



# Procedural Information Bulletin

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## Additional Estimates – 27 February to 3 March 2017

Particulars of proposed additional expenditure were referred [by the Senate on 8 November 2016](#) to legislation committees for examination in the week commencing 27 February and report on 28 March 2017. Under the same order, the cross portfolio hearing on indigenous matters was held on Friday, 3 March.

Portfolio agencies are [allocated](#) by the Senate to legislative and general purpose standing committees and the usual wide range of departments and agencies were called to answer questions about their expenditure, operations and administration.

### Accountability

A key role of the Senate and its committees is accountability, and in the weeks preceding this round of additional estimates the Senate dealt with a number of outstanding issues which arose in the previous, supplementary, round of estimates held in October 2016.

For example, Senator Gallacher had [raised concerns](#) during Senators' Statements on 15 February about the cost of fitout for new premises for the Department of Immigration and Border Protection and the role of the Public Works Committee in overseeing this expenditure. This also attracted community interest and was further pursued by senators at the additional estimates hearing on 27 February.

At the supplementary estimates hearings last year, questions had been asked about the breakdown of executive remuneration at Australia Post. Following [correspondence](#) between the committee and the organisation between December and February, the details of this remuneration were provided and published by the committee. (Under [standing order 26\(2\)](#), evidence at estimates hearings must be heard in public session.) The appearance at the hearing on 28 February of the Australia Post Chairman, accompanied by its Chief Executive Officer, led to a vigorous question and answer session about that organisation's pay scales for senior executives and significant media interest in this topic more generally.

### Estimates and related hearings

In the Legal and Constitutional Affairs hearing on 28 February one senior official of the Attorney-General's Department expressed reluctance to 'traverse matters that are the subject of inquiry by another committee', being the Legal and Constitutional Affairs References Committee inquiry into the liquidation of the Bell Group of Companies. There is no rule of the Senate that prevents senators seeking explanations on such matters at an estimates hearing.

There is a narrower rule, in [standing order 25\(13\)](#), restraining legislative and general purpose standing committees from inquiring into matters being examined by select committees, although even that rule has minimal application during estimates hearings [see *Odgers' Australian Senate Practice*, 14th

edition, p 481].

In a similar vein, the Community Affairs References Committee is undertaking an inquiry into the management of the social welfare system, which includes the effect of automated debt collection processes. Nonetheless, senators at the estimates hearings were still able to ask the Minister and officials for explanations on this matter. Committee members indicated that they would leave more detailed questions until the references inquiry hearings, which would also afford them the opportunity to receive evidence in camera if necessary.

## Public Interest Immunity Claims

At various hearings a smattering of spurious claims were aired as grounds to withhold information. ‘Advice to government’ and ‘legal professional privilege’ were rehearsed before several committees, including in an Employment and Education hearing, where an official asserted a very wide basis for not answering questions on the grounds that he might give legal advice on the issue at some future time. After an initial refusal to reveal whether legal advice was provided on aspects of the recent Fair Work Commission decision on penalty rates, intervention by the Chair and Deputy Chair meant that the question was ultimately answered by the departmental secretary.

Since the Senate [order on public interest immunity claims](#) was agreed to in May 2009, more and more senators across the political spectrum are challenging claims that information cannot be provided and insisting on properly formulated public interest immunity claims. While not all refusals are pursued, the fact that witnesses are being reminded of the need to consider whether there is any harm to the public interest in releasing information assists committees to undertake their key role of gathering evidence and ensuring accountability. In several cases, officers took such matters on notice so due consideration and consultation could occur in relation to what information could be provided, and if not, why not.

Further understanding of these procedures is supported by the substantial revisions to Chapter 19 of *Odggers*, which now provides a comprehensive guide to this topic.

## Wide-ranging scope

Commonwealth executive government covers a vast range of administration, program delivery and expenditure, and the additional estimates hearings continued the substantial task of providing parliamentary scrutiny of this activity, often in minute detail. While much of the ground covered may not have been newsworthy, it was still useful to senators and is a means of ensuring good practice in departments and agencies.

Two matters covered at the hearings in detail which were discussed more widely included the outbreak of white spot prawn disease in Queensland; and the proposed transfer of the Australian Pesticides and Veterinary Medicines Authority from Canberra to regional New South Wales. One matter dealt with only briefly during estimates attracted sustained attention elsewhere, after the Chair of the Finance and Public Administration Legislation Committee asked questions about a graduate recruitment advertisement, which subsequently went viral – as the kids say – for all the wrong reasons.

For details of programs and topics covered, see the [estimates daily summaries](#).