
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. Returns are lodged with the Clerk and Tabled annually after 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.

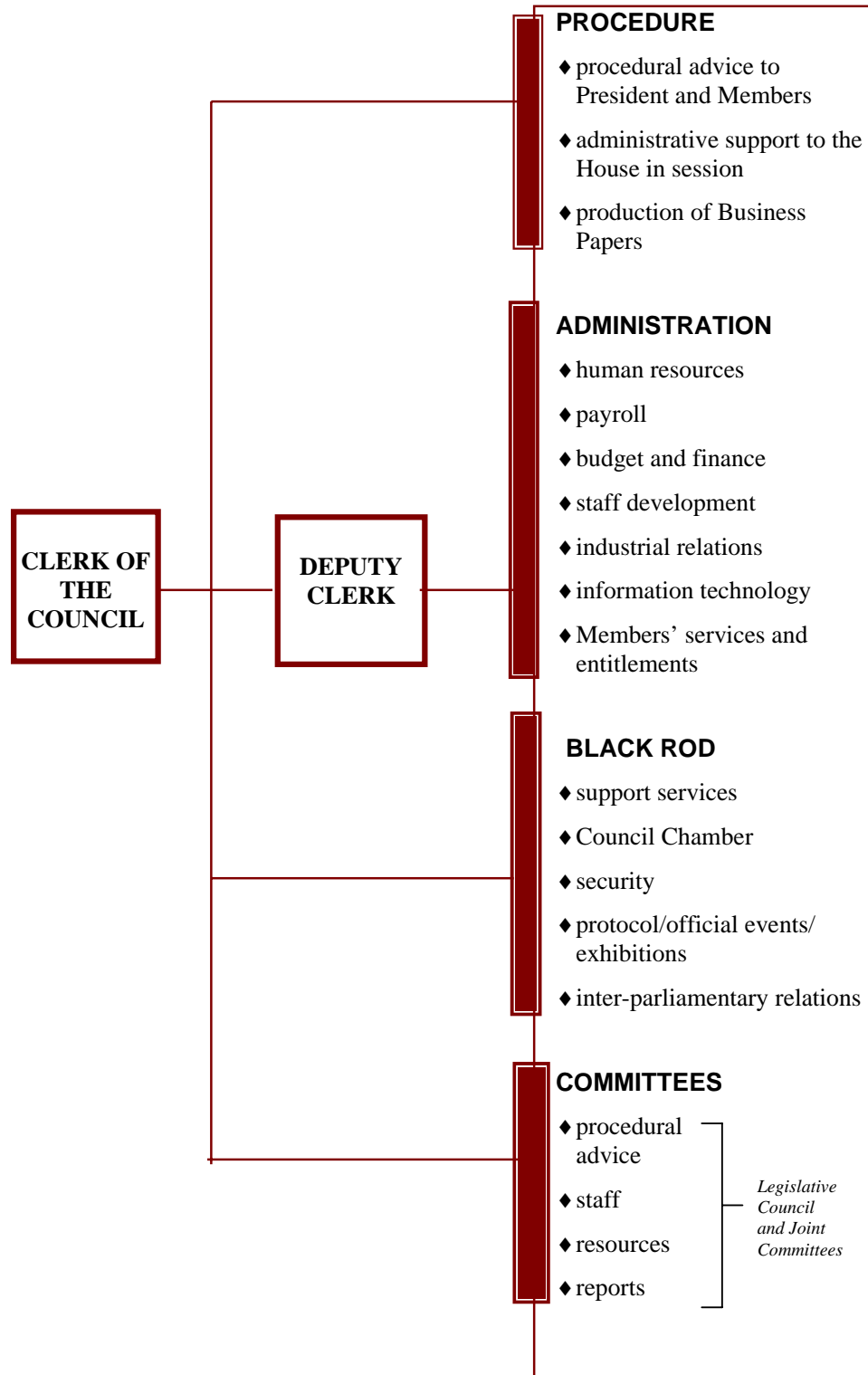
- ◆ *Education and Community Relations*
To improve community perception and understanding of the Parliament generally and the Legislative Council specifically.

- ◆ *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. Funding is available to enable all Members to engage personal assistant support up to one full-time equivalent (FTE).

Chamber Activity

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. From 1 July 2006 to 30 June 2007 the Legislative Council sat on thirty-nine occasions.

The number of Bills which were presented for the Royal Assent during the period 1 July 2006 to 30 June 2007 totalled 51.

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 2006 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 2006.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2007 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 2007 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 an increase in Select Committee activity. The additional funding approved by the Treasurer totalled \$30,000. 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 by \$349,000 due to increases in Member entitlements resulting from the report of the Second Committee of Review inquiring into Allowances and Benefits provided to Members of the Tasmanian Parliament.

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 2007.

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 2007.

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. 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

REGIONAL SITTING OF BOTH HOUSES

Both Houses of the Tasmanian Parliament, as part of the celebrations marking the 150th anniversary of bicameral Parliament and responsible Government in Tasmania, met for the first time outside of Hobart between 17-19 October 2006. The venue was the Albert Hall in Launceston. The regional sitting in Launceston was a great success and testament to the considerable amount of preparatory work and planning undertaken by staff across the Parliament who were given valuable support and assistance by the Launceston City Council and Tasmania Police.

The sitting was significant in that both Houses conducted their business at the same location. This involved careful planning and a reconfiguration of the chambers.

A full range of business was conducted in the Legislative Council over the three day period including the consideration of legislation.

A great number of people from northern Tasmania attended to observe the proceedings and encouraging was the significant number of school children who also turned out during the week.

In summary it was a very positive experience – well received by the general public at large and given very positive coverage by the various media outlets.

JOINT CEREMONIAL SITTING OF BOTH HOUSES

By Joint Resolution of both Houses of the Tasmanian Parliament, His Excellency the Governor of Tasmania, the Honourable William Cox was invited to attend in the Legislative Council and address both Houses at a Joint Sitting to commemorate the sesquicentenary of responsible government and bicameral parliamentary democracy in Tasmania. His Excellency attended on Friday 1 December 2006 at 3.00 o'clock pm and addressed both Houses. In accordance with resolutions agreed by both Houses, Members of the House of Assembly were seated beyond the Bar of the Council in places allotted for that purpose and Joint Sitting Rules provided, amongst other things, for the Premier of Tasmania and the Leader of the Government in the Legislative Council to address the Joint Sitting at the conclusion of the Governor's address.

The ceremonial joint sitting was followed by a reception at Government House. Presiding Officers and parliamentary officers from interstate attended the joint sitting ceremony and reception as well as the Parliament House Open Day which was conducted the next day.

ADVISERS ON FLOOR OF THE COUNCIL

Following the general election of the House of Assembly in the early part of 2006, the former Leader of the Government in the Legislative Council was appointed to the Ministry as Treasurer. Whilst the layout of the Legislative Council chamber does provide for an area for government advisers, that area was not easily accessed by the Treasurer as his place in the chamber is more remote.

As a consequence of a representation made by the Treasurer the President gave his approval for any one of his advisers to be seated immediately behind him on the floor of the Council for the purpose of giving advice on any measure for which he is responsible before the House.

GOVERNMENT RESPONSE TO PETITION

Legislative Council Standing Orders provide that a Government response to each Petition presented to the Legislative Council shall be brought up and Tabled by the Leader of the Government. The Government response must be laid before the Council within 15 sitting days of its communication to the Premier. The content of the Petition is communicated by the Clerk of the Council. On 5 September 2006, and in keeping with the provisions of Standing Orders, the Government responded to a Petition concerning sleep apnoea sufferers on the North-West Coast and the amount of Government assistance they receive.

PREMIER'S STATE OF THE STATE ADDRESS

On Tuesday 3 October 2006 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 26 September 2006.

The Address reviews the Government's past actions and outlines 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. Due to the intervention of some important Government legislative proposals the Debate was adjourned on several occasions and concluded at the Council's sitting on Tuesday 21 November 2006. Lengthy contributions were made by nearly all Members. Interestingly, part of the Debate was conducted during the Regional Sitting held in Launceston which gave Members an opportunity to canvass a fairly wide range of issues and particularly selected issues important to people in the north of the State. 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 election for the House of Assembly, the Premier's State of the State Address does provide opportunity for Members to engage in a significant grievance type debate.

PARLIAMENTARY PRIVILEGE

An interesting case involving parliamentary privilege in the Tasmanian jurisdiction arose during the latter part of the 2006 calendar year.

It centred around the establishment of a Legislative Council Select Committee on the accreditation of building practitioners in Tasmania and the contractual relationship at that time between the Tasmanian government and a firm called Tasmanian Compliance Corporation (TCC). Issues relating to privilege surfaced when the Select Committee requested a copy of a report prepared by KPMG, at the request of the Premier, into the performance of the TCC.

The Premier declined to produce the report on the basis of advice from the State Solicitor-General. Part of that advice related to the Solicitor-General's concern that there was a real risk that the report would be found to be defamatory of the directors of the TCC and that any "unprotected" publication of the report would expose the publisher to the risk of action for defamation. If that publisher was the Premier, the liability to fund any award of damages would rest with the State.

In addition there was an added concern that were defamation proceedings to be taken in respect of the Premier's publication of the KPMG report to the Select Committee, the defence of parliamentary privilege might be met by an argument that the Committee was either not properly appointed or exceeding its power, whereby the publication was not protected by privilege. The issues identified concern —

- (i) The powers of an Australian Parliament its Houses and Committees, must be derived either from legislation of the Imperial Parliament or from the exercise by the Australian Parliament of the legislative powers conferred upon it by the Imperial Parliament.
- (ii) The conferral of power by the Imperial Parliament upon the Tasmanian Parliament was in not identical but materially indistinguishable terms to its grant of power to the Commonwealth parliament.
- (iii) Based on the decision in *MacFarlane*, that means that the Imperial Parliament did not vest in the Tasmanian Parliament a power of inquisition unrelated to the exercise by that Parliament of its legislative powers.
- (iv) Nor has the Tasmanian Parliament exercised its broad legislative powers to give a power of inquisition to its committees generally, although it has done so in specific instances – e.g. the *Public Works Committee Act 1914* and the *Public Accounts Committee Act 1970*. Without the Parliament legislating to give to its committees a general power of inquisition, they do not have that power.

A brief chronology of events between 6 and 11 October 2006 follows —

- 6 October 2006** The Committee wrote to the Chairman, KPMG requesting him to give verbal evidence and to table at that time a copy of the Report on KPMG's Investigation of the Tasmanian Compliance Corporation.
- 10 October 2006** As the Solicitor-General advised the Premier that a formal summons was required to cover issues of Parliamentary Privilege, the Committee formally demanded a copy of the KPMG Report from the Premier.
- 10 October 2006** Letter from the Chairman of KPMG requesting a legal demand for attendance and document.
- 11 October 2006** Letter to Mr Green, KPMG assuring him that all evidence given to the Committee is protected by parliamentary privilege and quoting sections 1 and 2 of the *Parliamentary Privilege Act 1858*.
- 11 October 2006** Committee formally demanded the attendance of Mr Green of KPMG and the KPMG Report.
- 11 October 2006** Letter from Premier to Chairman enclosing a copy of the KPMG Report, but restating the Solicitor-General's advice. KPMG Tabled a copy of their Report with the Select Committee and gave verbal evidence in public.

In a speech at the Legislative Council sitting in Launceston on 17 October 2006 the President made a statement outlining this issue. He restated the cornerstones of our powers and privileges and in particular Sections 1 and 3 of the *Parliamentary Privilege Act 1858*.

The President read Section 27 of the *Defamation Act 2005*, which provides for a defence of absolute privilege to an action for defamation in respect of evidence provided to a parliamentary committee and quoted from advice received by the President of the Senate from its Clerk, Mr Harry Evans. This advice clearly and comprehensively expressed the legal and constitutional position on these matters as understood and traditionally applied by the Tasmanian Parliament and its committees, without challenge for 150 years.

In an attempt to put this issue to 'rest', the Clerk of the Legislative Council sought the advice of Mr Bret Walker SC. That advice confirmed that "there is no doubt worth attending to that a committee constituted and delegated powers in the manner that this Legislative Council Select Committee was, represents an infringement of the limits of power of the Legislative Council, so as to expose participants in its activities to a loss of parliamentary privilege (in the narrow or colloquial sense of an immunity from defamation action)".

It should also be noted that the Select Committee continued its inquiry for a further period until 29 November 2006 when the Legislative Council suspended its operation until "such time as the Legislative Council can be satisfied that such proceedings would not prejudice related proceedings in the Supreme Court of Tasmania (Criminal Division)".

JOINT STANDING COMMITTEE ON ENVIRONMENT, RESOURCES AND DEVELOPMENT

The Joint Standing Committee on Environment, Resources and Development Tabled its Report in relation to a Joint Venture Log Supply Deal on 5 July 2007. The joint venture was formed between Forestry Tasmania and GMO Renewable Resources (Taswood Growers) in 1999 and owns pine resources in the north of Tasmania of over 40 000 hectares. Rayonier has been the manager of this plantation since October 1999.

Auspine, a South Australian based company, held a deal with Rayonier for the supply of its softwood harvest and has had other such commitments for over 30 years. The company employs in excess of 300 people in Scottsdale.

Relations between Rayonier and Auspine became difficult during new contract deliberations. During 2006 Rayonier rejected offers from Auspine for the purchase of the wood, however, the contract was extended for three months in the hope of brokering a mutually suitable arrangements.

In late 2006 Forest Enterprises Australia (FEA) entered the market for the wood and in January this year were granted a 10 year deal to supply them with 290 000 tonnes of sawlogs per annum. It was argued that the decision to grant the deal to FEA was based on purely commercial reasoning.

On advice from the Solicitor-General, the Premier and others expressed the view that section 12A of the *Forestry Act 1920* did not apply to the deal between Taswood Growers and FEA. If applicable, this section would have required an examination of the impact of the contract on employment in the area.

The Committee's terms of reference were to inquire into the Forestry Tasmania/GMO Renewable Resources joint venture log supply deal, and in particular whether section 12A of the *Forestry Act 1920*, which requires Forestry Tasmania to treat employment as an important consideration when examining options for competing claims for Crown wood, had been adhered to. In addition, the process that led to the log supply decision was also to be investigated.

The Committee sought advice from the Solicitor-General in relation to whether section 12A of the Act applied in relation to the joint venture. To assist the Committee and the general Tasmanian community to accept or otherwise, the legalities of the Joint Venture Log Supply Deal, the Committee sought a second legal opinion.

An interesting issue was raised at this stage by the Attorney-General, publicly describing the Committee's action as 'disgraceful forum shopping'. The Committee believed that the attack was unwarranted and that committees should obtain independent legal advice when considered necessary, as the core function of the Solicitor-General is to act as legal adviser for government.

The Committee continued its Inquiry and heard evidence from the major stakeholders. Subsequent to the hearings, Auspine claimed that the Committee had received inaccurate information from some witnesses and therefore the Committee requested additional information from Auspine to justify these claims. Auspine provided this evidence to the Committee 'in camera' before commencing legal action seeking to have the decision to award the sawlog agreement to FEA set aside.

Much of the additional information provided related to matters forming part of Auspine's current legal case. The Committee believed, in these circumstances, that this evidence should remain with that jurisdiction to determine.

In relation to the Inquiry, the Committee concluded that there were differing opinions as to whether in 1999, when Forestry Tasmania entered into the Joint Venture Agreement, it retained the power to decide how Crown wood sold to the Joint Venture was to be further supplied, allocated or disposed of. However, Forestry Tasmania did consider employment issues when the joint venture was entered into.

It was also concluded that the process that led to the joint venture log supply deal was performed in a normal commercial manner.

The Joint Standing Committee on Environment, Resources and Development is now continuing its inquiries into Alternative Fuels, Coastal Erosion and Wildfires.

PULP MILL ASSESSMENT - GOVERNMENT MEMBER CROSSES THE FLOOR

Probably one of the most significant pieces of legislation considered by both Houses in Tasmania's recent history was debated and passed through Parliament with some amendment, during the March-April sitting period. The legislation was the Pulp Mill Assessment Bill 2007 (No. 9). It received Royal Assent on 30 April 2007.

The Act provided for the establishment of a separate assessment process for a proposed pulp mill in the Tamar Valley region of northern Tasmania by the proponents Gunns Limited. The legislation was required as a result of Gunns Limited withdrawing its \$1.5 billion development proposal from the established Resource Planning and Development Commission (RPDC) assessment process due to financial pressure directly related to the RPDC being unable to give a definite end date for the assessment.

The *Pulp Mill Assessment Act 2007* established a new assessment process for the project. The Government argued it provided the proponent with the certainty it required for an end date for assessment, without compromising Tasmania's rigorous environmental standards.

The legislation contained two principal components —

- (1) Independent experts must assess the project against certain guidelines;
and
- (2) both Houses of the Parliament must approve the pulp mill permit.

Without both of these things occurring the project could not proceed. The pulp mill permit would comprise the necessary permits, licences and approvals and any other conditions that may be necessary for the construction, development and operation of the pulp mill.

The issue divided opinion in the State and in addition to the project itself, the fact that the proponents withdrew from the established planning authority processes added to the concerns. The Pulp Mill Assessment Bill 2007 (No. 9) passed through Second reading in the Legislative Council on Division, 9 votes to 5. Included with those five Members who voted against the new assessment process was the Member for Elwick and former Government Member, Terry Martin MLC.

As a consequence of Mr Martin's action he is no longer a member of the Parliamentary Labor Party and now sits in the House as an Independent Member. The Bill passed with certain amendments which were subsequently agreed to by the House of Assembly.

The reports of the experts appointed to undertake the detailed assessments were presented to Members during July. The two Houses resume on 21 August to accept or reject, within five sitting days, the pulp mill permit which will be Tabled in both Houses on that day.

SEPARATE APPROPRIATION BILL

In 2006 the Premier in his State of the State Address announced an extensive package of budget and financial management reforms designed to ensure that Tasmanians have the highest levels of accountability, transparency, responsibility and governance from their Government.

This year for the first time as part of these reforms the Government introduced into the Parliament a separate Consolidated Fund Appropriation Bill containing the appropriations for independent entities, specifically the Office of the Ombudsman, the Office of the Governor, the House of Assembly, the Legislative Council and the Legislature-General or Parliamentary Joint Services as it is more commonly understood. The Auditor-General whilst independent and also an important entity, has funding provided through a Reserve-by-Law item under the *Financial Management and Audit Act 1990*.

The Premier indicated that providing a separate appropriation to independent entities recognised their unique role in Tasmania's parliamentary and democratic system and provides further accountability and transparency.

In a procedural sense some minor changes were required in order for the House to deal with two Appropriation Bills both during debate in the House and during the consideration by the relevant Estimates Committee.

Symbolic or not, the move to a separate appropriation for the House is welcomed and recognises that the parliamentary entities are not agencies or departments of Government.

Subsequent to the passage of the Appropriation Bills, both Houses agreed to amend the *Financial Management and Audit Act 1990* to provide a minor change with regard the Ombudsman. The amending Act provides that the Ombudsman is deemed to be the responsible Head of Agency and therefore able to receive a separate appropriation directly from the responsible Minister. Previously it was the Secretary of the Department of Justice who was the responsible Head of Agency. The Attorney-General was, and still remains the responsible Minister.

SCRUTINY OF DEPARTMENTAL REPORTS AND BUDGET PAPERS

The following Departmental reports and other papers were scrutinized by the House by way of 'take note' motions during the first half of the calendar year —

Police and Emergency Management 2005/06
Health and Human Services 2005/06
Infrastructure, Energy and Resources 2005/06
Education 2005/06
Mid Year Financial Report of the State Budget as at 31/12/06
Budget Papers 2007/08

GOVERNMENT BUSINESSES SCRUTINY COMMITTEES

On Thursday, 23 November 2006 the House again appointed two Government Businesses Scrutiny Committees with leave to sit on 8 and 9 March 2007 for the purpose of examining the activities of selected Government Businesses. The following Businesses were examined by the two Committees —

TOTE Tasmania
Metro Tasmania Pty Ltd
Printing Authority of Tasmania
Aurora Energy Pty Ltd
Motor Accidents Insurance Board
Port Arthur Historic Site Management Authority
Tasmanian International Velodrome Management Authority

As is usual practice both Committees conducted relevant stakeholder and deliberative meetings prior to the formal examination of the activities of the Government Businesses. The reports of the Scrutiny Committees were Tabled in the House during April.

LEGISLATIVE COUNCIL ELECTIONS

The boundaries of the current 15 electoral divisions were determined by the Legislative Council Redistribution Tribunal on 6 February 1999. Under the *Legislative Council Electoral Boundaries Act 1995* the enrolment of each Legislative Council division is determined as at the last day of January, April, July and October of each year and are published in the Gazette and in the three daily newspapers circulating generally in the State. Elections are conducted on a six year periodic cycle. Elections for three Members are held in May in one year, with elections for two Members held in May the following year and so on.

Periodic elections for three electoral divisions were conducted on Saturday, 5 May 2007. As a consequence of those elections the three sitting Members were returned in the Divisions of Nelson, Pembroke and Montgomery.

In the Division of Montgomery the sitting Member, the Honourable Sue Smith MLC was returned unopposed without the need for a ballot. She was declared elected by officers from the Tasmanian Electoral Commission on election day.

In the Division of Nelson the Honourable Jim Wilkinson MLC was returned with 11,232 first preference votes or 61.60 per cent. The only other candidate received 38.40 per cent of first preference votes. There were 23,118 electors enrolled with 18,235 formal votes cast.

In the Division of Pembroke six candidates contested the election. The sitting Member, the Honourable Allison Ritchie MLC was returned after the distribution of preferences with 51.46 per cent of the vote or 10,161 votes. There were 23,451 electors enrolled with 19,856 formal votes cast.

SELECT COMMITTEE ESTABLISHMENT - ORGAN DONATION

On 5 June 2007 the House resolved to establish a Select Committee relating to organ donation with the following Terms of Reference —

- (1) Whether the present systems established within —
 - (a) Tasmania; and
 - (b) Australia,that enable a person to register a legally, valid consent to become an organ donor are adequate;
- (2) the adequacy of Tasmania's approach in identifying potential donors and facilitating the donation and procurement process;
- (3) the impediments, if any, causing Tasmanians to have the lowest organ donor rates in the nation and the net worth to Tasmania of having an organ donor rate equal to the best in the nation;
- (4) the impact that uncertainty amongst family members regarding an individual's donation wishes has on their decision to allow organ donation and whether there is a reluctance on the part of doctors and family to proceed with donation even when the wishes of the donor were known to favour donation;
- (5) whether there is a suitable education and promotion program in place to ensure the community appreciates the need for organ donation and understands the personal, social and financial benefits that donation and transplantation brings to the community; and
- (6) any other matters incidental thereto.

The Committee's closing date for submissions was Friday, 10 August 2007. A Report is expected to be Tabled in the early part of 2008.

ELECTORATE FAMILIARISATION TOUR

On 7 and 8 November 2006 the Member for Apsley, the Honourable Tania Rattray-Wagner MLC, hosted a familiarisation tour of her Apsley electorate. The following activities and visits were undertaken as part of the tour —

-
- The Sidling
 - Woodlea Nursery
 - Forestry Eco-Centre
 - NESM Hospital redevelopment and Aminya care facility
 - Mr Richard Sattler, owner Barnbogle Dunes
 - Bridport Caravan Park
 - Scottsdale High School – Performing Arts Centre
 - Legerwood memorial tree carvings
 - Stronach Timber
 - Flying Teapot Café tourist attraction
 - Bridstowe Lavender Farm
 - Jansz Winery and Pipers Brook Vineyard

A range of meetings were also held with community representatives.

The policy of facilitating such tours through the various Legislative Council electoral divisions on a rotational basis continues to provide Members with the opportunity to increase their awareness of the attractions, industries and community programs which prevail.

SECOND COMMITTEE OF REVIEW - PARLIAMENTARY SALARIES, SUPERANNUATION AND ALLOWANCES ACT 1973

A Tasmanian Government Gazette dated Wednesday 23 August 2006 detailed the determinations of the Second Committee of Review which was established by Order-in-Council of 1 June 2006 to inquire into the allowances and benefits to which Tasmanian Parliamentarians are entitled.

The following allowances were abolished —

Kilometrage Allowance;
Intrastate Air Travel Allowance;
Taxi Allowance;
Intrastate Licensed Coach Service Travelling Allowance; and
Continuing Professional Development Allowance.

The following allowances were adjusted accordingly or continued unchanged —

Bass Strait Islands and Bruny Island Travelling Allowance;
Committee Sitting Fees;
Telecommunications Allowance;
Entertainment Allowance;
Away from Home Travelling Allowance; and
Electorate Allowances.

A new Motor Vehicle Allowance was introduced that provided for each member of Parliament to either be paid a Motor Vehicle Allowance or elect to be provided with a fully maintained motor vehicle for their use.

These changes were back-dated to commence from 1 July 2006. Future adjustment of the allowances is provided for by way of the Auditor-General making an annual determination specifying the quantum of any variations to basic salary and associated allowances.

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 currently remains in force until varied by the parties.

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.

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

It is expected that a revised interim agreement will be agreed between the parties and filed with the Tasmanian Industrial Commission prior to the end of the 2007 calendar year. This twelve month interim agreement will reflect the position reached between the Community and Public Sector Union and the State Government to provide an increase in salaries and wages of 4.5 per cent.

PARLIAMENTARY SERVICE AWARDS

From a staff perspective one of the more significant functions held during the reporting year was the 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 scheme. Certificates of Service were presented along with a gift voucher to each eligible member of staff. Service awards are presented each year at a function 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 support a Parliamentary Service Award Scheme is 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 continues to be well received by all employees.

The Tasmanian Parliament follows other Australian parliamentary jurisdictions who have 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.

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

The Council's Second Clerk-Assistant and Clerk of Committees, Mrs Sue McLeod, currently holds the position of Secretary.

The responsibility for the day to day management of the Legislature-General [Joint House] Department will remain with the Legislative Council until January 2008.

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 2007)
RBF defined benefit scheme	16
Tasmanian Accumulation Scheme (TAS)	9
Other complying superannuation schemes	5
Total	30

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 2007.

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 ANZACATT Professional Development Seminar is to be hosted by the Tasmanian Parliament in January 2008. The theme for the seminar is "Parliament and Technology - the Management of Change". The Legislative Council is also able to nominate officers to undertake the Parliamentary Law, Practice and Procedure Program (PLPPP) conducted by the Queensland University of Technology by agreement with ANZACATT. This program provides 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, fire drill training and computer support training.

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; the Secretary is a Table Officer in the House of Assembly and it is therefore administered by 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 this financial year the Committee contributed to Treasury's review of the *Subordinate Legislation Act 1992*. The Committee put in a Submission making several suggestions for changes.

The Committee concluded hearings into —

SR No.132	Nursing Regulations
SR No. 37	Radiation Protective Regulations
SR No. 8	Fisheries (Rock Lobster) Rules
SR No.160	Public Health (General) Regulations

All four Regulations were reported as examined.

Committee Membership

Legislative Council

Mrs S. Smith (Chair)
Ms L. Thorp
Mr K. Finch (until 4.10.06)
Ms R. Forrest (from 2.11.06)

House of Assembly

Mr R. Hidding
Ms L. Singh
Mr G. Sturges (Deputy Chair)

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 agreed and established by Resolution of both Houses on 25 November 2004. After the election for the House of Assembly on 30 March 2006 both Committees were reappointed on 31 May 2006.

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 members of the Committee as at 30 June 2007 were : Mr Greg Hall MLC (Chair), Ms Lin Thorp MLC (Deputy Chair), Mrs Tania Rattray-Wagner MLC, Mr Paul Harriss MLC, Mr Brenton Best MHA, Mr Bryan Green MHA, Mr Peter Gutwein MHA and Mr Nick McKim MHA.

During the year the Committee met on twenty occasions. The Committee Tabled its report on Waste Management in Tasmania on 18 October 2006.

The Committee also adopted terms of reference in relation to Alternative Fuels and Coastal Erosion and advertised for submissions. However, on 26 February 2007 the Committee agreed to inquire into a Joint Venture Log Supply Deal as a matter of urgency.

The Committee is due to report on this issue early in the new 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 2007 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 members of the Committee as at 30 June 2007 were : Mr Doug Parkinson MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Jim Wilkinson MLC, Mr David Llewellyn MHA, Ms Paula Wriedt MHA, Mrs Sue Napier MHA and Ms Peg Putt MHA.

During the year the Committee met on three occasions and is currently considering the Title of Members of Parliament and Dispute Resolution. Reports on these issues will be Tabled in the near future.

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 were the Mr Greg Hall MLC (Chair), Mr Paul Harriss MLC, Mrs Tania Rattray-Wagner and Mrs Sue Smith MLC.

The Committee met on five occasions this reporting year and presented its Report to the Legislative Council on 26 October 2006. Seventeen recommendations were included in the Report proposing changes in the planning processes undertaken by both state and local government and the Resource, Planning and Development Commission.

Legislative Council Select Committee on Ashley, Youth Justice and Detention

The Committee was established by order of the Legislative Council on 28 November 2006.

The members of the Committee were the Mr Ivan Dean MLC, Mr Greg Hall MLC (Chair), Mrs Norma Jamieson, Mr Terry Martin and Mr Jim Wilkinson MLC.

Advertisements calling for submissions were placed in the three regional newspapers on Saturday, 2 December 2006 and again in various Tasmanian newspapers in January 2007, with a closing date for submissions on 2 February 2007.

The Committee took evidence in both Hobart and Launceston from 44 witnesses and received 42 submissions. It also visited the Ashley Youth Detention Centre as well as two centres in South Australia, two in Victoria and two in New Zealand.

The Committee met with Government officials on the mainland and in New Zealand, as well as stakeholders and non-Government organisations.

The Committee is due to Table its Report early in the new financial year.

Legislative Council Select Committee on Organ Donation

The Committee was established by order of the Legislative Council on 6 June 2007.

The members of the Committee are the Mrs Ruth Forrest MLC, Mr Paul Harriss MLC, Mrs Tania Rattray-Wagner and Mr Jim Wilkinson MLC (Chair).

Advertisements calling for submissions were placed in the three regional newspapers on Saturday, 16 June 2007 with a closing date for submissions on 10 August 2007.

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 2007-08*, 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 6 June 2007 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 —

Elwick
Huon
Murchison
Nelson, and
Rowallan
be of Committee A

And that the Members for —

Apsley
Mersey
Montgomery
Pembroke
Rosevears, 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 29 June 2007.

Committee Timetable And that the schedule distributed in the Legislative Council on Wednesday, 6 June 2007 be adopted as the Estimates Committees timetable.

The Estimates Committee hearings were held during the week 18-22 June 2007.

GOVERNMENT BUSINESSES SCRUTINY COMMITTEES

Due to the State Election, the Government Businesses Scrutiny Committees for 2006 were delayed until later in the year.

Therefore, on 14 June 2006 the Legislative Council established two Government Businesses Scrutiny Committees to inquire into Government Businesses on 25 July and 26 July 2006.

The following businesses were scrutinised —

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

On 23 November 2006 the Legislative Council again established two Government Businesses Scrutiny Committees to inquire into Government Businesses on 8 March and 9 March 2007.

The following businesses were scrutinised —

- ◆ Printing Authority of Tasmania
- ◆ Metro Tasmania Pty Ltd
- ◆ TOTE Tasmania
- ◆ Aurora Energy Pty Ltd
- ◆ Motor Accidents Insurance Board
- ◆ Port Arthur Historic Site Management Authority
- ◆ Tasmanian International Velodrome Management Authority

APPENDIX A

MEMBERS OF THE LEGISLATIVE COUNCIL

(as at 30 June 2007)

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>Chair of Committees</i>	Rowallan	Ind.
Harriss, Andrew Paul <i>Second Deputy Chair of Committees</i>	Huon	Ind.
Jamieson, Norma Mary	Mersey	Ind.
Martin, Terence Lewis	Elwick	Ind.
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	Nelson	Ind.
Wing, Donald George <i>President</i>	Paterson	Ind.

APPENDIX B

STAFF OF THE LEGISLATIVE COUNCIL

(as at 30 June 2007)

Clerk of the Council <i>(on leave prior to retirement on 17 August 2007)</i>	-	Mr R.J.Scott McKenzie
Acting Clerk	-	Mr David T. Pearce
Acting Deputy Clerk	-	Miss Wendy M. Peddle
Acting Clerk-Assistant and Usher of the Black Rod	-	Mrs Sue E. McLeod
Second Clerk-Assistant and Clerk of Committees	-	Vacant
Parliamentary Officer: Personnel and Administration	-	Miss Janet A. Chipman
Parliamentary Officer: Finance and Administration	-	Mr Denis J. Millhouse
Parliamentary Officer: Bills and Papers	-	Mr Mark J. Baily
Personal Assistant to the President and Clerk	- -	Mrs Janet A. Harrison/ Mrs Sandra L. Phillips
Personal Assistant to the Acting Deputy Clerk	-	Mrs Jill R. Mann
Personal Assistant to the Acting Clerk-Assistant	-	Miss Julie Thompson
Executive Assistant to the Leader of the Government	-	Miss Mandy J. Jenkins
Executive Assistant to the Deputy Leader of the Government	-	Ms Debbie Cleaver
Electorate Officers	- - - - - - - - - - -	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
Research Officers:	- -	Miss Emily Freeman Mr Nathan Fewkes
Parliamentary Officers - Support Services	- -	Mr Leigh T. Matthews Mr Craig M. Thorp
Communications Officer	-	Mrs Shirley Holzner

Full-Time Equivalent Employees as at 30/6/2007 - 24.1

APPENDIX C

SUMMARY OF ACTIVITIES OF THE COUNCIL

	Forty-Fourth Parliament Third Session 2002	Forty-Fifth Parliament First Session 2002-2003	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	Forty-Sixth Parliament First Session up to 30 June 2007
Sitting Days	15	55	13	41	21	9	39
Hours of Sitting	109	174	50	144	73	19	142
Bills Amended	5	10	3	13	8	-	13
Bills Passed	29	124	16	85	43	14	68
Questions on Notice	13	50	8	40	3	4	71
Petitions	-	4	-	-	-	1	3
Substantive Motions	13	52	6	41	8	19	55
Matters of Public Importance	1	-	-	-	-	-	1
Divisions	5	14	1	9	7	-	6
Ministerial Statements	-	8	-	2	-	2	4
Motions for the Disallowance of Regulations	-	-	1	2	-	-	1

APPENDIX D

PASSAGE OF BILLS

Bills	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	2006-2007
Introduced	230	36	125	29	89	53	61
Lapsed	1	7	4	-	-	4	0
Negatived at Second Reading	2	-	-	-	1	2	0
Passed	227	29	124	16	85	57	54
Without Amendment	195	24	114	13	72	49	41
With Amendment	32	5	10	3	13	8	13
Number of Amendments	142	11	19	3	131	52	58

APPENDIX E

OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL

Ambassador of Israel
His Excellency Mr Naftali Tamir

14 February 2007

Professor Hidenori Tomatsu
Doctor of Laws, University of Tokyo, Japan

2 March 2007

APPENDIX F

FINANCIAL STATEMENTS

Financial Report of the Legislative Council for the period ending on 30 June 2007 including the Independent Audit Report.