
A HOUSE OF REVIEW

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"*.

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.

Transition
Determination

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:

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- (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.

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;
- ◆ 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.

THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

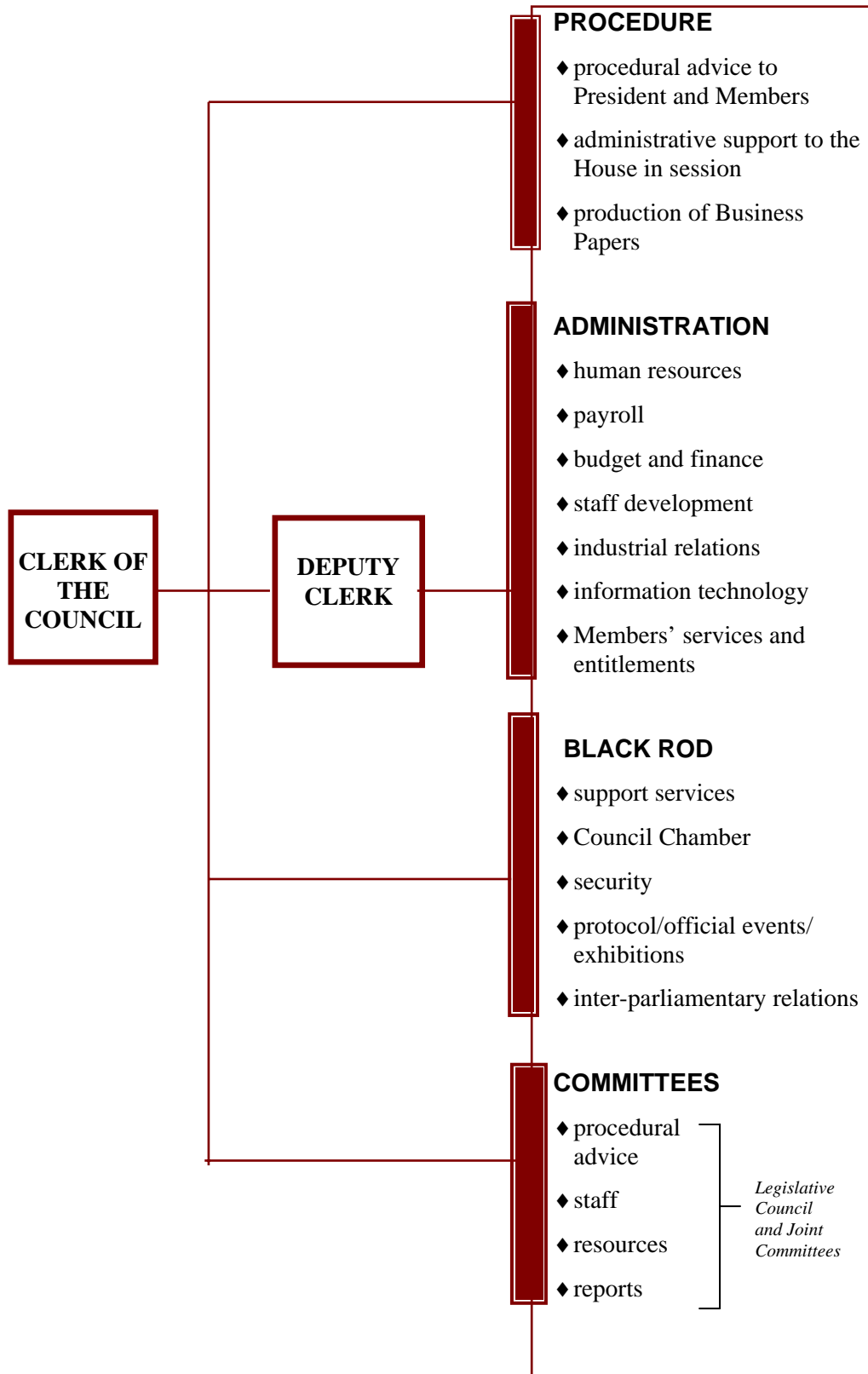
VISION

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.

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.

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

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. As a consequence of a complete examination and review the new and revised Standing Orders were agreed by His Excellency the Governor on 6 January 2005.
- ◆ **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 and their staff.
- ◆ **Parliament of Tasmania: A Brief Guide for Visitors** - prepared by the Joint Presiding Officers for the information of visitors to both Houses.
- ◆ **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 2004
- ◆ 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

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.

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 Second Session of the Forty-Fifth Parliament commenced on Wednesday, 7 April 2004. The Session continued on from 1 July 2005, with the first sitting day for the reporting period being Thursday, 25 August 2005. From that time to 31 December 2005 the Legislative Council sat on 21 days.

The First Session of the Forty-Sixth Parliament commenced on Tuesday, 30 May 2006. From that time to 30 June 2006 the Legislative Council sat on nine days.

The number of Bills which were presented for the Royal Assent during the period 1 July 2005 to 30 June 2006 totalled 57.

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.

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 2005 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 2005.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2006 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 2006 was within the budget approved by the Parliament with additional funds (RAF's) being approved from the Treasurer's Reserve to meet additional expenditure associated with general administrative expenses of regional electorate offices and costs associated with the purchase of computer hardware and software together with other acquisitions in the office of the new Leader of the Government in the Legislative Council. The additional funding approved by the Treasurer totalled \$95,000. 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 exceeded in Item R003 - Members' Salaries and Allowances.

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 2006.

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 2006.

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 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 Plan is due to be updated prior to the end of the 2006 calendar year. A Policy Statement in respect of computer and internet usage is published on the Parliament Intranet site.

DEPARTMENT OUTPUTS

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.

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.

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.

HOUSE MATTERS

SCRUTINY OF GOVERNMENT ACTIVITY - "TAKE NOTE" MOTIONS

The following Reports and Papers were subject to scrutiny during the reporting year by way of 'Take Note' motions:—

- ◆ Auditor-General Special Report No. 54 on Compliance Audits 2004-2005
- ◆ Auditor-General Special Report on TT-Line Governance Review
- ◆ Department of Treasury and Finance – Preliminary Outcomes Report 2004-2005
- ◆ Auditor-General Special Report No. 53 on Follow-up Audits
- ◆ Auditor-General Special Report No. 57: Public Housing – Meeting the Need
- ◆ Treasurer's Annual Financial Report 2004-2005
- ◆ Northern Tasmanian Natural Resource Management Association: Annual Report 2004-2005
- ◆ Tourism Tasmania: Annual Report 2004-2005
- ◆ Budget Papers 2006-2007 and the Consolidated Fund Appropriation Bill

PREMIER'S STATE OF THE STATE ADDRESS

On Tuesday 11 October 2005 the Leader of the Government, in accordance with the Council's Standing Orders governing the Premier's Address, brought up the Address which was made by the Premier to the House of Assembly on 20 September 2005.

The Address reviewed the Government's past actions and outlined its proposed policies and activities for the future and is presented to the Parliament within the first six sitting days following 1 September each year.

The Address is incorporated into the Hansard record and the Question is then proposed, "That the Premier's Address be noted." The Debate concluded the following day with eight Members making quite lengthy contributions. There is no time limit on this Debate.

With the opportunity for Address-in-Reply debates now limited in the Tasmanian Parliament to those occasions following a general House of Assembly election, the Premier's State of the State Address does provide a significant opportunity for Members to engage in a grievance type debate.

SENATE VACANCY - JOINT SITTING

On 1 August 2005 His Excellency the Governor advised the President of the Legislative Council that a vacancy had occurred in the representation of the State of Tasmania as a result of the resignation of Senator Susan Mary Mackay.

On 25 August, being the first sitting day following the winter recess, the Legislative Council requested that the Council meet with the House of Assembly at 2.30 o'clock pm on that day for the purpose of sitting and voting together to chose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation.

The Legislative Council also sought the concurrence of the Assembly to the proposed Rules for the Joint Sitting.

The Assembly agreed with the Council's Resolution and the Joint Sitting of both Houses that day duly chose Carol Brown to hold a place in the Senate of the Parliament of the Commonwealth of Australia.

The key provisions of the Commonwealth of Australia Constitution in terms of senate vacancies and joint sittings are found at section 15.

A copy of the Minutes of Proceedings of the Joint Sitting were Tabled at the next full sitting of the Council.

BRIEFINGS

Briefings provided to Members continue to play an extremely important part in the Legislative review process in the Legislative Council.

The following briefings were conducted during the reporting period:—

- ◆ TT-Line Governance – Auditor-General's Special Report
- ◆ Tasmanian Ports Corporation Bill 2005 (No. 48)
- ◆ Vehicle and Traffic Amendment (Motor Cycle Safety Levy) Bill 2005 (No. 46)
- ◆ Sex Industry in Tasmania – Proposed New Laws
- ◆ Property Agents and Land Transactions Bill 2005 (No. 45)
- ◆ Gaming Control Amendment (Betting Exchange) Bill 2005 (No. 78)
- ◆ Industry Relations Amendment (Fair Conditions) Bill 2005 (No. 71)
- ◆ Police Powers (Public Safety) Bill 2005 (No. 88)
- ◆ Terrorism (Preventative Detention) Bill 2005 (No. 87)
- ◆ Tasmania Together Progress Board

It is estimated that in excess of sixty hours were taken up in terms of the abovementioned briefing sessions. The Legislative Council suspends its sitting to enable the informal briefings to be provided to Members. Briefings remain a very powerful review mechanism for Members to utilize hence the support for them among all Members of the Legislative Council remains very strong.

VEHICLE AND TRAFFIC AMENDMENT (MOTOR CYCLE SAFETY LEVY BILL 2005 - SECOND READING NEGATIVED

The Legislative Council, with its majority of independent Members, clearly indicated its disapproval of the provisions of the "Motor Cycle Safety Levy" Bill by defeating this particular measure at the second reading stage.

The Bill was considered in the Legislative Council on 13 October 2005 with the second reading question being negatived on division nine votes to five. The nine votes represented all of the independent Members on the floor with the President in the Chair not being able to exercise a vote.

The Bill sought to enable the introduction, through regulations, of a motor cycle safety levy of \$15 per annum which would be payable for a limited time by all full motor cycle licence holders. The funds generated from the levy were to be used to implement key initiatives of the Tasmanian Motor Cycle Safety Strategy 2005-06.

The Government argued that there is a continuing over-representation of motor-cyclists in Tasmanian road crash statistics. Further it was stated that other jurisdictions had a similar levy in place. Victoria was used as an example where there is an ongoing motor-cycle safety levy of \$50 per year. It was intended that the Tasmanian levy be in place for a fixed five-year period.

Independent Members who opposed the measure did so for several reasons:—

- (1) It was unfair to target a particular group and impose an additional financial burden.
- (2) The Government, with all its motor vehicle registration receipts, should appropriately fund safety initiatives.
- (3) A whole-of-road user approach would provide a broader and more inclusive approach and provide greater opportunity for all road users to have increased awareness in terms of road safety issues and strategies.

Notwithstanding that all Members supported the Government's commitment to making Tasmanian roads safer, they did not support the targeting of one particular road user group.

DISSENTING STATEMENTS - JOINT SELECT COMMITTEE ON THE WORKING ARRANGEMENTS OF THE PARLIAMENT

On Tuesday, 18 October 2005 the Joint House Select Committee on the Working Arrangements of the Parliament presented to the House its 14th Report entitled "Dissenting Statements".

The Committee considered whether "Minority Reports" or "Dissenting Statements" to Committee reports should be permitted. Some Members argued that by providing a mechanism for dissent would encourage their use and detract from the overall aim of Committees to reach a consensus. A "Minority Report" was defined as being a full separate report prepared by the dissenting Member outlining the opposing views and to be attached to the Committee report.

A "Dissenting Statement" was defined as being a statement prepared by the dissenting Member outlining the opposing views to a particular section. This statement would form part of the Committee Report. The situation in other Parliamentary jurisdictions was established. Most States that allow minority reports or dissenting statements require that they be prepared by the Member dissenting.

Following consideration of all the issues the Committee made the following recommendations:—

- (1) Dissenting Statements be allowed in accordance with the guidelines set out in Appendix 1 of their Report; and
- (2) That the following Standing Order be incorporated in the Standing Orders of both Houses:—

"The Chair shall sign the unanimous or majority report. A Dissenting Statement, confined to issues in dispute, may be added to the report but may not be presented separately to either House of Parliament."

The recommendations are yet to be considered by both Houses.

PARLIAMENTARY PRIVILEGE AMENDMENT BILL 2005

The Parliamentary Privilege Amendment Bill 2005 was passed by the Legislative Council on 30 November 2005 just prior to the end of the sitting year.

The provisions amended the *Parliamentary Privilege Act 1858* to enable parliamentary committees to meet by electronic means.

The amendments arose after consideration by the Joint Select Committee on the Working Arrangements of the Parliament and upon advice received from the Solicitor-General in relation to Committees established by Statute.

The intent of the legislation was to improve the performance and efficiency of Parliament through enhancing the flexibility of committee meetings through the potential to reduce travel time and meet electronically rather than in person. The provisions also ensured a consistency between committees established by resolution of the House or Houses and committees established by Statute.

Importantly, the amendments enshrine the principle that Members of a committee constituting a quorum must be able to speak to and hear each other at the same time and also that any witness giving evidence has the same access to Members as Members have to that witness.

The Bill received unanimous support and will certainly improve the capacity of committees to undertake their work in an effective and efficient manner.

SESQUICENTENARY SCHOLARSHIPS

As part of the activities and events surrounding the Sesquicentenary of Tasmania's bicameral Parliamentary system, the Legislative Council initiated an "Attachment Scholarship Program" with agreement and support from the University of Tasmania.

The scholarship, in the form of a temporary attachment to the Legislative Council, provided for a selected student from the University's School of Government to be given a semester work placement with the Legislative Council. Two scholarships will be offered during the 2006 year. The Legislative Council seeks expressions of interest from students with interviews conducted at Parliament House by a senior officer of the Legislative Council and the Head of the University's School of Government. As well as providing an opportunity for the Legislative Council to offer a work placement in what is a very special year for the Parliament, it is considered that the experience gained by the student will be personally extremely valuable also.

The paid attachments run through both University semesters and provide for one full day per week working in the Office of the Clerk and the Committee Secretariat.

The arrangement has fitted extremely well with other activities already undertaken to date or proposed for later in our celebratory year and adds further to the Council's association with the University of Tasmania.

OPENING OF PARLIAMENT

Following the General Election of Members of the House of Assembly held on 18 March this year, the First Session of the Forty-Sixth Parliament was formally opened by His Excellency the Governor of Tasmania, William Cox on Tuesday, 30 May 2006 in the year of the sesquicentenary of bicameral parliament and responsible government in Tasmania.

In accordance with provisions contained in the Constitution Act 1934, His Excellency extended the time for calling Parliament together. It is usual for the Parliament to be called together after every general election of Members of the House of Assembly within 90 days after the dissolution of the House of Assembly, unless the Governor, by Proclamation, extends the time for so doing by a further period not exceeding 30 days as he may think necessary. The Assembly was dissolved on 17 February 2006.

Over 300 guests attended the Opening – aided, for the first time, by a large screen in the Reception Room where 150 guests viewed the proceedings in the Chamber via a direct film link.

At the conclusion of the ceremony His Excellency and Mrs Cox joined the President, Speaker, Members and invited guests for refreshments in a specially erected marquee on the lawns of Parliament House. It was the first time that the afternoon reception had moved outdoors and onto the lawns. The weather was kind given the late autumn timing of the Opening which certainly contributed to what was a very enjoyable afternoon.

The renowned Derwent Valley Concert Band provided musical accompaniment

The Derwent Valley Concert Band received international attention when they were invited to perform, as part of the marriage celebrations in 2004, of Crown Prince Frederik of Denmark and our own Crown Princess Mary.

MINISTERIAL APPOINTMENTS

With the return of a majority Labor Government at the 18 March poll it was His Excellency the Governor on 5 April 2006 who, at Government House, appointed the new Ministry. Of particular note from an Upper House perspective was the appointment of the former Leader of the Government in the Upper House, Michael Aird MLC, as Treasurer of Tasmania and Minister for Racing. Prior to the election the Premier of Tasmania, Paul Lennon MHA held the office of Treasurer and had done so since the retirement in 2004 of the then Treasurer, Dr David Crean, who was also a Member of the Legislative Council. So once again, in not so many years, we have the Treasurer as a Member of the Council.

As a consequence of Mr Aird's appointment, the Premier on the same day appointed Doug Parkinson MLC as Leader of the Government in the Legislative Council with Lin Thorp MLC his new Deputy. It is the first time since 1976 that a female has held the office of Deputy Leader in the Upper House.

In addition the Premier promoted another female Government Member, Allison Ritchie MLC, to the new position of Parliamentary Secretary to the Treasurer. Of the five Labor Government Members presently in the Legislative Council four now have official office.

PERIODIC ELECTIONS

Legislative Council elections were held on Saturday 6 May 2006 for the two seats of Rowallan and Wellington.

The sitting Independent Member for Rowallan, Mr Greg Hall was returned. There were two candidates only with Mr Hall receiving in excess of 80 per cent of the primary vote being an absolute majority. It will be Mr Hall's second term as a Member. In 2001 he was elected for the first time consequent upon the retirement of the sitting Member at that time, Mr John Loone.

In the seat of Wellington, the long serving sitting Labor Member Mr Doug Parkinson was returned for a further six year term.

The election to fill the seat of Wellington was contested by six candidates. Mr Parkinson received 43 per cent of the primary vote. After the distribution of preferences Mr Parkinson was elected.

Both Members will face an election again in May 2012.

SUPPLY BILL AND ESTIMATES COMMITTEES

Due to the timing of the Opening of the First Session of the Forty Sixth Parliament on Tuesday, 30 May 2006 it was necessary this year for there to be introduced a Supply Bill. The delivery of the State Budget was delayed until 15 June this year and to ensure that Parliament had sufficient opportunity for detailed scrutiny and debate of the Budget it was necessary to extend the time-frame for Parliament to consider the Budget beyond 30 June.

Since the introduction of the May Budget back in 1999, it had not been necessary for a Supply Bill to be prepared. Generally a Supply Bill would cover a period of three months or more. Section 14A of Tasmania's *Public Account Act 1986* provides the Treasurer with capacity to grant supply in any financial year before the passing of an Appropriation Act without the need for a Supply Bill. Briefly Section 14A authorises the Treasurer to issue funds to agencies for a period not extending beyond the first two months of a financial year. The amount of funds that may be issued by the Treasurer to a particular agency cannot exceed an amount equivalent to that agency's expenditure for the month of June of the immediately preceding financial year. This section however has never been utilized in twenty years. The Treasurer was not of a mind to utilize the Section 14A provision thinking it more appropriate, on this occasion, to seek parliamentary approval for a Supply Bill.

The Supply Bill was passed on 15 June 2006 the same day that the 2006-07 Budget was delivered in the House of Assembly by the Treasurer who incidentally is a Member of the Legislative Council. Leave was given by the Legislative Council for him to attend to deliver the Government's Budget Speech.

Scrutiny of the Budget by Estimates Committees of the Legislative Council occurred during the week commencing Monday, 26 June 2006. Subsequently twenty-seven output items were referred back to the Legislative Council by the two Estimates Committees for further consideration. That consideration took place over two days during the second week in July with the Budget passing on 13 July 2006.

GBE COMMITTEES

In November last year in keeping with usual practice, the Legislative Council established two Government Business Scrutiny Committees.

The two Committees were allocated Government Businesses to examine with 28 February and 1 March 2006 being the days on which the Committees were to meet.

The Premier however announced on Friday, 17 February 2006 that a general election of Members of the House of Assembly would be held on Saturday, 18 March 2006. That same day the Governor issued two Proclamations – one prorogued the Parliament and the second, dissolved the House of Assembly.

The GBE Scrutiny Committee hearings of the Council could therefore not take place at the times previously set down as the calling of the election had intervened.

Whilst the election campaign was relatively short, Members of the Council were not certain of whether the GBE Committees would be rescheduled or indeed occur at all in 2006.

The Parliament opened on 30 May 2006 and new sitting schedules for the remainder of 2006 made no provision for GBE Committee hearings. The Government indicated publicly that GBE Committee hearings would not be held due to the timing of the election.

At that time there were newspaper reports concerning the TT-Line and the financial plight surrounding the Spirit III and also reports concerning Hydro Tasmania and a request for a \$300 million equity injection.

It was widely regarded by the press and public alike that it was a deliberate attempt by the Government to avoid scrutiny of those GBEs which had produced some “bad news stories” during the preceding weeks.

The announcement caused some stirring in the Legislative Council and to avoid an unnecessary confrontation with the Legislative Council the Government changed its mind.

As a consequence the sitting program was duly altered.

On 14 June 2006 two GBE Committees were established in the Legislative Council and scheduled to meet on 25 and 26 July 2006. Both the TT-Line and Hydro Tasmania were among the Government Businesses to be examined.

REGIONAL SITTING OF BOTH HOUSES

Both Houses of the Tasmanian Parliament will have an historic sitting in Launceston during October this year as part of the celebrations marking the 150th anniversary of bicameral Parliament and responsible Government in Tasmania. The sitting will also coincide with the bicentennial celebrations of the City of Launceston.

Both Houses will convene at the Albert Hall from October 17-19 for the first sitting of the Tasmanian Parliament ever to take place outside Hobart. The majestic Albert Hall is a fitting choice of venue for this historic event. It was built in 1890. The Premier in his press statement announcing the sitting said, “by effectively taking the Parliament to Northern Tasmania for one whole week, there will be a greater opportunity for more people in our State to watch our democracy at work”. The Premier went on to say that, “Parliament is about the people and I have not doubt this will be a popular celebration among Tasmanians from all walks of life, from school groups to business people, community groups and families”.

Planning is well under way, with officers across both Houses actively involved in a range of areas associated with staging such an event, significant in that both Houses will be sitting at the same location.

It is expected that a full range of measures will be debated during the week with the alternate sitting program providing visitors with an increased opportunity to witness the activities of both Houses.

MEMBERS' ALLOWANCES AND BENEFITS - SECOND COMMITTEE OF REVIEW

The Parliamentary Salaries, Superannuation and Allowances Amendment Bill 2006 was considered by the Legislative Council on Thursday, 15 June 2006. The allowances and benefits to which Members were currently entitled under the *Parliamentary Salaries, Superannuation and Allowances Act 1973* were determined by a Committee of Review back in 1996. A number of the entitlements at that time were set as dollar amounts rather than as proportions of annual salary. Allowances in this category were electorate allowances, entertainment allowance for office holders, mobile phone allowance and a continuing professional development allowance.

The 1996 determination included a recommendation that a remuneration tribunal be established by statute for the purpose of reviewing and if necessary, adjusting allowances and benefits of Members of the Tasmanian Parliament. The recommended tribunal had not been established. Given that it had been nearly 10 years since the first review the Government proposed that it was time that the allowances be reviewed. The amending Bill established a second Committee of Review, similar to that established in 1996, and again consisting of members of the Tasmanian Industrial Commission. The amending Bill was agreed without amendment and received Royal Assent on 26 June 2006.

His Excellency the Governor-in-Council issued an Order-in-Council dated 1 June 2006, to which the provisions of the amending Bill specifically referred.

The Order-in-Council appointed Patricia Lilian Leary (Chair), Timothy John Abey and James Patrick McAlpine to comprise the Committee of Review with specific terms of reference.

The terms of reference were as follow:—

With the objective of determining whether

- *the allowances and benefits provided to Members of the Tasmanian Parliament, and specified in the determination of the Committee of Review established by Order-in-Council dated 23 October 1996, are still appropriate to the contemporary needs of such a Member;*

and with the further objective of ensuring that

-
- *there is an automatic transparent mechanism to annually adjust each allowance and benefit provided to Members of the Tasmanian Parliament;*

and taking account of

- *the quantum of expenses that would now be incurred by Members of the Tasmanian Parliament in performing their parliamentary duties compared to when the amount of each allowance and benefit was last determined;*
- *the benefits available and allowances paid to Members of the parliaments of the other Australian States and Territories and the Commonwealth of Australia; and*
- *contemporary practice in relation to the payment of allowances or alternative mechanisms for providing benefits;*

but excluding the basic salary, additional salary and superannuation entitlements of Members of the Tasmanian Parliament and the resources and facilities provided to Members to enable them to carry out their parliamentary duties:

To review, and if necessary recommend changes to, the purpose, scope of application, quantum and method of payment of existing allowances and benefits paid to Members of the Tasmanian Parliament;

To recommend the provision of any new benefits required to meet the contemporary needs of Members of the Tasmanian parliament; and

For each allowance that has a monetary value, to recommend an annual adjustment mechanism;

And matters incidental thereto.

The outcomes of the review are to take effect from 1 July 2006.

The Committee may also take account of any matters that it deems to be relevant.

It is expected that the Committee's recommendations will be available prior to the commencement of the Spring Session.

DEPARTMENT STAFF

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 2003-04 financial year.

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

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 and on the recommendation of the President.

The current agreement contains within it the flow-on provisions of the previously 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

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.

PARLIAMENTARY SERVICE AWARDS

From a staff perspective one of the more significant functions held during the reporting year was the inaugural presentation by the President and Speaker of Parliamentary Service Awards.

The Awards recognised those employees across both Houses and the Joint Services areas who had served the Parliament of Tasmania for a period of 15 years or more. Permanent, part-time and casual staff are all eligible to receive awards under the new scheme. Certificates of Service were presented along with a gift voucher to each eligible member of staff. Service awards will be presented each year at a function to be held during the month of December.

Service of 15 years has been determined as the base for an award with additional service to be recognized in five-year increments thereafter.

The decision by the Joint Presiding Officers and Clerks to put in place a Parliamentary Service Award Scheme was seen as a fitting way to recognise and reward officers of the Parliament who had served for long periods with dedication, enthusiasm and loyalty.

One of the Parliament's goals is to attract and retain a highly skilled and motivated team, to recognise the contribution of its employees and to encourage them to develop and perform to their fullest capabilities. The fact that so many staff have long years of service and have made a career working in the Parliament and progressing to senior positions within the Parliamentary system, demonstrates that this goal has been achieved.

The awards presentation function was extremely well attended and feedback from those who attended was extremely positive. The award concept has been very well received by all employees.

The Tasmanian Parliament now follows other Australian parliamentary jurisdictions who already had in place similar award schemes.

The certificates of service which were presented were enthusiastically received as they represented a permanent record of service to the Parliament and an acknowledgement of the high regard which the Presiding Officers have for those award recipients.

The Tasmanian Parliament looks very much forward to future Parliamentary Service Award ceremonies.

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 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 2005 calendar year.

Rotation of the position to an officer in the House of Assembly took place in January 2006. 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 2007.

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.
- (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 —

Superannuation Schemes	Number of employees for whom employer superannuation contributions are made (as at 30 June 2006)
RBF defined benefit scheme	16
Tasmanian Accumulation Scheme (TAS)	10
Other complying superannuation schemes	2
Total	28

As indicated in the Table there were two Legislative Council employees who were members of an alternative complying superannuation scheme during the period up to 30 June 2006.

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. Development of both new and existing skills ensures a continued high standard in the delivery of service to Members and other clients of the Department.

The Department's Clerks-at-the-Table are members of the Australian and New Zealand Association of Clerks-at-the-Table (ANZACATT). That Association conducts annual professional development seminars in various parliamentary jurisdictions throughout Australia and New Zealand. The Legislative Council is represented at these seminars.

The Department's Second Clerk-Assistant and Clerk of Committees, Mrs Sue McLeod has completed the Parliamentary Law, Practice and Procedure Program (PLPPP) conducted by the Queensland University of Technology by agreement with ANZACATT. This program provided an overview of the constitutional and legal frameworks underpinning Australia and New Zealand's parliamentary systems.

Other courses of training were attended by selected staff during the reporting period. These included attendance at the annual Australasian Study of Parliament Group (ASPG) Conference, selected Adult Education training courses, fire drill training and computer support training provided by Comcorp necessitated by the migration of the Parliament's email system to Microsoft Outlook during the latter half of the financial year.

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 in recent years 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
- ◆ 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.

PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE

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.

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 also responsible for ensuring the *Subordinate Legislation Act 1992* is complied with, and the examination of other Instruments referred to it under the authority of an Act.

The Government Printer sends the Committee copies of all regulations as soon as they have been gazetted. Each municipality is required under the Local Government Act to provide the Committee with a copy of any new or amended By-Laws.

During the reporting year the Committee contributed to Treasury's review of the *Subordinate Legislation Act 1992*. The Committee made a submission making several suggestions for changes.

As there was a General Election for the House of Assembly in 2006 the Committee did not meet as often during the first part of the calendar year. In addition the Committee has several new members and a new Chair.

The Committee held hearings into —

S.R. No.132	Nursing Regulations
S.R. No. 37	Radiation Protection Regulations
S.R. No. 8	Fisheries (Rock Lobster) Rules
S.R. No.160	Public Health (General) Regulations

Committee Membership

Legislative Council

Mrs Sue Smith (Chair from 1 June 06)
Mr Doug Parkinson (Chair and Member
to 30 May 2006)
Ms Lin Thorp (from 30 May 2006)
Mr Kerry Finch

House of Assembly

Mr Brenton Best (to 30 May 2006)
Mr Rene Hidding (from 30 May 2006)
Mr Will Hodgman (to 30 May 2006)
Ms Lisa Singh (from 30 May 2006)
Mr Graeme Sturges (Deputy Chair
from 1 June 2006)

COMMITTEES

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. Both Committees were formally established by Resolution of both Houses on 25 November 2004.

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.

WORK OF JOINT STANDING COMMITTEES

Joint Standing Committee on Environment, Resources and Development

The Legislative Council administers this Committee.

The membership of the Committee prior to the State Election was Mr Doug Parkinson MLC (Chair), Mr Greg Hall MLC (Deputy Chair), Mrs Tania Rattray-Wagner MLC, Mr Paul Harriss MLC, Mr David Bartlett MHA, Mr Nick McKim MHA, Mr Jeremy Rockliff MHA and Mr Graeme Sturges MHA.

During the reporting year the Committee met on six occasions in relation to its Terms of Reference on Waste Management in Tasmania.

The Committee will be Tabling its report early in the next financial year.

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 2006 the Legislative Council was represented on the Committee by Mr Kerry Finch MLC, Mr Terry Martin MLC, Ms Allison Ritchie 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 has been the work carried out over time by its Select Committees. The Council's 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.

WORK OF JOINT SELECT AND SELECT COMMITTEES

Joint Select Committee on the Working Arrangements of the Parliament

The membership of the Committee prior to the State Election 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 year the Committee Tabled Report No. 14 on Dissenting Statements and Report No. 17 on the Timing of Government Businesses Scrutiny Committee Hearings.

The Committee is currently considering Draft Report Nos. 15 and 16.

Legislative Council Select Committee on Planning Schemes

The Committee was established by Order of the Legislative Council on 11 October 2005

The members of the Committee are Mr Greg Hall MLC (Chair), Mr Paul Harriss MLC, Mrs Tania Rattray-Wagner MLC and Mrs Sue Smith MLC.

The Committee met on 11 occasions during the reporting period and held public hearings in Hobart, Launceston, Wynyard, Sheffield and Longford.

The Final Report of the Committee will be Tabled in the Spring Session.

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 2006-07, 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 14 June 2006 contained the following provisions:—

Appointment and Membership

That the Legislative Council establish two Estimates Committees and that Committee A shall consist of 5 members and Committee B shall consist of 6 members.

And that the Members for —

Apsley
Elwick
Huon
Murchison, and
Nelson
be of Committee A

And that the Members for —

Mersey
Montgomery
Pembroke
Rosevears
Rowallan, and
Windermere
be of Committee B

Reporting Date	That the Estimates Committees report upon the proposed expenditures contained in the Consolidated Fund Appropriation Bill and budget papers by no later than 7 July 2006.
Committee Timetable	And that the schedule distributed in the Legislative Council on Wednesday, 14 June 2006 be adopted as the Estimates Committees timetable.

The Estimates Committee hearings were held during the week 26-30 June 2006.

GOVERNMENT BUSINESSES SCRUTINY COMMITTEES

The Legislative Council on 29 November 2005 established two Government Businesses Scrutiny Committees to inquire into Government Businesses on 28 February and 1 March 2006.

However, with the General Election for the House of Assembly being held on 18 February 2006 the Committees ceased to exist.

On 14 June 2006 two Government Businesses Scrutiny Committees were again established with hearings to be held on 25 and 26 July 2006, with the following businesses to be scrutinised:—

- ◆ Forestry Tasmania
- ◆ Hydro Tasmania
- ◆ Southern Regional Cemetery Trust
- ◆ TT Line Company Pty Ltd
- ◆ Transend Network Pty Ltd; and
- ◆ The Public Trustee

APPENDIX A

MEMBERS OF THE LEGISLATIVE COUNCIL

(as at 30 June 2006)

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

APPENDIX B

STAFF OF THE LEGISLATIVE COUNCIL

(as at 30 June 2006)

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
Personal Assistant to the Deputy Clerk	-	Mrs Sandra L. Phillips
Personal Assistant to the Clerk-Assistant	-	Mrs Jill R. Mann
Personal Assistant to the Clerk of Committees	-	Miss Julie Thompson
Electorate Officers	-	Ms Debbie Cleaver Ms Allison Waddington Mrs Sandra Phillips Ms Julie Sharman Ms Dawn Vallance Mrs Gaye Burns Mrs Suzanne Carracher Mrs Sue Szoka Ms Di Bucknell Ms Melissa Partridge Mrs Sally Avery Mr Brett Galbraith
Parliamentary Officers - Support Services	- -	Mr Leigh T. Matthews Mr Craig M. Thorp
Communications Officer	-	Mrs Shirley Holzner
Executive Assistant to the Deputy Leader of the Government	-	Miss Mandy J. Jenkins

Full-Time Equivalent Employees as at 30/6/2006 - 23.22

APPENDIX C

SUMMARY OF ACTIVITIES OF THE COUNCIL

	Forty-Fourth Parliament Second Session 2000-01	Forty-Fourth Parliament Third Session 2002	Forty-Fifth Parliament First Session 200 -2003	Forty-Fifth Parliament Second Session up to 30 June 2004	Forty-Fifth Parliament Second Session up to 30 June 2005	Forty-Fifth Parliament Second Session continued up to 31 December 2005	Forty-Sixth Parliament First Session up to 30 June 2006
Sitting Days	91	15	55	13	41	21	9
Hours of Sitting	577	109	174	50	144	73	19
Bills Amended	32	5	10	3	13	8	-
Bills Passed	227	29	124	16	85	43	14
Questions on Notice	126	13	50	8	40	3	4
Petitions	6	-	4	-	-	-	1
Substantive Motions	26	13	52	6	41	8	19
Matters of Public Importance	1	1	-	-	-	-	-
Divisions	39	5	14	1	9	7	-
Ministerial Statements	1	-	8	-	2	-	2
Motions for the Disallowance of Regulations	2	-	-	1	2	-	-

APPENDIX D

PASSAGE OF BILLS

Bills	1999	2000-2001	2002 up to 30 June 2002	2002-2003	2003-2004 up to 30 June 2004	2004-2005 up to 30 June 2005	2005-2006 up to 30 June 2006
Introduced	134	230	36	125	29	89	53
Lapsed	7	1	7	4	-	-	4
Negatived at Second Reading	-	2	-	-	-	1	2
Passed	126	227	29	124	16	85	57
Without Amendment	104	195	24	114	13	72	49
With Amendment	22	32	5	10	3	13	8
Number of Amendments	117	142	11	19	3	131	52

APPENDIX E

OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL

Ambassador of Indonesia His Excellency Mr Imron Cotan	25 August 2005
High Commissioner for Pakistan His Excellency Mr Babar Malik	6 September 2005
High Commissioner for Cyprus His Excellency Mr Achilleas Antoniadis	25 October 2005
Chinese Delegation including — His Excellency Mr YANG Jiechi, Vice Minister of Foreign Affairs and Trade; and Her Excellency Madame FU Ying, Ambassador of The People's Republic of China	14 December 2005
Ikeda City Council celebrating 40th sister city relationship with Launceston	15 February 2006
Mr James Wise Australian High Commissioner to Malaysia <i>(President hosted a lunch at the Launceston Club)</i>	3 March 2006
Ambassador of France His Excellency Mr Francois Descoueyte	26 April 2006

MEETINGS WITH OTHER DIGNITARIES

President received parliamentary delegations from the United Kingdom and Canada	September- October 2005
Dr Jose Ramos Horta, Minister for Foreign Affairs and Cooperation in the East Timor Government	8 November 2005
President represented the Premier at a dinner hosted by the Prime Minister in the presence of Her Majesty The Queen and HRH The Duke of Edinburgh in the Great Hall, Parliament House, Canberra	18 March 2006

APPENDIX F

FINANCIAL STATEMENTS

Financial Report of the Legislative Council for the period ending on 30 June 2006 including the Independent Audit Report.