of the Public Accounts Committee shall be the Chairman of the Government Owned Corporations Scrutiny Committee.
4. The Committee, before the commencement of business, shall elect one of its members to be Deputy Chairman.
5. Other Members of the Assembly may not vote on any matters before the Committee.
6. Other Members of the Assembly may participate in public hearings of the Committee, provided that at any time participating Members are limited to seven (7) Members comprising the Chair, two (2) Government Members, three (3) Opposition Members and one (1) Independent Member.
7. Members may be substituted from time to time, subject to notification to the Chairman, and in accordance with conditions provided in for paragraph 6 above.

8. The Committee may proceed with business despite a vacancy in its membership.
9. The Chairman of the Committee and the Deputy Chairman when acting as Chairman shall have a deliberative and a casting vote.
10. The quorum of the Committee is to be 4 of the members of the Committee.
11. If at any time a quorum is not present, the Chairman will suspend proceedings of the Committee until a quorum is present, or adjourn the Committee until a time and/or date to be fixed.

#### **SITTING TIMES**

12. The Government Owned Corporations Scrutiny Committee will meet in accordance with the dates and times in the Schedule adopted by the Assembly or as otherwise ordered by the Committee and advised by the Chairman.
13. The Government Owned Corporations Scrutiny Committee may sit only when the Assembly is not sitting.
14. The Committee shall sit on Friday 19 June 2009 for 2 hours from 1.30pm to 3.30pm.

#### **HEARING PROCEDURE**

15. All hearings of the Committee are open to the public unless the Committee otherwise orders.
16. The Committee will examine the financial and budgetary activities of the Power and Water Corporation following similar procedures to that of the Estimates Committee and in accordance with the provisions of this Order and Standing Orders.
17. Unless the Committee otherwise determines, the Chairman of the Board of the Power and Water Corporation may make an opening statement lasting up to five (5) minutes which may be extended with the leave of the Committee.
18. Members of the Committee may ask questions for the purpose of examining the activities, performance, practices and financial management of the Power and Water Corporation with reference to its Statement of Corporate Intent for 2009/2010.
19. Questions shall be put directly to the Chairman of the Board of the Power and Water Corporation, the Managing Director and other officers may assist the Chairman in the provision of relevant information.
20. The Chairman or other witnesses will advise when evidence is of a commercially sensitive or confidential nature and may request that such evidence be heard 'in camera'. The Chairman of the Committee will invite the Chairman or the witnesses to give the reasons for the request.
21. Questions and explanations should be brief and avoid irrelevance and tedious repetition.

#### **QUESTIONS TAKEN ON NOTICE AT HEARINGS AND ADDITIONAL INFORMATION**

22. The Chairman of the Power and Water Corporation may advise the Committee that an answer to a question or part of a question will be provided later to the Committee.
23. At that time the Chairman of the Committee shall note the question or that part of the question taken on notice and any clarification required. The text of questions on notice will be distributed to the Chairman of the Power and Water Corporation by the Committee Secretariat.
24. The Chairman of the Power and Water Corporation may also give the Committee additional information about an answer given by the witnesses or on their behalf.
25. The additional information or answer, is to be written and given by a time decided by the Committee and may be included in a volume of additional information to be laid on the table of the Assembly by the Chairman of the Committee at the time of its report or at a later date, which shall be no later than the next sittings of the Assembly and may be authorised for publication by the Committee prior to that material being tabled in the Assembly.

#### **HANSARD REPORT AND OTHER TABLED DOCUMENTS**

26. The Clerk of the Legislative Assembly is authorised to publish an unedited transcript of the Government Owned Corporations Scrutiny Committee proceedings in a manner similar to that used for the daily *Hansard* as soon as practicable after the Committee's proceedings are concluded.
27. Evidence taken in public by the Committee and documents presented to the Committee are deemed to be authorised for publication by the Committee, unless the Committee otherwise orders.
28. The provisions of Standing Order 274 and section 22 of the *Legislative Assembly (Powers and Privileges) Act* as applicable to the Committee, are limited to documents prepared for and submitted to the Committee, evidence taken by the Committee or a report of such evidence.

#### **BROADCASTING AND TELEVISIONING OF PROCEEDINGS**

29. Sound and vision broadcast and re-broadcast of the hearings of the Committee will be allowed, subject to the same conditions which apply to the sittings of the Assembly and as determined by the Committee.

#### **DISORDER**

30. At a Committee hearing the Chairman may, after a warning, order any Member of the Assembly whose conduct, in the opinion of the Chairman, continues to be disorderly or disruptive to withdraw from the Committee for a period of 1 hour.
31. A Member ordered to withdraw in accordance with the direction of the Chairman must immediately withdraw for the stated period.
32. If a Member persistently disrupts the business of the Committee:
  - (a) The Chair may name the Member;

- (b) If the Member named is a member of the Government Owned Corporations Scrutiny Committee, suspend the sittings until the Chair has reported the offence to the Speaker;
  - (c) If the Member named is not a member of the Government Owned Corporations Scrutiny Committee, orders that the Member withdraw from the sittings of the Committee until the Chair has reported the offence to the Speaker.
33. As soon as practicable, the Chair advises the Speaker who then gives notice that the member of the Government Owned Corporations Scrutiny Committee be replaced.
34. If any objection is taken to a ruling or decision of the Chair:
- (a) The objection must be taken at once and stated in writing;
  - (b) The Chair as soon as practicable advises the Speaker who makes a ruling on the matters; and
  - (c) The Government Owned Corporations Scrutiny Committee may continue to meet but not further examine the matter then under consideration and which is the subject of the objection.

#### **REPORT OF GOVERNMENT OWNED CORPORATIONS SCRUTINY COMMITTEE**

35. A report of the Government Owned Corporations Scrutiny Committee will be presented by the Chairman to the Committee-of-the-Whole Assembly and the report should contain any resolution or expression of opinion of the Committee.
36. When the Report of the Committee is presented it shall be taken into consideration forthwith, together with the Report of the Estimates Committee.
37. The following time limits shall apply to consideration of the reports of the Committees on the question:
- "that the proposed expenditure be agreed to and that the resolutions or expressions of opinion as agreed to by the committees in relation to the proposed expenditure or outputs with reference to the *Appropriation Bill* 2009/2010, or the activities, performance, practices and financial management of the Power and Water Corporation with reference to its Statements of Corporate Intent for 2009/2010, be noted "
- Ministers, Leader of the Opposition and Shadow Ministers—20 minutes;
  - Any other Member—10 minutes,
  - The maximum period for consideration shall be 5 hours. (Paper 289)

Debate ensued.  
Question - put and passed.