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# A HOUSE OF REVIEW

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## BACKGROUND

The Legislative Council of Tasmania was established in 1825 as a unicameral legislature following the separation of Van Diemen's Land from New South Wales.

On 3 December of that year, Governor Darling of New South Wales proclaimed Van Diemen's Land as a separate colony, and simultaneously the first Legislative Council was created consisting of six nominee Members and the Lieut.-Governor, Colonel George Arthur.

The continuing prosperity and population growth of the colony were reflected by the increase in membership of the Council. In 1828, as a result of an Imperial Act, the Council was increased to 15 nominee Members (6 official and 8 unofficial) with the Governor as Presiding Officer.

In 1851, the Legislative Council Membership was further increased to a total of 24 Members. 16 Members were elected by restricted franchise and 8 Members were nominated by the Governor, who ceased to be a Member. From 1850 until 1856 the Presiding Officer in the Council was known as the Speaker. The Members elected Sir Richard Dry as the first incumbent of that position. In 1856 the title of the Presiding Officer changed from that of Speaker to President.

During the 1840s the British Colonial Office argued that the penal transportation system should continue. The colonists argued against any further influx of convicts and believed that their interests would be better served by a form of representative government for the colony. Although the Governor temporarily resolved this crisis, agitation for a more representative style of government grew stronger. The efforts of the colonists were rewarded with the proclamation of an act to permit the introduction of a bicameral, representative Parliament on 24 October 1856. The first elections were held in 1856 and the first Session of the new Parliament was opened on 2 December in that year.

When a bicameral Parliamentary system was discussed in the 1850s a Select Committee of the Council was appointed in 1853 to draw up proposals. The Committee, charged with producing a constitution for the State of Tasmania, stated in the explanatory introduction to their report - *"A Legislative Upper Chamber is recommended to guard against hasty and ill considered legislation by ensuring due deliberation previous to the adoption of any measure. This necessarily imparts a very different character to the Legislative Council from that which the Assembly will possess. The instincts of the Assembly will be movement - progress - innovation; generally of a useful character, but subject to the defects incidental even to improvement when suddenly introduced. The instincts of the more conservative Council will be caution - deliberation - resistance to change if not fully proved to be beneficial"*.

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Throughout the life of the Legislative Council, Tasmanian electors have to a very large extent, preserved the independent nature of their Upper House. The Legislative Council is neither a rubber stamp for decisions of the Government in the Lower House, nor an alternative Opposition.

Reduction in  
Numbers

Both Houses of the Parliament had adjournment periods cut short during the 1998 sitting year by a Proclamation issued by the Lieutenant-Governor on the recommendation of the then Premier, the Honourable Tony Rundle MHA, in order that the House of Assembly and the Legislative Council assemble primarily for the purpose of considering a Bill entitled the *Parliamentary Reform Bill 1998* (subsequently Act No. 31 of 1998). Both Houses resumed sitting on Wednesday, 22 July 1998.

Prior to the introduction of this Bill there had been introduced and debated in the Parliament, during the preceding few years, several Bills relating to the structure and operation of the Tasmanian Parliament. Provisions debated included changes to Legislative Council boundaries, the Council's powers in relation to Budget and Supply Bills; the numbers of Members in both Houses including a proposal to conduct a referendum on the future structure of the Parliament.

However, prior to the introduction of the *Parliamentary Reform Bill 1998* only legislative provisions relating to changes to Legislative Council boundaries including some validating legislation had successfully passed both Houses.

New 40  
Member  
Parliament

Having been introduced into the House of Assembly by the then Leader of the Opposition, the Honourable Jim Bacon MHA (subsequently Premier as a result of Labor's victory in the State election held on 29 August 1998), the *Parliamentary Reform Bill* which provided for the reduction in the number of Members in both Houses of the Parliament passed the House of Assembly on 22 July 1998.

The Bill was read the First time in the Legislative Council on that same day and passed through all stages by the morning of 23 July 1998. The Bill received the Royal Assent on 27 July 1998. As soon as the Royal Assent had been given the Premier sought, and was granted, a General Election for the House of Assembly. The Assembly was dissolved and the subsequent election held on 29 August 1998 returned 25 Members to that House.

The amending provisions of the Legislation affected principally the *Constitution Act 1934*, the *Electoral Act 1985* and the *Legislative Council Electoral Boundaries Act 1995*, with respect to the constitution of both the Assembly and the Council and the process by which a Redistribution Tribunal would determine the transitional arrangements to implement the redistribution of the State in respect of the Legislative Council, by providing for a reduction in the number of Members from 19 to 15.

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The transition determination of the Redistribution Tribunal appointed in accordance with provisions contained in the *Legislative Council Electoral Boundaries Act 1995* was made on 26 May 1999.

The determination cited as the *Legislative Council (Transition Arrangements) Determination 1999 inter alia* allocated Members to the fifteen new Council electoral divisions which were determined at the last redistribution of the State Legislative Council boundaries on 6 February 1999 and established a new periodical election cycle. An allocated Member was taken to have been elected for and to represent the Council division to which they were allocated.

The term of the four unallocated Members of the Council was reduced so that those Members ceased to be Members of the Council on 1 July 1999.

From that time the Legislative Council has consisted of 15 elected Members.

## **A CONSTITUENT PART OF THE PARLIAMENT**

The Legislative Council, together with the House of Assembly and His Excellency the Governor constitute the Parliament of Tasmania.

The Legislative Council as the Upper House of the Parliament of Tasmania can be described as democratic with an independent character. The role of the Council is three-fold:

- (i) to authorize the raising of revenue and the expenditure of State monies;
- (ii) to examine the merits of legislation; and
- (iii) to provide a Parliamentary check on the Government of the day. In modern times the role of the Legislative Council has expanded from the base of being a purely legislative body to a House that involves itself in the examination and analysis of actions, decisions and workings of the Executive Government.

The Department of the Legislative Council provides procedural, administrative and support services to assist the Members of the Legislative Council in performing their parliamentary duties. These services include research and advice on parliamentary practice and procedure, the preparation of documents for use in the House and the provision of staff and equipment. The Department's principal outcome is a functioning House of Parliament in which Members of the Legislative Council are able to discharge their constitutional duties in respect of the consideration of legislation and other parliamentary business. In addition the Clerk of the Legislative Council is responsible, together with the Clerk of the House of Assembly for ensuring the effective operation of the joint services of the Parliament.

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## **COUNCIL ELECTIONS**

For Legislative Council elections the State is divided into 15 single-Member electoral divisions. Each Member holds office for six years and periodical elections are held for two or three divisions every year. As it cannot be dissolved, there are never any general elections for the Council.

The method of counting votes is identical with that used in House of Representatives elections. It is a preferential system which can be described as election by absolute majority through use of the alternative vote. If any candidate secures first preference votes exceeding half the total of first preferences, he or she is elected. If no candidate satisfies this condition, the candidate with the fewest votes is excluded and the second preferences shown on his or her voting papers are transferred to other candidates, the transfer value of each such second preference being equal to one. If no candidate then has the required majority, the process of exclusion is repeated until such time as one candidate secures the majority.

The Constitution Act has been amended to alter the provision relating to the Council's election day moving it from the last Saturday in May to the first Saturday in that month. This amendment was necessary to allow the Government to introduce its Budget into the Parliament during May in each year.

## **DISCLOSURE OF INTERESTS**

The Parliamentary (Disclosure of Interests) Act (No. 22 of 1996) received the Royal Assent on 15 October 1996. This Act established a register of interests in each House containing information on the pecuniary and other interests of Members which have the potential to lead to a conflict with their official duties. The Council's register is open to public scrutiny. It is lodged with the Clerk and is Tabled annually on or before 1 October each year. New Members are required to lodge a 'Primary Return' within three months of having taken the Oath.

The Act requires that Members disclose details of —

- ◆ each source of income greater than \$500 received by a Member, including income from trusts;
- ◆ all real estate interests of a Member except where the interest is as executor or administrator of a deceased estate of which the Member is not a beneficiary or as a trustee related to the Member's non-parliamentary occupation;

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- ◆ any interests or any position, whether remunerated or not, that a Member may hold in a corporation, except where the corporation is set up as a non-profit organisation for community purposes. This includes shareholdings;
  - ◆ any position, whether remunerated or not, held by a Member in a trade union, professional or business association;
  
  - ◆ all debts owed by the Member exceeding \$500, except where the money is owed to a relative, a normal lender of money such as a bank or building society or arises from the supply of goods or services as part of a Member's occupation outside of Parliament;
  
  - ◆ gifts of value greater than \$500, except where received from a relative;
  
  - ◆ disposition of property by a Member where there is an arrangement for the Member to retain the use or benefit of the property or a right to acquire the property at a later date;
  
  - ◆ contributions to travel undertaken by a Member of value greater than \$250. Travel contributions would not need to be disclosed where provided by the Government, a relative or where made in the normal course of a Member's occupation outside Parliament. Contributions made by a Member's political party for travel on party business are also exempted.

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# THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

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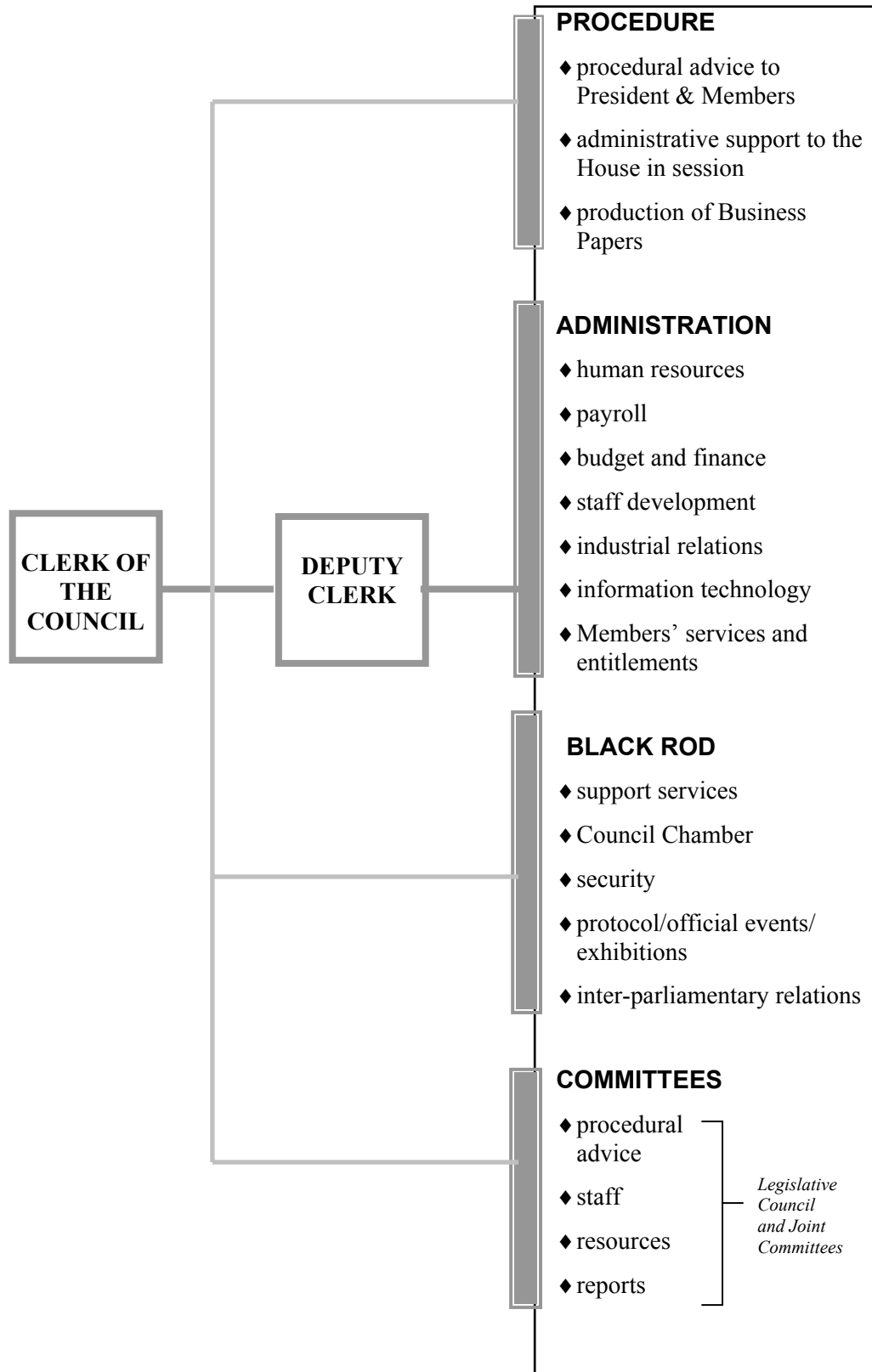
## VISION

To be an efficient and responsive House administration.

## GOALS

- ◆ *Service*  
To ensure a consistently high level of satisfaction with all services and support provided to elected Members and Department clients by the House administration.
- ◆ *Our People*  
To attract and retain a highly skilled and motivated team, to recognise the contribution of our employees and to encourage them to develop and perform to their fullest capabilities.
- ◆ *Information*  
To ensure that information on all aspects of the Parliamentary process in the House is made available to Members and the public in the most timely, efficient and cost-effective manner.
- ◆ *Communication*  
To ensure effective communication both within the Parliamentary environment and to the broader community.
- ◆ *Education and Community Relations*  
To improve community perception and understanding of the Parliament generally and the Legislative Council specifically.
- ◆ *Technology*  
To support the provision of innovative and practical technological solutions for the improvement of parliamentary operations and services generally.
- ◆ *Finance and Resource Management*  
To ensure optimal use of our human, financial and physical resources.
- ◆ *Continuous Improvement*  
To continue to seek innovative and better methods of servicing the House, its Members and those others who necessarily have a connection to the House.

## ORGANISATIONAL CHART



A list of staff of the Legislative Council appears at Appendix B.

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## **PURPOSE**

**To provide apolitical, professional, innovative and integrated support services and information to the Legislative Council and its elected Members in the interests of the people of Tasmania.**

The permanent officers of the Legislative Council, under the direction of the Clerk are charged with the responsibility of providing the Legislative Council, its committees, the President of the Council and all Honourable Members with advisory, procedural, research and administrative support services of the highest possible standard to assist them in undertaking effectively their constitutional and parliamentary duties and responsibilities. The activity of the Department is to a very considerable extent demand driven by the Government of the day, the House itself, Committees and Members' electoral and associated responsibilities. The Department has no control over the number of Bills introduced, Committee inquiries held or any other decision or Resolution agreed in the House.

There are three principal program areas of the Department.

### **Advisory and procedural services**

These include:

- ◆ authoritative professional advice to Members on all aspects of parliamentary law, practice and procedures;
- ◆ preparation of documentation for use in the House;
- ◆ production of the records of proceedings of the House and its committees.

### **Administrative and support services**

- ◆ provision of support staff and equipment for Members;
- ◆ administration of Members' salaries, allowances and entitlements;
- ◆ effective delivery of other services available to Members both within and outside Parliament House;
- ◆ provision of advice and staff to committees, enabling them to carry out research and prepare reports.

### **Corporate management**

- ◆ corporate and strategic planning;
- ◆ budget development, monitoring and reporting;
- ◆ personnel training;
- ◆ industrial and associated employee relations.



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## **OBJECTIVES**

The major objectives and responsibilities are to:—

- ◆ support the Legislative Council in its constitutional role;
- ◆ provide an accurate retrieval and assessment system of precedent, law, history and Parliamentary method necessary for the effective functioning of the Legislative Council, its committees and Members;
- ◆ provide effective apolitical support, including administrative, research, policy and procedural support and advice to the President of the Legislative Council and other elected Honourable Members;
- ◆ ensure the effective custody of documents including Journals, Records and Papers of the Legislative Council, which responsibility in accordance with Standing Orders, is vested in the Clerk of the Legislative Council;
- ◆ ensure the effective functioning of Standing, Sessional and Select Committees including the provision of adequate and appropriate resources;
- ◆ accurately and efficiently prepare and present legislation, once passed through both Houses, to His Excellency the Governor for the Royal Assent;
- ◆ maintain appropriate standards of integrity and conduct and concern for the public interest;
- ◆ promote public awareness of the purpose, functions and work of the Legislative Council;
- ◆ be a fair and responsible employer, maximising the potential of all staff through effective human resource management practices; and
- ◆ effectively and efficiently manage resources, both financial and human.

## **PURSUIT OF OBJECTIVES**

In meeting the objectives the Department must continue to pursue excellence in:—

- ◆ professional standards
- ◆ management standards
- ◆ skills development
- ◆ internal and external communication
- ◆ resource allocation and utilization

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## MAJOR DOCUMENTS

- ◆ **Annual Report** - The annual report on the operations of the Legislative Council is compiled and presented to the both Houses of Parliament pursuant to the Financial Management and Audit Act 1990.
- ◆ **Committee Reports** - Reports presented by committees and published as parliamentary papers.
- ◆ **Votes and Proceedings** - An official record of the proceedings of the Legislative Council being the Journals of the House. The Votes and Proceedings are produced 'in-house' and are published for each day's sitting.
- ◆ **Notices of Question, Motion and Orders of the Day** - An official list of all business before the Council in the order in which it is proposed to be dealt with. The 'Notice Paper' is produced 'in-house' and is published for each day's sitting.
- ◆ **Index to the Votes and Proceedings** - This index is also incorporated and printed in final form in the bound volumes of the Votes and Proceedings.
- ◆ **The Legislative Council Brochure** - An information and souvenir booklet providing a brief history and other relevant procedural information for visitors to the Council.
- ◆ **List of Members** - A list of Council Members and senior officers in alphabetical order, detailing electoral division, party, postal address and phone and facsimile numbers.
- ◆ **Standing Orders of the Legislative Council** - The standing rules and orders of procedure for the operation of the Council and its committees (revised and adopted by the Council on 17 December 1987 and agreed to by His Excellency the Governor on 23 December 1987. Amendments have been made by the Legislative Council on 6 December 1988, 9 December 1993, 26 May and 1 July 1999. All amendments made have been approved by His Excellency the Governor.
- ◆ **Rulings and Opinions of Presiding Officers of the Legislative Council 1856-2003** - A comprehensive index, by individual headings, of rulings and opinions of Legislative Council Presiding Officers.
- ◆ **Legislative Council Members Handbook** - A guide on procedures and entitlements prepared by the Clerk of the Council, for use by Members.
- ◆ **Parliament of Tasmania: A Brief Guide for Visitors** - prepared by the Joint Presiding Officers for the information of visitors to both Houses.

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- ◆ **Guidelines for Select and Standing Committees** - Guidelines on the powers, functions and procedures of Legislative Council Select and Standing Committees.
  - ◆ **Briefing Notes on the Budget Estimates** - a key budgetary document which presents detail of the Council's principal expenditure areas. Budget briefing notes are utilised by the Premier during the consideration of the Council's expenditure estimates by budget estimate committees of both Houses.

## **STATUTES AFFECTING LEGISLATIVE COUNCIL STANDING ORDER PROVISIONS**

The following Statute provisions impact upon the Legislative Council's Standing Order provisions:—

- ◆ Constitution Act 1934
- ◆ Electoral Act 1985
- ◆ Parliamentary Privilege Act 1858, 1885, 1898, 1957
- ◆ Parliament House Act 1962
- ◆ Defamation Act 1957
- ◆ Evidence Act 2001
- ◆ Acts Custody Act 1858
- ◆ Acts Enumeration Act 1947
- ◆ Acts Interpretation Act 1931
- ◆ Subordinate Legislation Committee Act 1969
- ◆ Public Works Committee Act 1914
- ◆ Public Accounts Committee Act 1970

## **ASSET MANAGEMENT**

The Department maintains the following inventory and asset register records:—

- Members Capital Equipment Inventory
- General Inventory
  - Legislative Council [furniture and general items]
  - Henty House, Launceston [furniture and general items]
- Antiques and Works of Art Inventory

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## **DELIVERY OF SERVICES**

Accurate forecasting of the volume of work and rate of activity required to be undertaken by staff is difficult to determine due to the nature of the Legislative Council's operations. Indicators that affect workload, for example, the number of Legislative Council sitting days and establishment and activity of committees are dependent upon Resolutions and decisions made by the House itself. A qualitative assessment of the Legislative Council's effectiveness in meeting its predetermined objectives is undertaken on an on-going basis by the President and Clerk. This examination is undertaken to ensure that necessary service and support is being provided by the staff to Honourable Members.

Members of the Legislative Council are entitled to receive the highest possible standard of service and support.

Throughout the year the Department's major objectives have again been pursued with dedication and commitment resulting in the achievement of desired standards and results.

The Department's principal focus continues to be the maintenance and development of the Legislative Council as an effective and relevant parliamentary institution.

## **PERFORMANCE INFORMATION**

The focus has been to ensure that appropriate levels of support and service are provided to the President and elected Members to enable the effective discharge of their constitutional, Parliamentary and electoral responsibilities.

Legislative Council Support Services has three measurable generic activities. These activities are:—

- ◆ chamber and related committee activity;
- ◆ procedural advice and support; and
- ◆ service delivery and compliance.

Measurement of Chamber and related committee activity is based on the number of sitting days; Legislation debated and presented for the Royal Assent; and committee related Resolutions.

Procedural advice and support is measured by the degree of satisfaction of Members based on the criteria of quality, quantity and timeliness of the advice and support provided.

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Service delivery and compliance is measured again by the degree of satisfaction of Members and those other agencies, groups and individuals who necessarily have a connection to the Legislative Council.

### **Procedural Support and Advice**

During the reporting year the Clerk and staff of the Legislative Council provided procedural and related advice to the President, Chair of Committees, the Leader and Deputy Leader of the Government together with the respective Chairs of Select and Standing Committees and to other elected Members.

Advice provided focused principally on areas of Parliamentary precedent, law and method.

### **Personal Assistant Support to Members**

It is the Clerk's responsibility to ensure that adequate levels of assistant support is provided to all Members of the Council. It is considered essential that Members have access to high quality secretarial and personal support to enable them to adequately discharge their responsibilities. Personal assistant support continues to be assessed on an ongoing basis by the President and Clerk.

### **Chamber Activity**

The First Session of the Forty-Fifth Parliament continued on from 1 July 2003, with the first sitting day for the reporting period being Friday, 22 August 2003. That last sitting day of the First Session was Thursday, 4 December 2003. During this period the Legislative Council sat on 20 days.

The Second Session of the Forty-Fifth Parliament commenced on Wednesday, 7 April 2004. From that time to 30 June 2004 the Legislative Council sat on 13 days giving a combined sitting days total of 33 days for the reporting period.

The number of Bills which were presented for the Royal Assent during the period 1 July 2003 to 30 June 2004 totalled 63.

Notice Papers and Votes and Proceedings, being the Journals of the Council, were prepared for each day's sitting of the House.

### **Financial Activity**

According to law, the Clerk is responsible for the overall effective, efficient and economical management of the House.

The Clerk must ensure that expenditure is in accordance with the law and that effective accounting and financial management information systems are maintained.

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In accordance with the provisions of the *Financial Management and Audit Act 1990*, associated Treasurer's Instructions and other statutory provisions, the Clerk of the Council, in respect of the financial year ending on 30 June 2003 presented to the Parliament the Council's Annual Report. As required by law that Report contained the Council's duly audited Financial Statements to 30 June 2003.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2004 form part of this Annual Report.

## **SUMMARY OF FINANCIAL OUTCOMES**

The total expenditure by the Legislative Council from the Consolidated Fund for the year ending on 30 June 2004 was within the budget approved by the Parliament. Financial activities were conducted both in accordance with statutory provisions and in terms of compliance with mandatory reporting requirements of the Department of Treasury and Finance.

The Reserved-by-Law expenditure estimate for the financial year was not exceeded.

## **SUPPORT FOR LOCAL BUSINESS**

The Department of the Legislative Council ensures that Tasmanian businesses are given every opportunity to compete for the Department's business. It is the Department's policy to support Tasmanian businesses whenever they offer best value for money for the public funds expended.

No tenders were called, or contracts awarded, with a value greater than \$50,000 during the financial year ending on 30 June 2004.

There were no individual consultancy contracts awarded with a value less than or equal to \$50,000 during the financial year ending on 30 June 2004.

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## **RISK MANAGEMENT**

The Parliament's Strategic Asset Management Plan identifies the overall risk management strategy together with other Occupational Health and Safety issues.

Risks relating to the building complex are being progressively identified.

Risks of damage to buildings or injury to staff or clients through failure of plant, services or equipment have been addressed through maintenance strategies. Statutory maintenance continues to be undertaken by a single contractor responsible for all building elements in the complex which has greatly improved control and simplifies audit.

Risks flowing from security both from the point of view of buildings and the occupants continue to be improved upon, particularly with the rationalisation of building accommodation and access routes through the parliamentary complex.

Additional measures put in place during the previous reporting have brought about the strengthening of the security processes within the Parliament building.

In terms of the computer network throughout the building there is in place a very comprehensive Disaster Recovery Plan. This Plan, which has been put in place by the Systems and Electronic Security Manager, deals with matters such as data backup; off-site server facility; off-site software; web server recovery; file server recovery and network recovery.

The documented procedures contained in the Plan have been tested.

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## DEPARTMENT OUTPUTS

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### Summary and Description

#### OUTPUT SUMMARY

##### Output Group 1:

#### LEGISLATIVE COUNCIL SUPPORT SERVICES

- 1.1 - Procedural, administrative and research support and advice to the President and Members.
- 1.2 - Committee Support Services.

#### OUTPUT DESCRIPTION

##### Output Group 1:

#### LEGISLATIVE COUNCIL SUPPORT SERVICES

**Description:** Services provided under this Output Group include —

- ◆ procedural, administrative and research support and advice to the President and Members of the Legislative Council;
- ◆ assistance to Members of the Legislative Council in order that they are able to execute their duties and responsibilities as elected representatives of the people of Tasmania;
- ◆ tabling of Legislative Council Select Committee and Parliamentary Joint Select Committee reports on a variety of subject specific matters agreed to by Resolution of the Council;
- ◆ the continuing statutory obligations of the three Joint Parliamentary Standing Committees;
- ◆ the provision of continuing professional development allowances to Members; and
- ◆ the provision of travel and research support allowances to Members.



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Outcomes to be achieved from this Output Group are as follows:—

- ◆ the continuing lawful and constitutional operation of the Legislative Council;
- ◆ the provision of quality and timely advice on Parliamentary practice and procedure to the President and Members;
- ◆ the provision of a full range of services to directly support the functioning of the Council during ordinary sittings and to support its Sessional, Standing and Select Committees;
- ◆ the provision of quality and timely research and information to Members;
- ◆ the provision of accommodation and office services to Members so as to enable the efficient and effective discharge of their Parliamentary and representational responsibilities; and
- ◆ the effective financial management of the Council in accordance with statutory requirements and other instructions.

### **OUTPUT SUMMARY**

#### **Output Group 2:**

#### **PAYMENTS ADMINISTERED BY THE LEGISLATIVE COUNCIL**

2.1 - Salaries, allowances and entitlements of elected Members of the Legislative Council.

### **OUTPUT DESCRIPTION**

#### **Output Group 2:**

#### **DESCRIPTION**

This Output Group specifically provides for the Parliamentary Salaries and Allowances of Members of the Legislative Council as prescribed in the *Parliamentary Salaries, Superannuation and Allowances Act 1973* as amended.

**Description:** Activities undertaken as part of this Output Group include —

- ◆ the consideration of legislative and other measures presented to the Legislative Council; and
- ◆ the passage of statute law in Tasmania.

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The Legislative Council's outputs are largely demand driven by the Government's legislative program, the Council itself in its Resolutions, Committees and Members.

The Department's services are delivered in accordance with certain general standards.

These standards seek to ensure that:—

- ◆ procedural advice conforms to Standing Order provisions, President's rulings and practices of the Council and its Committees;
- ◆ procedural advice is provided to meet the priorities of the Council and its Committees and within time frames agreed with Members;
- ◆ the preparation necessary for the Council and its Committees to meet and carry out their programmed business is undertaken enabling them to meet as scheduled, with the necessary papers and undertake their activities having regard to the Standing Orders and established Council practices as they relate specifically to House and Committee activity;
- ◆ all documents, papers and other House records are held in safekeeping by the Clerk of the Council and his office;
- ◆ information provided to other Agencies and those individuals and groups who have a connection with the Council is provided in a timely manner and is accurate;
- ◆ the administration of Members' entitlements is carried out efficiently and in accordance with prescribed legislation and other relevant determinations as varied from time to time;
- ◆ adequate levels of personal staff support with appropriate skills are provided to Members in order to assist them to efficiently and effectively discharge their range of duties and responsibilities as elected Members of Parliament.

Each Member of the Legislative Council who does not hold a Parliamentary office has personal staff support funded to the extent necessary to allow for an allocation of no less than one full-time equivalent employee. To this end the 2003-04 budget for the Legislative Council did contain increased provision to enable staffing and associated support to be increased.

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## **HOUSE MATTERS**

### **PERIODIC ELECTIONS 2004**

On 1 May this year, periodic elections were held for the Legislative Council Electoral Divisions of Elwick and Apsley.

In the Division of Elwick there were 22,202 electors enrolled. There were 17,957 formal votes cast with 1,025 being recorded as informal.

The former Treasurer of Tasmania, David Crean did not recontest the seat of Elwick, which he had held from 1992, and retired from Parliament due to ill health. As a consequence four new candidates stood for the seat. Mr Terry Martin was elected, having received 10,773 votes or almost 60 per cent of the formal vote. Mr Martin is a member of the Australian Labor Party.

In the Division of Apsley there were 22,240 electors enrolled. There were 19,133 formal votes cast with 1,086 being recorded as informal.

The sitting Member, Colin Rattray did not recontest the seat of Apsley having previously announced his intention to retire. Ten candidates contested the seat. The daughter of Colin Rattray was one of the 10 candidates. Mrs Tania Rattray-Wagner received 3,187 votes or about 17 per cent of primary votes. Subsequent exclusion of candidates and distribution of preferences saw Mrs Rattray-Wagner obtain 9,402 votes to win the seat. Mrs Rattray-Wagner stood as an independent candidate.

The composition of the Legislative Council remained unaltered after the two elections with 10 Independents and five Labor Government Members making up the 15 Member House.

### **QUESTION TIME**

Each sitting day at 2.30 pm twenty minutes is allowed for Questions to be asked without Notice of the Leader of the Government, any Minister or other Member.

With the former Treasurer of Tasmania, David Crean resigning his Ministry in February, the House was left without the representation of any Cabinet Minister. The Leader of the Government had raised some concern at not being able to provide answers to some Questions which were directed to him during Question Time, covering, as they do, all Ministerial portfolio responsibilities.

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For Members to be provided with answers to oral Questions at Question Time it was considered not unreasonable for the Leader to receive twenty-four hours advance notice of Questions to be asked. This practice is followed in the Western Australian Parliament and applies to all Ministers of the Crown. The range of portfolios for which the Leader is required to field Questions, makes it reasonable for some notice in writing to be given of a Question to be asked, thereby making for a more meaningful Question Time.

This course of action had previously been discussed with and had the full support of the Standing Orders Committee. The convention, which applies does not prevent any Member asking a Question without any advance Notice, should he or she so desire.

Any Questions which are complex or seek detailed information and which will obviously take departmental officers some time to collate and prepare an answer are requested to be put on Notice. It is a requirement that all Questions on Notice be cleared through the Clerk's office prior to them being given in the House.

Whilst the new Questions without Notice convention has experienced some minor difficulties since its introduction, it does allow and provide for the transfer of information from Government to the House.

## **COMMITTEE REPORTS TO THE HOUSE**

The following Committee Reports were presented to the House during the reporting year:—

- ◆ Public Accounts Committee Report: Deed between Federal Hotels and the State Government;
- ◆ Standing Orders Committee Report: Review of Standing Orders;
- ◆ Joint Select Committee on the Working Arrangements of Parliament: Report No. 9 entitled, Selection of Government Businesses for Scrutiny;
- ◆ Joint Select Committee on the Working Arrangements of Parliament: Report No. 10 entitled, Acknowledgment of Traditional People;
- ◆ Joint Select Committee on the Working Arrangements of Parliament: Report No. 11 entitled, Issues of Parliamentary Procedure;
- ◆ Joint Select Committee on the Working Arrangements of Parliament: Report No. 12 titled – E-Petitions.

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- ◆ Joint Standing Committee on Community Development: Report on Ambulance Services in Tasmania;
  - ◆ Select Committee on International Students in Tasmania;
  - ◆ Government Businesses Scrutiny Committees A and B;
  - ◆ Joint Parliamentary Standing Committee of Public Accounts: Report titled - Fuel Distribution on King Island; Report titled – Housing Tasmania; Intelligent Island; Procurement of Copy Paper; The Retirement Benefits Fund and matters relevant to Reporting to Parliament;
  - ◆ Select Committee on International Students in Tasmania;
  - ◆ Joint Parliamentary Standing Committee on Environment, Resources and Development on Conservation on Private Land;
  - ◆ Estimates Committees A and B;
  - ◆ Joint Parliamentary Standing Committee on Community Development: Report titled – Amendments to the Relationships (Consequential Amendments) Bill 2003;

## **NOTING OF COMMITTEE REPORTS**

### **'Take-Note' Motions**

There has been an increasing trend in the Legislative Council for reports, particularly those 'special reports' presented by the Auditor-General and reports of Joint House and Select Committees to be the subject of debate in the House by way of 'take-note' Motions. These debates, which usually attract a contribution from all Members, provide an opportunity for Members to publicly comment upon the findings and recommendations made and to also enable Members to monitor and review progress over time of aspects of departmental operations.

It is usual practice in the Council for Notice to be given of proposed 'take-note' Motions.

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During the reporting year the following Committee Reports were considered in the House by way of 'take note' Motions:—

- ◆ Joint Standing Committee on Community Development: Report on Issues relating to Custodial Grandparents;
- ◆ Joint Standing Committee of Public Accounts: Report to the Federal Hotels Deed Agreement;
- ◆ Select Committee on International Students;
- ◆ Joint Standing Committee on Environment, Resources and Development: Report on Conservation on Private Land;
- ◆ Joint Select Committee on the Working Arrangements of Parliament: Report on the Acknowledgment of Traditional People;
- ◆ Government Businesses Scrutiny Committees A and B;
- ◆ Joint Standing Committee on Community Development: Report on Ambulance Services in Tasmania.

### **GOVERNMENT RESPONSES TO PETITIONS**

The Legislative Council's proposed Standing Order No. 44 at (7) and (8) provides:—

- (7) The text of each Petition which the House has received shall be communicated to the Premier by the Clerk of the House.
- (8) A Government response to each Petition shall be laid before the House within 15 sitting days of its communication to the Premier by the Leader of the Government.

In accordance with those provisions the Government provided responses to the following Petitions:—

- ◆ 27 August 2003 Petition relating to same sex couples as adoptive parents - response Tabled on 25 November 2003.
- ◆ 2 October 2003 Petition relating to poker machine numbers - response Tabled on 25 November 2003.
- ◆ 30 September 2003 Petition relating to the bad state of repair of the Lake Secondary Road at Deloraine in Northern Tasmania - response Tabled on 2 December 2003.

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## **PREMIER'S ADDRESS: GRIEVANCE DEBATE**

The Standing Orders of both Houses of the Tasmanian Parliament have previously been amended to remove His Excellency the Governor from the opening of Parliament ceremony on all but the formal occasion of opening following a general election of the House of Assembly.

During the first half of the reporting year the Council's proposed Standing Orders relating to an address to the House of Assembly by the Premier had application.

Proposed Standing Order No. 10 provides:—

- (a) That the Leader of the Government shall present an Address to the Legislative Council on behalf of the Premier within the first six sitting days following the 1st of September each year, reviewing the Government's past actions and its proposed policies and activities for the future.
- (b) At the conclusion of (a) above, the Leader shall lay upon the Table of the Council a copy of the Address and the President shall propose the Question 'That the Address be noted'.

The Premier delivered his Address in the House of Assembly on 26 September 2003. The Address was Tabled by the Leader of the Government in the Legislative Council on Thursday, 2 October 2003 and incorporated into the Hansard record. The Debate which immediately followed concluded prior to the adjournment of the House that day.

## **NEW STANDING ORDERS: TRIAL PERIOD**

On 4 September 2003 the Report of the Standing Orders Committee on the Review of Standing Orders was received by the House.

The House further agreed to trial the proposed Standing Orders, as Sessional Orders, for the remainder of the 2003 calendar year.

The trial period ended on the last sitting day of the year, that being 4 December 2003. The Parliament was prorogued on 5 March 2004. The opening of the Second Session of the Forty-Fifth Parliament by Commissioners took place on Wednesday 7 April 2004.

The House, on that day, further agreed that the Standing Orders trial continue into the 2004 sitting year, with all Orders being regarded as Sessional Orders of the House.

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Whilst the proposed new Standing Orders have brought about procedural efficiencies in the transaction of business, it is expected that some further minor amendments will be required at the conclusion of the trial period.

Section 17 of the *Tasmanian Constitution Act 1934* provides that the Standing Orders must be presented to the Governor and upon being approved by him shall then become binding and of force.

It is expected that the proposed Standing Orders, once finally agreed by the House in their final form, will be presented to the new Governor, when appointed, and prior to the end of the calendar year.

### **ADDRESS TO GOVERNOR OF TASMANIA: SIR GUY GREEN**

On Thursday, 2 October 2003 the House expressed its appreciation of the service given to Tasmania by the then Governor, Sir Guy Green and recognizing the role played by Lady Green in support.

The Motion, proposed by the Leader of the Government in the Legislative Council, was unanimously supported.

The Motion was moved in the following form:—

That the following Address be presented to His Excellency the Governor —

To His Excellency the Honourable Sir Guy Stephen Montague Green, Companion of the Order of Australia, Knight Commander of the Most Excellent Order of the British Empire, Commander of the Royal Victorian Order, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.

That the Members of this Council —

- (i) express our deep appreciation to Your Excellency on the occasion of your vacating the Office of the Governor of Tasmania;
- (ii) offer Your Excellency our sincere congratulations on undertaking the duties of the office with distinction, dedication and fervour;
- (iii) recognize the enormous contribution Your Excellency and Lady Green have made over the past eight years to the people of Tasmania, the State and its well being; and



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- (iv) extend to Your Excellency and Lady Green the warm regards of the House and best wishes for the future.

A parchment copy of the Address was forwarded to Sir Guy and Lady Green.

## **DISCLOSURE OF INTERESTS**

The *Parliamentary (Disclosure of Interests) Act 1996* (No. 22 of 1996) provides for the establishment of a register of interests of Members of both Houses containing information on their pecuniary and other interests which have a potential to lead to a conflict with their official duties. The Council's register is open to public scrutiny. Returns are lodged with the Clerk and are Tabled annually.

New Members are required to lodge a 'Primary Return' within three months of having taken the Oath.

In accordance with Sections 19 and 20 of the *Parliamentary (Disclosure of Interests) Act 1996* the ordinary returns for 12 of the 15 Members of the House were Tabled on Wednesday, 1 October 2003. On Friday, 31 October 2003 the ordinary return of the Member for Murchison was Tabled. New Members only are required to lodge a primary return within three months of having taken the Oath. The primary returns of the two newly elected Members for the Divisions of Windermere and Mersey were Tabled in the House within the prescribed period. These two Members were elected in May 2003.

## **FAMILIARISATION TOURS**

A further practice which continues to be supported in the Legislative Council is that of Members, as a group, undertaking what have become known as 'familiarisation tours'.

These tours, usually arranged on a rotational basis, are planned by individual Members who prepare a visit program to their respective electorates. The Member and their electorate support staff make all arrangements and provide all other Members with an itinerary and an invitation to take part.

During March 2004 a three day electorate tour was undertaken by Members. The itinerary was prepared by the Member representing the electorate of Rumney, Lin Thorp MLC. The Rumney electorate covers an area of south-east Tasmania.

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The itinerary included the following visits and meetings:—

- ◆ meeting with Port Arthur Historic Site Management Authority and tour of site
- ◆ discussion of farming and forestry issues – Highcroft Property
- ◆ meetings with the Tasman and Sorell Council's
- ◆ Wielangta Forestry tour
- ◆ Coal Valley Vineyard tour
- ◆ Pipeclay – Oyster Hatchery and Farm tour

The tours continue to provide Members with an opportunity to become familiar with the contrasting electorates around the State. Opportunity is had to meet directly with industry and community leaders, local government representatives and others. It gives Members a first hand and direct experience of what is happening in the various areas.

The 'familiarisation tour' experience provides an educative experience for Members, often useful in gaining an improved perspective and understanding of issues confronting a particular electorate. It provides an opportunity also for the Legislative Council as an arm of the Parliament to be informally 'introduced' to communities.

The tours have been in place for some years now and indications are that the level of support amongst Members for them remains strong. There are certain conditions attached to the conduct of the tours. Generally there are not to be more than three per financial year and their duration should involve no more than three nights away.

It is the President who approves the tour once a proposed program has been put forward and it is the President who authorises the reimbursement of travelling and other associated expenses for those Members who accept a tour invitation.

## **BRIEFING SESSIONS**

The Legislative Council is comprised of 15 Members - five Labor Government Members and 10 Independent Members.

As evidenced by those numbers the Labor Government, which incidentally, holds a healthy majority of seats in the House of Assembly, is not guaranteed support for its legislation, although in reality only three additional votes are needed in the Council for Government measures to be agreed.

With 10 Independents, the Government Leader and his Deputy must still provide persuasive argument in the House and occasionally accept change by way of amendment.

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The working relationship however between the two Houses can be described as very good.

A positive aspect of that relationship has been a willingness of the Labor Government to provide and make available information for the benefit of Legislative Council Members.

The present Labor Government Leader has continued the very worthwhile practice of providing Members of the Council with the opportunity to be briefed, as a group, on matters which are complex in nature or contentious in some way. These briefings continue to work well and provide Government advisers, Members and other interested and affected groups with an opportunity to put concerns and views forward.

As a result Members are better informed and more able to make judgments about legislation or other measures being presented and their impact.

The briefing sessions are conducted in the Council's main Committee Room and are held with open doors. Media representatives are not precluded.

Each briefing session is generally chaired by the Leader or Deputy Leader of the Government who allocate an equal and agreed amount of time for submissions to be made. Members are then allocated a time for questions to be put to the parties represented. Briefings on Legislation usually take place after the Leader or Deputy Leader have made their Second reading speech although this is not always the case.

This system has in the past worked well and continues to provide benefits in several ways, in that Members have an opportunity to better understand matters before the House; affected groups making representation have an opportunity to participate in the Parliamentary process further by briefing Members as a group; and finally when debate on the matter is continued in the House often that debate will be expedited as a consequence of the briefing previously had.

The following briefings were conducted during the reporting year:

- ◆ Relationships Bill 2003 (Bill No. 48)
- ◆ Tasmania Together Progress Report 2003
- ◆ Residential Tenancy Amendment (Boarding Premises) Bill 2003 (Bill No. 27)
- ◆ Public Sector Superannuation (Splitting of Superannuation Interests) Bill 2003 (Bill No. 62)
- ◆ Gaming Control Amendment Bill 2003 (Bill No. 38)
- ◆ State and Local Government Financial Reform Bill 2003 (Bill No. 73)
- ◆ Taxi and Luxury Hire Car Industries Amendment Bill 2003 (Bill No. 85)
- ◆ TOTE Tasmania
- ◆ Crown Lands (Shack Sites) Amendment Bill 2004 (Bill No. 23)

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- ◆ Workers Rehabilitation and Compensation Amendment Bill 2004 (Bill No. 28)
  - ◆ Genetically Modified Organisms Control Bill 2004 (Bill No. 9)
  - ◆ Tasmanian Chamber of Commerce and Industries on the Workers Rehabilitation and Compensation Amendment Bill 2004 (Bill No. 28)
  - ◆ Mr Basil Fitch - Retirement Villages Bill 2003 (Bill No. 83)
  - ◆ Duties Amendment (First Home Owners Concession) Bill 2004 (Bill No. 32)
  - ◆ Racing Regulation Amendment (TOTE Tasmania) Bill 2004 (Bill No. 40)
  - ◆ Tasmanian Minerals Council
  - ◆ Statutory Rules 2003, No. 156, Animal Farming (Registration) Amendment Regulations 2003
  - ◆ Mr Bob Campbell, Chair of the Tasmania Together Progress Board on Tasmania Together Report No. 3
  - ◆ Legal Profession Amendment Bill 2004 (Bill No. 11)

## **DEATH OF FORMER PREMIER JIM BACON**

The initial news of Jim Bacon's illness with lung cancer came as a shock to all. His subsequent resignation as Premier of Tasmania and his forced retirement from Parliament brought with it the need for the House to express itself. On Tuesday, 18 May 2004 the Members of the Legislative Council unanimously agreed to a Motion moved by Michael Aird MLC, the Leader of the Government and close personal friend of the former Premier, in the following terms:—

That the Legislative Council places on record its deep appreciation to the former Premier, Jim Bacon for his outstanding contribution to the Tasmanian people as a Member of Parliament from 1996 until 2004, as Leader of the Parliamentary Labor Party from 1997 to 2004 and as Premier of the State from 1998 to 2004.

The Legislative Council pays tribute to a great Tasmanian, and wishes him and his wife Honey the very best for the future.

On Tuesday, 22 June 2004 in what was an emotional address to the House, the Leader of the Government moved a Motion of Condolence, supported by all Members in the following terms:

That this Council expresses its deep regret at the death on 20 June 2004 of James Alexander Bacon, former Premier of Tasmania from 1998 to 2004 and Member for the Division of Denison from 1996 to 2004, and places on record its appreciation of his service to this State and recognizes his outstanding period of leadership as Premier. And further, that the Council respectfully tenders to his wife Honey, his family and his many friends, its sincere sympathy in their bereavement.

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Members of the House, in their addresses, paid tribute to late Jim Bacon and his legacy.

Specially prepared transcripts of those speeches were prepared and provided to the family of the late Jim Bacon.

## **MOTIONS OF CONDOLENCE**

### **Mr Frank MacDonald MM**

On Tuesday, 26 August 2003 the House unanimously resolved —

That this House expresses its deep regret at the death on 23 August 2003 of Frank MacDonald MM, Tasmania's last World War I veteran; and places on record its appreciation of his service to this State and the country. And further, that this House respectfully tenders to his family its sincere sympathy in their bereavement.

### **Aunty Ida West AM**

On Tuesday, 30 September 2003 the House unanimously resolved —

That this House expresses its deep regret at the death on 8 September 2003 of Aunty Ida West AM, respected Tasmanian Aboriginal elder; and places on record its appreciation of her service to the State, the Aboriginal Community and the country. And further, that this House respectfully tenders to her family its sincere sympathy in their bereavement.

Both Condolence Motions were moved by the Leader of the Government and parchment copies of both Resolutions were forwarded to the respective families of the late Frank MacDonald MM and the late Ida West AM as is the Legislative Council's practice.

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## **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE**

The tenth report of the Joint Select Committee on the Working Arrangements of the Parliament was Tabled on 4 December 2003. This report titled 'Acknowledgement of Traditional People', considered the matter of both Houses recognizing the traditional people of the land upon which the Parliament meets. The matter was referred to the Joint Select Committee by the Speaker after a Labor Member of the Legislative Council wrote to him about the matter. The Honourable Member also suggested a form of words to be used at the commencement of each days sitting in both Houses. The suggested wording was as follows:—

‘On behalf of the people of Tasmania, this House recognizes the traditional owners of the land on which we stand.’

The Committee, as part of its deliberations, looked to experiences in other Australian Parliamentary jurisdictions as well as discussing the matter with the Tasmanian Office of Aboriginal Affairs.

The Committee subsequently recommended in its report that acknowledgement of the traditional people of the land be made by the President and Speaker before prayers on:—

- ◆ The first day of sitting after an election
- ◆ The first day of sitting for the calendar year
- ◆ The first day of the budget sittings
- ◆ The first day of the Spring sittings

And that the wording be:—

“We acknowledge the traditional people of the land upon which we meet today, the Mouheneener people.”

The Committee’s report was considered by the House on Tuesday 18 May 2004 with the House agreeing to the recommendation.

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## DEPARTMENT STAFF

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### INDUSTRIAL AGREEMENT

In accordance with the provisions of the Industrial Relations Act 1984 the current Legislative Council Staff Industrial Agreement was agreed to by the parties (ie the President and the Community and Public Sector Union: State Public Services Federation Tasmania Incorporated) and filed with the Tasmanian Industrial Commission during the latter part of the financial year.

The application was heard by Deputy President Shelley of the Tasmania Industrial Commission on Wednesday, 23 June 2004. The Agreement was subsequently approved.

The Agreement applies to all persons employed under the *Parliamentary Privilege Act* 1898 and contains the classification, salary and other working related conditions which apply to all staff in the Legislative Council who are appointed by the President.

The current agreement contains within it the flow-on provisions of the agreed Public Sector Unions Wages Agreements Nos. 1 and 2 of 2004.

It is effective from 1 January 2004 and expires on 31 December 2006.

The Public Sector Unions Wages Agreements contain provisions relating to a range of employment conditions which have application to all employees of the Legislative Council who are classified in accordance with the provisions of Award SO 81 - Administrative and Clerical Employees Award of the Tasmanian Industrial Commission. These employment conditions include provisions relating to:—

- ◆ salary increases
- ◆ salary sacrifice
- ◆ award structures, classifications and standards
- ◆ salary packaging
- ◆ change management
- ◆ excessive workloads
- ◆ email and internet access
- ◆ professional development and training
- ◆ long service leave
- ◆ bereavement leave
- ◆ phased in retirement

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The percentage salary increases which form part of the Public Sector Unions Wages Agreements are as follow:—

- 3.5% from 1 January 2004
- 3.5% from 1 December 2004
- 3.5% from 1 December 2005
- 3.5% from 1 December 2006

The classification and salary rates for the three Senior Table Officer positions in the Legislative Council form part of the agreed Staff Agreement.

## **HOUSE COMMITTEE SECRETARY**

In the Tasmanian Parliament the position of Secretary of the Joint House Committee is held on a 12 monthly rotational basis by a Table Officer from each House. The position of Secretary involves being generally responsible for the effective and efficient management of the joint services area of the Parliament, as well as supporting the Joint House Committee which consists of three Members from each House. The Council's proposed Standing Orders provide for the House Committee's establishment at the commencement of every session.

The Council's Clerk-Assistant, Miss Wendy Peddle, held the position of Secretary for the 2003 calendar year.

Rotation of the position to an officer in the House of Assembly took place in January 2004. The responsibility for the day to day management of the Legislature-General [Joint House] Department will remain with the Assembly's Clerk-Assistant to January 2005.

Proposed Standing Order No. 218 *inter alia* provides —

At the commencement of every Session the Council shall appoint the following Committee —

A Committee of three Members, one of whom shall be the President, to serve on a Joint Committee to be known as the House Committee to control Parliament House and the grounds appurtenant thereto, with power to regulate and control all matters relating to —

- (i) Catering for Parliament.
- (ii) Allotment of rooms, subject to the approval of the President or Speaker, as the case may be.
- (iii) Repairs, renewals, and alterations to Parliament House.



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- (iv) Maintenance and upkeep of the gardens and roadways of the Parliament Reserve.
  - (v) Any other matters referred to the Committee by a joint Resolution of both Houses.

Any expenditure incurred by the House Committee in the exercise of any of its functions shall be defrayed out of moneys to be provided by Parliament for the purposes of the Committee.

The Committee shall have power to sit and act during any recess of Parliament.

A majority of Members shall form a quorum of the said Committee, provided that the quorum of the Committee shall not consist exclusively of Members of one House only.

The Committee shall meet within one month after the commencement of every Session when summoned by its Secretary.

## **SUPERANNUATION SCHEMES**

The Table below provides detail of the level of superannuation fund choice being exercised by staff of the Legislative Council —

<b>Superannuation Schemes</b>	<b>Number of employees for whom employer superannuation contributions are made (as at 30 June 2004)</b>
RBF defined benefit scheme	16
Tasmanian Accumulation Scheme (TAS)	9
Other complying superannuation schemes	Nil
<b>Total</b>	<b>25</b>

As indicated in the Table there were no Legislative Council employees who were members of alternative complying superannuation schemes during the period up to 30 June 2004.

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## **DEVELOPMENT AND TRAINING**

The benefits available to staff through attendance at specialised courses is recognised and every encouragement is made to allow selected staff the opportunity to attend appropriate courses.

At 30 June 2004 one of the Council's officers was undertaking part-time study at TAFE level, however during the financial year other staff attended selected training courses and professional development seminars including attendance at the Australian and New Zealand Association of Clerks at the Table Professional Development Seminar. This Seminar was held over a three day period at the Parliament of New South Wales during January 2004. The Seminar was attended by the Deputy Clerk and the Clerk of Committees of the Legislative Council.

Every effort is made to provide staff with opportunities to develop both new and existing skills in order to ensure a continued high standard in the delivery of service to Members and other clients.

## **INDUSTRIAL DEMOCRACY**

The Department continues to pursue a cooperative approach to decision making. The small numerical size of the Department allows for direct and immediate consultation between executive officers and staff. Should they be required, more formal channels are available to resolve disputes. These channels are accessible by all staff and are clearly prescribed in the Legislative Council Staff Industrial Agreement.

## **OCCUPATIONAL HEALTH AND SAFETY**

Occupational health and safety is a principal management consideration. Appropriate equipment, facilities and programs are provided to ensure the ongoing safety and well-being of staff.

Attention has been focussed on the development and refinement of detailed surveys of the building complex in order to —

- ◆ assess compliance with the requirements of the Building Code of Australia with regard fire escape;
- ◆ assess compliance with the requirements of the Disability Discrimination Act in reference to the provision of access and facility for the disabled; and

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- ◆ assess the performance of mechanical services in the provision of a controlled environment.

These surveys have identified the need to —

- ◆ improve fire escape from the building;
- ◆ improve access and facility for the disabled; and
- ◆ remove redundant mechanical services, reinstate natural ventilation and introduce thermostatically controlled electric heating where appropriate, and maximise efficiency of remaining mechanical services.

As a consequence work has been done to address the areas identified.

Other elements of Occupational Health and Safety have been addressed through —

- ◆ the maintenance of plant and equipment through a single maintenance contract; and
- ◆ the progressive removal and upgrading of engineering services throughout the building complex as part of the continuing major works program on site.

Additional Occupational Health and Safety issues such as work practices and the provision of ergonomically designed facilities continue to be addressed.

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## **PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE**

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### **PUBLIC ACCOUNTS**

The Public Accounts Committee is established by Statute. It comprises of three Members each from the Legislative Council and the House of Assembly. The Secretary is a Table Officer in the House of Assembly and its administration is attached to that House.

The Committee must inquire into, consider and report to the Parliament on any matter referred to the Committee by either House relating to —

- (a) the management, administration or use of public sector finances; or
- (b) the accounts of any public authority or other organisation controlled by the State or in which the State has an interest.

The Committee may inquire into, consider and report to the Parliament on —

- (a) any matter arising in connection with public sector finances that the Committee considers appropriate; and
- (b) any matter referred to the Committee by the Auditor-General.

### **PUBLIC WORKS**

The Public Works Committee is also established by Statute. It comprises three Members from the House of Assembly and two Members from the Legislative Council; however, the Secretary is a Table Officer in the House of Assembly and it is therefore administered from that House.

The function of the Committee is to report on every proposed public works which is estimated to cost at least \$2 million. The Committee is provided with plans, specifications and other related material from the relevant Department, and may also summon witnesses. It then reports back to the Parliament the results of its enquiries.

### **SUBORDINATE LEGISLATION**

The Subordinate Legislation Committee was established in 1969 by Statute. Although it is a Joint Standing Committee the Secretary to the Committee has traditionally been a Table Officer in the Legislative Council, and therefore the Council is responsible for administering the Committee. The Committee is comprised of three Members each from the Legislative Council and the House of Assembly. Ministers and Presiding Officers may not be members.

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The Committee's charter is to examine every Regulation, By-law and Rule. Regulations comprise all subordinate legislation made by the Governor-in-Council but do not include Orders, Proclamations or Rules of the Supreme Court. By-laws are those made by municipal councils, marine boards and other semi-government authorities. The Committee is responsible for ensuring the *Subordinate Legislation Act 1992* is complied with, and also the examination of other Instruments referred to it under the authority of an Act.

The Committee examined two very contentious Regulations during the reporting year, both of which had created a great deal of public and media interest. In both cases the Committee received written submissions and heard witnesses.

The Taxi Industry Amendment (Security Cameras) Regulations 2004 (S.R. No. 21) put in place the compulsory use of security cameras in taxis. One section of the taxi industry was not satisfied with the cameras being made compulsory and there were also suggestions that the best system was not being installed. Whilst the Committee felt some form of security camera system was needed for the safety of both passengers and drivers it did have some concerns which it provided to the Minister for his attention. However, on balance the Committee resolved that the Regulations should remain in place.

The Animal Farming (Registration) Amendment Regulations 2003 (S.R. No. 156) put in place guidelines for the breeding of exotic sheep. The Committee acknowledged that the merino wool industry did need protecting in Tasmania; however, it wanted to see the farmers embarking on this new industry able to continue. It therefore recommended to the Minister that the guidelines be reworded to provide an improved mechanism for farmers to market prescribed sheep breeds whilst still protecting the merino wool industry. The Minister has complied with this recommendation and the Regulations have been reported as examined.

The Government Printer sends the Committee copies of all regulations as soon as they have been gazetted. The Local Government Office likewise sends copies of all Municipal By-Laws.

### **Committee Membership**

#### **Legislative Council**

Mr Doug Parkinson (Chair)  
Mrs Sue Smith  
Mr Kerry Finch

#### **House of Assembly**

Mr Ken Bacon (*Deputy Chair - until 22/3/04*)  
Mr Brenton Best (*from 7/4/04*)  
Mr Will Hodgman (*Deputy Chair - from 15/4/04*)  
Mr Steve Kons (*until 2/2/04*)  
Mr Graeme Sturges (*from 7/4/04*)

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# COMMITTEES

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## OVERVIEW

The Legislative Council has the power to appoint Members to form Committees for the purpose of investigating specific matters and reporting their findings to the House. With the need for expert technical advice, and the importance of giving all groups and individuals direct access to the Parliament, committees perform an increasingly important function. The main types of committees are:

- (a) Statutory (Standing) Committees of both Houses;
- (b) Sessional Committees of both Houses;
- (c) Joint Select and Standing Committees of both Houses; and
- (d) Select Committees of one House.

There are at present three Standing Committees of both Houses established by Statute. They are: the Public Works Committee, which investigates all major Government construction works; the Subordinate Legislation Committee, which examines all Government Regulations and local government by-laws; and the Public Accounts Committee, which examines the manner in which public funds are spent.

Two Joint Standing Committees were established by Resolution of both Houses in December 2000 and reappointed on 12 March and 27 November 2002 and again on 7 April 2004. These Joint Standing Committees are known as the Community Development Committee and the Environment, Resources and Development Committee.

The two Joint Sessional Committees are: the House Committee, which manages and controls the building of the Parliament, the Dining Room and the grounds of Parliament House; and the Library Committee, which supervises the activities of the Parliamentary Library. Although these Committees operate almost continuously, they must, unlike Standing Committees, be reappointed at the commencement of each session.

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## **JOINT STANDING COMMITTEE ON ENVIRONMENT, RESOURCES AND DEVELOPMENT**

The Legislative Council administers this Committee. It was established on 5 December 2000 for a two-year period. Due to the prorogation of Parliament on 1 February 2002 the Committee was dissolved. It was re-established on 12 March 2002. On 21 June 2002 the Committee again ceased to exist due to the dissolution of the House of Assembly prior to the State Election. The Committee was then re-established on 27 November 2002. At the commencement of this current session of Parliament, the Committee was once again re-established.

The membership of the Committee as at 30 June 2004 was Mr Doug Parkinson MLC (Chair), Mr Greg Hall MLC (Deputy Chair), Mrs Sue Smith MLC, Mr Paul Harriss MLC, Mr David Bartlett MHA, Mr Nick McKim MHA, Mr Jeremy Rockliff MHA and Mr Graeme Sturges MHA.

The Committee Tabled its Report on Conservation on Private Land in the Legislative Council on 7 April 2004.

During the year the Committee met on 16 occasions and is currently investigating the matter of Waste Management in Tasmania with the following Terms of Reference:—

To investigate and make recommendations to the Government concerning domestic, industrial and hazardous waste management, with particular reference to :—

- (1) whether Tasmania should implement container deposit legislation;
- (2) impediments and incentives to reduce the generation of waste and in dealing with residues;
- (3) present methods of waste management in Tasmania including regional waste management strategies;
- (4) projected methods of waste management in Tasmania compared with world's best practice;
- (5) the development of a future waste management strategy;
- (6) measures to educate and involve the community and Local Government in future strategy development and implementation;
- (7) and any matter incidental thereto.

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## **JOINT STANDING COMMITTEE ON COMMUNITY DEVELOPMENT**

The Joint Standing Committee on Community Development is administered by officers in the House of Assembly Committee Secretariat. The Committee consists of four Members from each House. At 30 June 2004 the Legislative Council was represented on the Committee by Mr Kerry Finch MLC, Ms Allison Ritchie MLC, Ms Lin Thorp MLC and Mr Jim Wilkinson MLC.

The scope of the Committee covers issues and legislative proposals in the following areas —

- Health, welfare, education, justice and law;
- Sports and recreation;
- Racing and gaming;
- Public sector operations;
- Arts, cultural development; and
- Community quality of life.

For details of the Committee's activity refer to the Annual Report of the House of Assembly.

## **SELECT COMMITTEES – AN INVESTIGATORY FUNCTION**

Notwithstanding the establishment of two Joint House Standing Committees previously detailed, an important function of the Legislative Council is the work carried out by its Select Committees. The Council's proposed Standing Orders prescribe the way in which Select Committees operate. A Select Committee is formed by the Council agreeing to a motion moved by a Member for its establishment. A Select Committee can enquire into a Bill which is before the House or a matter which the House considers requires further investigation.

A Select Committee has a number of powers. It is able to summon witnesses to appear before it and call for such papers and records as it may require. All submissions, written or verbal, become the property of the Committee and in most instances cannot be made public until the Committee has reported to Parliament and Tabled the associated documents.

Witnesses are usually heard with open doors enabling the media and interested members of the public to attend but not participate in the proceedings. A committee may however, when it considers necessary, meet behind closed doors and hear evidence in private.

Expenses associated with the activities of all Select Committees are met through funds appropriated from the Consolidated Fund and approved by the Parliament.



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## **WORK OF JOINT SELECT AND SELECT COMMITTEES**

### **Joint Select Committee on the Working Arrangements of the Parliament**

The Committee was established by Resolution of the House of Assembly and Legislative Council on 7 October 1998. The Committee ceased to exist due to the prorogation of Parliament on 1 February 2002. It was re-established at the commencement of the new Session on 12 March 2002. Again on 21 June 2002, the Committee ceased to exist due to the dissolution of the House of Assembly prior to the State Election. It was subsequently re-established on 3 October 2002 and again on 7 April 2004.

The membership of the Committee at 30 June 2004 was Mr Michael Aird MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Jim Wilkinson MLC, Mr David Llewellyn MHA, Mrs Judy Jackson MHA, Mrs Sue Napier MHA and Ms Peg Putt MHA.

During the reporting year the Committee Tabled the following Reports: Report No. 9 on Selection of Government Businesses for Scrutiny on 31 October 2003; Report No. 10 on Acknowledgment of Traditional People on 4 December 2003; Report No. 11 on Issues of Parliamentary Procedure on 4 December 2003 and Report No. 12 on E-Petitions on 27 May 2004.

The Committee is considering several issues, as at 30 June 2004. A further report is currently being drafted. It is anticipated that this report will be Tabled prior to the end of the sitting year.

### **Legislative Council Select Committee on Clyde River Water**

The Committee was established by Resolution of the Legislative Council on 26 May 2004 with the following Terms of Reference:—

That a select committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of the Council and with leave to adjourn from place to place, to inquire into and report upon provisions of the Water Act insofar as they relate to the Clyde River Irrigation District, with particular reference to:—

- (1) the history of water allocation and usage over time;
- (2) sustainability of water use;
- (3) the quantum of water available;
- (4) current situation in regard to flows and storages;
- (5) the review of pertinent documentation and reports; and
- (6) other matters incidental thereto.

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The members of the Committee are Mr Greg Hall MLC (Chair), Mr Tony Fletcher MLC, Mrs Sue Smith MLC and Mr Jim Wilkinson MLC.

The Committee handed down its Report on 2 September 2004.

## **ESTIMATES COMMITTEES**

The Legislative Council again agreed to the establishment of Estimates Committees which could not vote on, but could examine and report upon the proposed expenditures contained in the Consolidated Fund Appropriation Bill 2004-05, with such expenditures being considered on an output by output basis, including Grants, Subsidies and Loans and the Capital Investment Program.

The Resolution adopted by the Legislative Council on 18 May 2004 contained the following provisions:—

**Appointment and Membership** That the Legislative Council establish two Estimates Committees and that notwithstanding proposed Standing Order No. 221 each Committee shall consist of 6 members.

And that –

*Mr Dean*  
*Mr Finch*  
*Mr Hall*  
*Mrs Jamieson*  
*Ms Ritchie, and*  
*Mrs Smith*

be of Committee A

and

*Mr Fletcher*  
*Mr Harriss*  
*Mr Martin*  
*Mrs Rattray-Wagner*  
*Ms Thorp, and*  
*Mr Wilkinson*

be of Committee B

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<b>Reporting Date</b>	That the Estimates Committees report upon the proposed expenditures contained in the Consolidated Fund Appropriation Bill and budget papers by no later than 11 June 2004.
<b>Committee Timetable</b>	And that the schedule distributed electronically to Members on Friday, 14 May 2004 be adopted as the Estimates Committee timetable.

## **GOVERNMENT BUSINESSES SCRUTINY COMMITTEES**

The Legislative Council on 6 November 2003 again established two Government Businesses Scrutiny Committees.

Formal hearings of the Committees took place on Thursday, 4 March and Friday, 5 March 2004 with the following businesses being scrutinised:

- ◆ Burnie Port Corporation Pty Ltd
- ◆ Forestry Tasmania
- ◆ Hydro Tasmania
- ◆ Port of Devonport Corporation Pty Ltd
- ◆ Port of Launceston Corporation
- ◆ Transend Networks Pty Ltd
- ◆ TT Line Company Pty Ltd

The Reports of Committee “A” and Committee “B” were presented to the Legislative Council on 14 May 2004.

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**APPENDIX A**  
**MEMBERS OF THE LEGISLATIVE COUNCIL**  
*(as at 30 June 2004)*

MEMBER	ELECTORATE DIVISION	PARTY
<b>Aird</b> , Michael Anthony <i>Leader of the Government</i>	Derwent	ALP
<b>Dean</b> , Ivan Noel	Windermere	Ind.
<b>Finch</b> , Kerry <i>Third Deputy Chair of Committees</i>	Rosevears	Ind.
<b>Fletcher</b> , Anthony William	Murchison	Ind.
<b>Hall</b> , Gregory Raymond <i>Second Deputy Chair of Committees</i>	Rowallan	Ind.
<b>Harriss</b> , Andrew <u>Paul</u>	Huon	Ind.
<b>Jamieson</b> , Norma Mary	Mersey	Ind.
<b>Martin</b> , Terence Lewis	Elwick	ALP
<b>Parkinson</b> , Douglas John <i>Deputy Leader of the Government</i>	Wellington	ALP
<b>Rattray-Wagner</b> , Tania Verene	Apsley	Ind.
<b>Ritchie</b> , Allison Maree	Pembroke	ALP
<b>Smith</b> , Susan Lynette <i>Deputy Chair of Committees</i>	Montgomery	Ind.
<b>Thorp</b> , Lin Estelle	Rumney	ALP
<b>Wilkinson</b> , James Scott <i>Chair of Committees</i>	Nelson	Ind.
<b>Wing</b> , Donald George <i>President</i>	Paterson	Ind.

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**APPENDIX B**  
**STAFF OF THE LEGISLATIVE COUNCIL**  
*(as at 30 June 2004)*

Clerk of the Council	-	Mr R.J.Scott McKenzie
Deputy Clerk	-	Mr David T. Pearce
Clerk-Assistant and Usher of the Black Rod		Miss Wendy M. Peddle
Second Clerk-Assistant and Clerk of Committees	-	Mrs Sue E. McLeod
Parliamentary Officer: Personnel and Administration	-	Miss Janet A. Chipman
Parliamentary Officer: Finance and Papers	-	Mr Denis J. Millhouse
Parliamentary Officer: Bills and Papers	-	Mr Mark J. Baily
Personal Assistant to the President and Clerk	-	Mrs Janet A. Harrison
Assistants to Members [Henty House]	- -	Mrs Suzanne J. Carracher Mrs Sue Szoka Ms Di Bucknell
Assistant to Clerk of Committees	-	Miss Julie Thompson
Assistants to Members	-	Mrs Sandra L. Phillips Ms Allison Waddington Mrs Jill R. Mann Mrs Leanne Holland Mrs Gina Harvey Mrs Gaye Burns Mrs Sally Avery Miss Lauren Pearce
Parliamentary Officers - Support Services	- -	Mr Leigh T. Matthews Mr Craig M. Thorp
Communications Officer	-	Mrs Paula Arnts
Executive Assistants attached to the Office of the Leader and Deputy Leader of the Government	-	Miss Mandy J. Jenkins Ms Debbie A. Cleaver

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## APPENDIX C

### SUMMARY OF ACTIVITIES OF THE COUNCIL

	Forty-Third Parliament Second Session 1997	Forty-Third Parliament Third Session 1998	Forty-Fourth Parliament First Session 1998-99	Forty-Fourth Parliament Second Session 2000-01	Forty-Fourth Parliament Third Session 2002	Forty-Fifth Parliament First Session 2002-2003	Forty-Fifth Parliament Second Session up to 30 June 2004
Sitting Days	63	16	57	91	15	55	13
Hours of Sitting	406	60	299	577	109	174	50
Bills Amended	17	3	22	32	5	10	3
Bills Passed	89	31	126	227	29	124	16
Questions on Notice	16	3	49	126	13	50	8
Petitions	5	-	4	6	-	4	-
Substantive Motions	12	9	18	26	13	52	6
Urgency Motions	2	1	2	1	1	-	-
Divisions	53	-	4	39	5	14	1
Ministerial Statements	4	-	1	1	-	8	-
Motions for the Disallowance of Regulations	1	-	1	2	-	-	1

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## APPENDIX D

### PASSAGE OF BILLS

<b>Bills</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000-2001</b>	<b>2002 up to 30 June 2002</b>	<b>2002-2003</b>	<b>2003-2004 up to 30 June 2004</b>
Introduced	110	44	134	230	36	125	29
Lapsed	17	12	7	1	7	4	-
Negatived at Second Reading	4	1	-	2	-	-	-
Passed	89	31	126	227	29	124	16
Without Amendment	79	30	104	195	24	114	13
With Amendment	10	1	22	32	5	10	3
Number of Amendments	133	5	117	142	11	19	3

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## **APPENDIX E**

### **OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL**

Korean Trade and Business Migration Delegation	14 August 2003
Senator Letapata Makhaola Vice President of the Senate of the Parliament of the Kingdom of Lesotho	17-20 October 2003
Consul-General from Switzerland, Mr Peter Casaulta and Mrs Ursula Casaulta	17 November 2003
Consul-General from Germany Mr Thomas Kessler and Mrs Elke Kessler	4 March 2004
Danish Ambassador and Danish Consul General His Excellency Professor Jorgen Orstrom Moller and Mr Jorgen Mollegaard	9 March 2004

### **MEETINGS WITH OTHER DIGNITARIES**

His Excellency Major General Michael Jeffery, AC, CVO, MC (Retd), Governor-General of Australia and Official Secretary, Mr Malcolm Hazell CVO at Government House	16 February 2004
Rt. Hon. Jonathan Hunt, Speaker of the House of Representatives New Zealand	29-30 May 2004



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## **APPENDIX F**

### **FINANCIAL STATEMENTS**

Financial Report of the Legislative Council for the period ending on 30 June 2004 including the Independent Audit Report.