

Dennett, Julie (SEN)

Senate Legal and Constitutional Affairs Committee
Budget Estimates 2010-11, 24-27 May 2010

From: Laing, Rosemary
Sent: Monday, 24 May 2010 6:18 PM
To: Dennett, Julie

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By: *Senator Crossin*

Date: *24/5/10*

Julie

This is the advice provided by the former Clerk.

ESTIMATES HEARINGS – QUESTIONS ABOUT PROVISIONS OF BILLS

It might be useful to set down the substance of the advice I gave yesterday on whether questions could be asked at estimates hearings about the provisions of a bill which is before a Senate committee.

Under a resolution passed by the Senate in 1999 (adopting a report of the Procedure Committee), the Senate delineated the scope of questions at estimates hearings as “any questions going to the operations or financial positions of departments and agencies”. While this is a very wide ambit, I do not think that it extends to questions about provisions of bills, for example, questions about the meaning, purpose, intention or effect of clauses in bills. Questions about departmental operations connected with bills would be relevant, for example, whether a department engaged consultants to assist in the preparation of a bill, at what cost it was prepared, and how it is to be administered.

Where a bill is before a Senate committee, this means that the Senate has given that committee the task of conducting an inquiry specifically into that bill. This indicates an intention that any inquiry into the provisions of the bill be conducted at hearings and meetings of the committee specifically designated for that inquiry, and not pursued at estimates hearings which interested senators might not be able to attend and for which there is usually no notification of such specific subject matters of inquiries.

Please let me know if I can be of any further assistance.

Rosemary Laing
Clerk of the Senate