
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.

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.

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;

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- ◆ 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

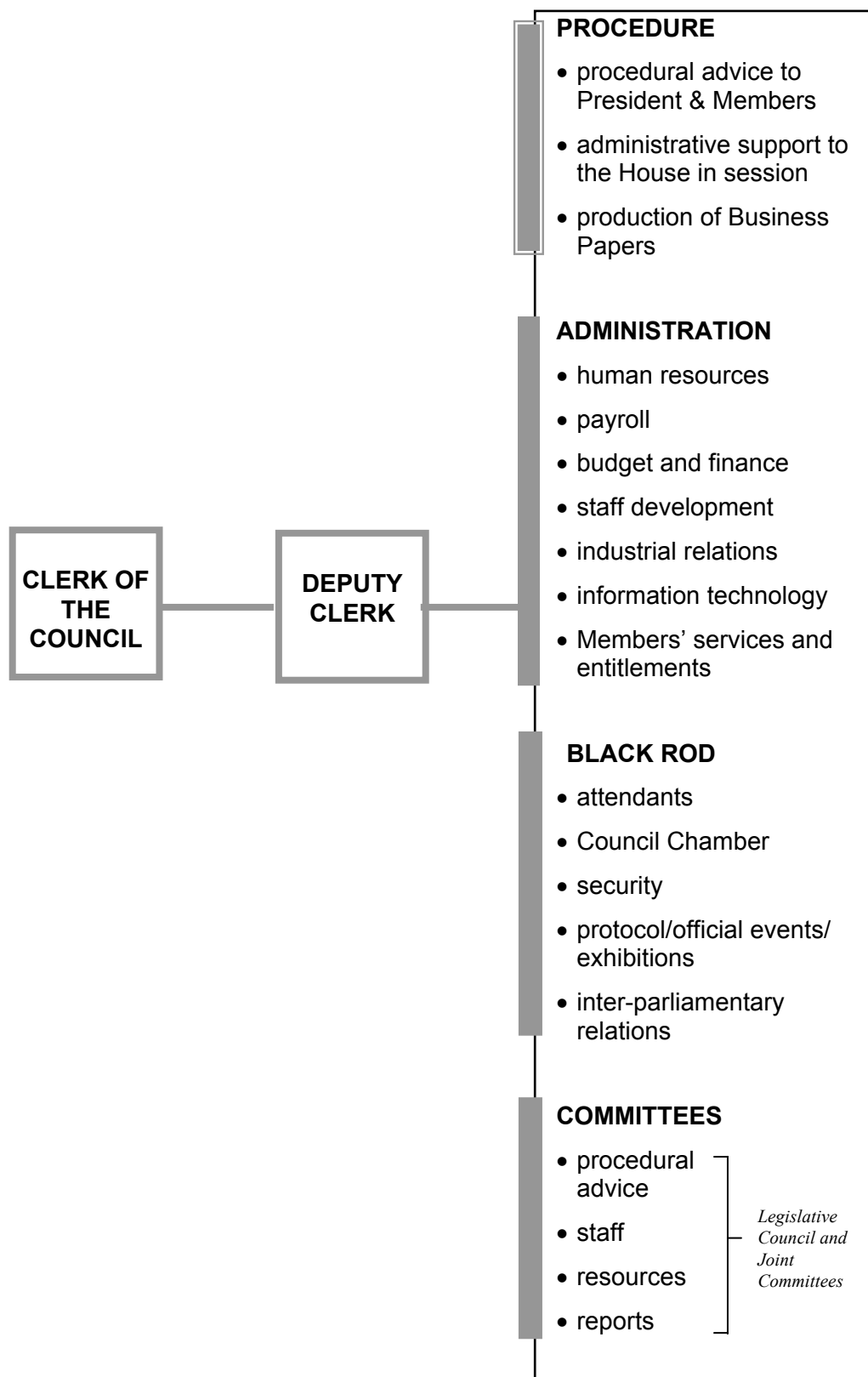
VISION

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 (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 1856-1990** - 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.
- **Seating Plan of the Legislative Council Chamber** - prepared to assist visitors to the Council.

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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

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. Adaptation to changing needs and structural reorganisation put in place in previous financial years has resulted in an adequate and acceptable level of service being provided to the Council and its Members from available resources.

Honourable Members demand and are entitled to receive the highest possible standard of service and support.

Throughout the year the Department's major objectives have 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 a 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 Council.

Procedural Support and Advice

During the reporting year the Clerk of the Council 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 Legislative Council sat on 35 days during the First Session of the Forty-Fifth Parliament to 30 June 2003. The sittings commenced on 24 September 2002 following the State election. The total sitting time from 24 September 2002 through to 30 June 2003 totalled 112 hours.

The number of Bills which were presented for the Royal Assent during the period 24 September 2002 to 30 June 2003 totalled 74.

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 2002 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 2002.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2003 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 2003 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.

ESSENTIAL MAINTENANCE

Legislative Council Chamber Air Quality – Second Stage Minor Work

During the reporting year further minor work in the Legislative Council Chamber was undertaken to improve air quality. The second stage of a two stage minor works project was completed which saw the installation of a carbon dioxide monitor. To improve the quality of the air in the Chamber required the monitoring of carbon dioxide levels in the air.

The monitor was installed in the return air riser shaft connected to the controls system and arranged to operate the air supply system on 100 per cent outside air when air quality is monitored as being poor.

The system returns to the mix of outside and return air when carbon dioxide levels are acceptable.

The Chamber minor work project related to minor modification of the ventilation system and as such did not have direct impact on the delivery of the Legislative Council's outputs. It has however had an indirect effect by improving the working environment for those who are required to work in the Chamber, often for extended periods of time.

Risk Assessment

The Strategic Asset Management Plan states:

Risks relating to the building complex are being progressively identified as part of the Strategic Asset Management Plan.

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 is now being undertaken by a single contractor responsible for all building elements in the complex. This has greatly improved control and simplifies audit.

Building Degradation

Work on the Chamber's air supply system was required as a result of the need to address operating aspects of the building's ducted ventilation system where deficiencies had been identified.

Statutory Requirements

Works within the Legislative Council are carried out within the guidelines of the approved Conservation Management Plan. The minor essential maintenance work carried out did not require approval of the Tasmanian Heritage Council. A safer working environment in the Legislative Council Chamber was achieved as a consequence of the work undertaken.

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 2003.

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 were put in place during the reporting year which brought about the further 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 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.

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.

PROCEDURAL AND OTHER MATTERS

SELECT COMMITTEES

The Bas Strait Air Transport Report was Tabled on 27 November 2002 and called on the Federal Government and the airlines to take into account Tasmania's geographic position, its transport disadvantages of isolation and its vulnerability to disruption to and increased costs of, air services.

The Impacts of Gaming Machines Committee Tabled its report on 12 December 2002 and, amongst other things, recommended that the State Government commission an independent social and economic study into the impacts of the extension of gaming machines into pubs and clubs in Tasmania.

The Joint Select Committee on the Working Arrangements of Parliament also Tabled its eighth report on 28 November 2002. One of the major recommendations of the Report on Committee Meeting Times and Resources was that time blocks be identified for the purpose of all parliamentary committee meetings. In terms of resources one of the recommended options was the creation of a Parliament House Committee Office to serve both Houses. As a consequence of the Committee's recommendations, time blocks have been set aside for parliamentary committee meetings. The second recommendation concerning the creation of a Parliament House Committee Office has been achieved, in part, by rearrangement of the Parliamentary Research Service.

GOVERNMENT BUSINESS SCRUTINY COMMITTEES

Prior to the Christmas adjournment the Legislative Council again agreed to the establishment of two Government Business Scrutiny Committees with leave to sit on 20 and 21 February 2003.

One Committee consisted of five Members and the other six Members. The President, Leader and Deputy Leader of the Government together with the Treasurer were not appointed to serve on these Committees.

As part of the establishment Motion, Government Business was allocated to the Committees. The allocation process involved the reaching of an agreement between the President of the Legislative Council, representing the Members of the Council and the Leader of Government Business in the House of Assembly, presently Ms Paula Wriedt MHA, the Minister for Education.

Whilst there is a rotational system of Government Businesses allocated, there is also an element of negotiation which is had between the two Houses.

The Scutiny Committees generally have focused on the businesses —

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- ◆ return on equity
 - ◆ the quality of the management practices
 - ◆ the risks to which corporations are exposed
 - ◆ the corporations' standing with the people of Tasmania
 - ◆ any other corporation matters of public interest

Both Committees again this year continued the trend of meeting with and seeking input from peak bodies and other individuals who claimed an interest in the outputs of the Government Businesses. These meetings required the Committees to travel within Tasmania, however one of the Committees travelled to Victoria, as part of its preparation prior to the examination of the responsible Ministers, Chairpersons and Chief Executive Officers.

Feedback continues to support the proposition that the Committees, through meetings with peak and other bodies, have become much better informed and more able to meet the tasks given it by the Council and further refined in their areas of assessment as indicated.

CONTINUING TRENDS

'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 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. Prior to the Christmas adjournment two Special Reports of the Auditor-General were Tabled, those being Special Report No. 41 relating to 'Keeping Schools Safe' and Special Report No. 43 relating to 'Oral Health Services'. Special Report No. 41 'Keeping Schools Safe' was the subject of debate in the House using the 'take-note' Motion procedure.

In addition when the Parliament resumed in March, the Council debated the reports of the Select Committees on Bass Strait Air Transport and the Impact of Gaming Machines also by way of 'take-note' Motions.

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

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.

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 generally allocates 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:

- ◆ Tasmania Together Progress Board
- ◆ Electricity Supply Industry Amendment Bill 2003 (No. 16)
- ◆ Meander Dam Project Bill 2003 (No. 8)

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- ◆ Firearms Amendment Bill 2003 (No. 24)
 - ◆ Financial Management and Audit Amendment Bill 2003 (No. 44)
 - ◆ Nature Conservation Act 2002: Approval of a Draft Proclamation under Section 21
 - ◆ Civil Liability Amendment Bill 2003 (No. 46)

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.

The tours 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. Visits to company and industry sites to view first hand operations are usually part of the program. Other areas of particular interest are also visited.

The 'familiarisation tour' experience has many benefits for Members individually and the House as a representative group. It 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 that their duration should not involve 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 authorizes the reimbursement of travelling and other associated expenses for those Members who accept a tour invitation.

During the reporting year the following familiarisation tour was conducted:

Tour of the Murchison electorate - August 2002

REVIEW OF STANDING ORDERS

The comprehensive review of Standing Orders is nearing completion. The last comprehensive review of Standing Orders was undertaken almost 15 years ago. The House will consider the report of the Standing Orders Committee when presented.

The new and revised Standing Orders will bring about a modernization of procedures and more effective and efficient practices in the House. It is expected also that the number of Standing and Sessional Orders will be reduced substantially in number. The new and revised Standing Orders, when agreed, will be introduced for a 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.

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.

The Primary Returns for the newly elected Members for the Divisions of Windermere and Mersey were Tabled in the House on 17 and 21 June 2003 respectively.

REFERRALS TO JOINT PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS

On 29 May 2003 the Legislative Council referred two matters to the Joint Parliamentary Standing Committee of Public Accounts, namely the intended purchase by the Government of a fibre optic cable from a company known as Downer EDI and matters surrounding the new Deed of Agreement entered into between the Government and Federal Hotels. The Deed relates to Federal Hotels' continued control and operation of gaming machines in Tasmania.

The referral Motions were in the following form —

Purchase of Fibre Optic Cable from Downer EDI

That this House refers to the Public Accounts Committee the matter of the intended purchase of a fibre optic cable from Downer EDI.

In particular, but without limiting its general powers, the Committee should inquire into:

- (a) the due diligence process undertaken by the Government;
- (b) the terms of any contract between Downer EDI and the Government which has brought about the intended purchase of the fibre optic cable by the State Government; and
- (c) any investigative work undertaken prior to the cable being laid and/or negotiations undertaken which led the Government to enter into the deal with Downer EDI.

New Deed between the Government and Federal Hotels

That this House refers to the Public Accounts Committee for investigation and reporting the following matters:

- (a) the new Deed between the Government and Federal Hotels and its return to taxpayers;
- (b) issues related to transparency in the negotiation of the Deed;
- (c) issues relating to the quality of the deal extracted by the Government in the Deed;
- (d) the non-competitive nature of the negotiation of the Deed; and
- (e) any other issues relevant to the Deed.

The *Public Accounts Committee Act 1970* at Section 6 provides:

1. 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 organization controlled by the State or in which the State has an interest.
2. 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.

Each of the matters referred clearly fell within the statutory functions of the Public Accounts Committee. Both inquiries were given priority by the Committee. Reports are expected to be Tabled during the Spring Session.

PERIODIC ELECTIONS

On 3 May this year, periodic elections were held for the three Legislative Council Electoral Divisions of Mersey, Windermere and Derwent.

The seats prior to the election were held by a Labor Member, an Independent-Labor Member and an Independent. The composition of the 15 Member Legislative Council prior to the elections was nine Independent, one Independent-Labor and five Labor.

As a consequence of the elections held, two sitting Members were defeated. The Divisions of Mersey and Windermere returned new Members, both of whom stood as Independent candidates.

The Division of Derwent returned the sitting Member who is also a Labor Government Member.

The composition of the Legislative Council currently is now 10 Independent and five Labor Government Members.

COMMITTEE REPORTS TO THE HOUSE

- Joint Standing Committee on Environment, Resources and Development - Report entitled: Use of Compressed Natural Gas as a Vehicle Fuel.
- Joint Standing Committee on Community Development - Report entitled: Issues Relating to Custodial Grandparents.
- Legislative Council Select Committee on Gaming Machines - Report entitled: Impacts of Gaming Machines.
- Government Business Enterprises and Government Corporations Scrutiny Committees A and B.
- Legislative Council Estimates Committees A and B.
- Standing Committee of Public Accounts - Report entitled: School Bus Safety.

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) and filed with the Tasmanian Industrial Commission during the last half of 2001.

The application was heard by the Commission during August that year and the Agreement was approved.

The Agreement contains the classification, salary and other working related conditions which apply to all staff in the Legislative Council who are appointed by the President. These appointments are all made in accordance with provisions of the *Parliamentary Privilege Act 1898*.

The current agreement contains within it the flow-on provisions of the agreed State Service Wages Agreement. This is an Agreement between the Government and a host of other Unions and Associations including the Public Sector Union.

It is effective from 1 February 2001 and expires on 31 July 2003.

The State Service Wages Agreement contains provisions relating to:—

- salary increases
- salary sacrifice
- salary packaging
- maternity leave
- sick leave
- family friendly initiatives
- review of classification standards and initiatives
- smoking breaks

The percentage salary increases which form part of that Agreement were as follow: —

- 3% from 1 February 2001
- 2.5 from 1 November 2001
- 2.5% from 1 September 2002
- 1 % from 1 July 2003

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

A new State Service Wages Agreement will be negotiated during the early part of the 2003-04 financial year. The Legislative Council's new Staff Industrial Agreement will also be considered and if possible, an application lodged during the first half of the next reporting year.

PERSONAL ASSISTANT SUPPORT TO MEMBERS

With a third of the Legislative Council's Members now belonging to the Labor Government a change has occurred in the provision of personal assistant support and other office arrangements.

In terms of personal assistant support for Labor Members, the Government has determined that appointments are to be made by the Department of Premier and Cabinet and not by the Legislative Council as had historically been the situation. All salary and other related payments are met by DPAC.

The Council's budget has been adjusted accordingly to take account of this direction.

The Council now only continues to provide a basic level of financial support to Government Members' support staff by way of the provision of basic office supplies and the cost of communications.

The Premier and Treasurer agreed that personal staff support for every Legislative Council Member should be funded to the extent necessary to allow for an allocation of no less than 1.0 full-time equivalent (FTE) if desired by the Member. To this end the 2003-04 budget for the Legislative Council contained increased provision to enable increased staffing and associated support.

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 of 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 holds the position of Secretary for the 2003 calendar year.

Rotation of the position took place on Christmas Eve 2002. The responsibility for the day to day management of the Legislature-General [Joint House] Department was transferred for 12 months from the Assembly's Clerk-Assistant to the Legislative Council.

Standing Order 283 *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 the 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 2003)
RBF defined benefit scheme	16
Tasmanian Accumulation Scheme (TAS)	5
Other complying superannuation schemes	Nil
Total	21

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 2003.

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 2003 three of the Council's officers were undertaking part-time study at University and TAFE level.

During the financial year other staff attended selected courses and professional development seminars.

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
- 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 \$2,000,000. 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. The Local Government Office likewise sends copies of all Municipal By-Laws.

In February this year the Committee hosted the Eighth Australasian and Pacific Conference on Delegated Legislation and Fifth Australasian and Pacific Conference on the Scrutiny of Bills. Delegates from all over Australia attended as well as from New Zealand, South Africa and Canada. The Conference was opened by the Chief Justice, the Honourable Mr Justice W.J.E. Cox AC, RFD, ED, and was held over three days in the House of Assembly Chamber. The Papers presented were very interesting, thought provoking and covered a wide variety of subjects relating to the scrutiny of both primary and delegated legislation. As in previous Conferences there was an in-depth debate on the scrutiny of National Schemes of Legislation.

Committee Membership

Legislative Council

Mr Geoff Squibb (Chairman) *(until 3.5.03)*
Mr Doug Parkinson (Chairman) *(from 29.5.03)*
Mrs Sue Smith
Mr Kerry Finch *(from 29.5.03)*

House of Assembly

Mr Ken Bacon
Mr Will Hodgman
Mr Steven Kons

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. As a result of the increased volume and complexity of modern legislation, 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 new Joint Standing Committees were established by Resolution of both Houses in December 2000 and reappointed on 12 March and 24 September 2002 respectively. 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.

JOINT STANDING COMMITTEE ON ENVIRONMENT, RESOURCES AND DEVELOPMENT

This Committee is administered by the Legislative Council. It was established on 5 December 2000 for a two-year period. Due to the prorogation of Parliament on 1 February 2002 the Committee ceased to exist. 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 membership of the Committee at 30 June 2003 was Mr Doug Parkinson MLC (Chair), Mr Greg Hall MLC (Deputy Chair), Mrs Sue Smith MLC, Mr Paul Harriss MLC, Ms Lara Giddings MHA, Mr Steven Kons MHA, Mr Nick McKim MHA and Mr Peter Gutwein MHA.

During the year the Committee met on 11 occasions and is currently drafting its final report on the use of natural gas in Tasmania as well as its final report relating to conservation on private land. It is anticipated that these reports will be Tabled in the near future.

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 2003 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

An important function of the Legislative Council is the work carried out 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 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 2003.

The membership of the Committee at 30 June 2003 was Mr Michael Aird MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Paul Lennon MHA, Mrs Judy Jackson MHA and Mrs Sue Napier MHA.

The Committee Tabled Report No. 8 on Committee Meeting Times and Resources on 28 November 2002.

The Committee is considering several issues, with three reports currently being drafted. It is anticipated that these reports will be Tabled in the near future.

Legislative Council Select Committee on Bass Strait Air Transport

The Committee was established by Resolution of the Legislative Council on 20 March 2001. It 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. The Committee was re-established on 25 September 2002.

The Committee presented its Final Report to the Legislative Council on 27 November 2002.

Legislative Council Select Committee on Impact of Gaming Machines

The Committee was established by Resolution of the Legislative Council on 4 October 2001. It 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. The Committee was re-established on 25 September 2002.

As the Legislative Council had adjourned its sittings the Committee presented its Report to the President on 12 December 2002. The Report was Tabled in the Legislative Council on 21 March 2003.

Legislative Council Select Committee on International Students in Tasmania

The Committee was established by Resolution of the Legislative Council on 9 October 2001. It 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. The Committee was re-established on 25 September 2002.

The membership of the Committee at 30 June 2003 was Mr Jim Wilkinson MLC (Chair), Ms Lin Thorp MLC, Mr Don Wing MLC and Mr Tony Fletcher MLC.

The Committee met on 14 occasions during the reporting period and undertook an interstate visit to Brisbane and Sydney as part of its work. The Committee had heard all evidence prior to the end of the reporting period and it is expected that its Report will be presented to the House prior to the end of the calendar year.

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 2003-04*, 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 22 May 2003 contained the following provisions:—

Referral to Estimates Committees	That when debate in the Legislative Council on the Question, “That the budget papers entitled: Budget Overview 2003-04; Budget Summary 2003-04; Operations of Government Departments Volumes 1 and 2 2003-04; Budget Speech 2003-04; The Tasmanian Government Financial System; 2003-04 Budget Guide, and the Consolidated Fund Appropriation Bill 2003 be noted”, has concluded, the budget papers be referred to Estimates Committees A and B of the Legislative Council.
Reporting Date	That the Estimates Committees report upon the proposed expenditures contained in the Bill and budget papers by no later than 13 June 2003.
Sitting Times	That each Estimates Committee meets only in accordance with the timetable adopted by the Council or as varied by the Chair. If a Committee is sitting on any day – (a) it commences at 9.30 am and is suspended at 12.30 pm, unless otherwise ordered; (b) it commences at 2.00 pm and is suspended at 5.00 pm, unless otherwise ordered; (c) it commences at 7.00 pm and is adjourned at 10.00 pm, unless otherwise ordered, if required. Notice must be given to the President by 3.00 pm on the day if a Committee is to meet at 7.00 pm.

Presentation of Reports

- (1) A report of an Estimates Committee is presented by the Chair of that Committee or the Deputy Chair to the Council – such reports to contain any resolution or expression of opinion of that Committee.
- (2) When the reports of the Estimates Committees are presented they may be taken into consideration at once or at a future time.
- (3) That if the Legislative Council is not sitting when Estimates Committees A and B complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President and in that event :
 - (a) the reports shall be deemed to have been presented to the Council;
 - (b) the publication of the reports is authorised by this Resolution;
 - (c) the President or Deputy President, as the case may be, may give directions for the printing and circulation of the reports; and
 - (d) the President or Deputy President, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council.
- (4) That the provisions contained in (3) above, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Membership

- (1) That Estimates Committee A shall consist of 6 members and Estimates Committee B shall consist of 5 members. The President, the Leader of the Government, the Deputy Leader of the Government and the Treasurer shall not be appointed as Members of a Committee.
- (2) A Minister shall appear before an Estimates Committee for six hours, but at the request of two or more members of a Committee the Chair may extend the hearing to a maximum period of nine hours.

**Open Hearings
Proceedings of
an Estimates
Committee
Hansard**

- (3) That the remaining provisions of Membership previously agreed by the Council on 5 November 1998 continue to apply.
- (4) That the provisions previously agreed by the Council on 5 November 1998 concerning Opening Hearings; Proceedings of an Estimates Committee and Hansard continue to apply.
- (5) That the Committees are authorised to hold meetings by electronic communication without the members of the Committee being present in one place.

GOVERNMENT BUSINESS SCRUTINY COMMITTEES

The Legislative Council on 28 November 2002 again established two Government Business Scrutiny Committees.

Formal hearings of the Committees took place on Thursday, 20 February and Friday, 21 February 2003, with the following businesses being scrutinised:

- Metro Tasmania Pty Ltd
- Motor Accidents Insurance Board
- TT Line Company Pty Ltd
- Tasmanian Grain Elevators Board
- Tasmanian Public Finance Corporation
- TOTE Tasmania Pty Ltd

The Reports of Committee "A" and Committee "B" were presented to the Legislative Council on 27 March 2003.

APPENDIX A
MEMBERS OF THE LEGISLATIVE COUNCIL
(as at 30 June 2003)

MEMBER	ELECTORATE DIVISION	PARTY
Aird , Michael Anthony <i>Leader of the Government</i>	Derwent	ALP
Crean , Dr David Mackenzie <i>Treasurer and Minister for Employment</i>	Elwick	ALP
Dean , Ivan Noel	Windermere	Ind.
Finch , Kerry <i>Third Deputy Chair of Committees</i>	Rosevears	Ind.
Fletcher , Anthony William	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.
Parkinson , Douglas John <i>Deputy Leader of the Government</i>	Wellington	ALP
Ratray , Colin Lewis	Apsley	Ind.
Ritchie , Allison Maree	Pembroke	ALP
Smith , Susan Lynette <i>Deputy Chair of Committees</i>	Montgomery	Ind.
Thorp , Lin Estelle	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 2003)

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 Mrs Mia Pope
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 Ms Paula Goodwin
Executive Assistants attached to the Office of the Leader and Deputy Leader of the Government	-	Miss Mandy J. Jenkins Ms Debbie A. Cleaver
Parliamentary Attendants	- -	Mr Leigh T. Matthews Mr Craig M. Thorp

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 up to 30 June 2002	Forty-Fifth Parliament First Session up to 30 June 2003
Sitting Days	63	16	57	91	15	35
Hours of Sitting	406	60	299	577	109	112
Bills Amended	17	3	22	32	5	8
Bills Passed	89	31	126	227	29	82
Questions on Notice	16	3	49	126	13	31
Petitions	5	-	4	6	-	1
Substantive Motions	12	9	18	26	13	38
Urgency Motions	2	1	2	1	1	-
Divisions	53	-	4	39	5	7
Ministerial Statements	4	-	1	1	-	5
Motions for the Disallowance of Regulations	1	-	1	2	-	-

APPENDIX D

PASSAGE OF BILLS

Bills	1997	1998	1999	2000-2001	2001-2002 up to 30 June 2002	2002-2003 up to 30 June 2003
Introduced	110	44	134	230	36	84
Lapsed	17	12	7	1	7	-
Negatived at Second Reading	4	1	-	2	-	-
Passed	89	31	126	227	29	82
Without Amendment	79	30	104	195	24	74
With Amendment	10	1	22	32	5	8
Number of Amendments	133	5	117	142	11	14

APPENDIX E

OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL

Mr Mahbub Alam, Director of Finance and Administration, CPA Headquarters Secretariat, London and his wife	24-27 July 2002
Delegation of Members of the Tongan Parliament	22 August 2002
CPA United Kingdom Branch Delegation to Australia	4-26 October 2002
Parliamentary Delegation from the Kingdom of Thailand	13 October 2002
Ambassador of the Philippines, His Excellency Mr Willy C. Gaa and his wife Mrs Erlinda C. Gaa	15 October 2002
Australian Ambassador to Saudi Arabia, Bahrain, Kuwait, Oman and Yemen, Ambassador Bob Tyson	20 November 2002
Australian High Commissioner Designate to Malaysia, Mr James Wise	6 December 2002
Consul-General of the Netherlands, Madelien de Planque	12 December 2002
Australian Ambassador Designate to Sweden, Finland, Estonia, Lithuania and Latvia, Mr Richard Rowe	7 January 2003
Mr Hennie Smit MPP, Chief Whip and Delegation from Provincial Parliament, Western Cape	22 January 2003
Ambassador of Slovakia, Her Excellency Dr Anna Turenicova	11 March 2003

APPENDIX F

FINANCIAL STATEMENTS

Financial Report of the Legislative Council for the period ending on 30 June 2003 including the Independent Audit Report.