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Parliament's Website:

<http://www.parliament.tas.gov.au>



PUBLIC AWARENESS

The Chamber

During the year the Principal Parliamentary Attendant and staff under his immediate control introduced a variety of groups and individuals to the Parliament and in particular the Legislative Council through conducted tours. The majority of the groups conducted through the Parliament during the year consisted of secondary and primary school groups.

The majority of groups and other visitors who visited the Parliament did so when the Houses were in session giving them a valuable insight into the debating activity that occurs on the floor of both Houses. The public gallery in the Council is available at all times for this purpose.

Visitors to the Legislative Council during non-sitting times have been and will continue to be personally conducted through the Parliament by the Council's attendant staff. During times when the Council is in session personal tours are more difficult with staff being required to perform other duties, however, at these times visitors may view proceedings in the Chamber.

Office Hours

The Legislative Council office is open weekdays, excluding public holidays, between 8.30 am and 5.00 pm on non-sitting days, and from 8.30 am until the adjournment of the House on sitting days.

Sitting Days

The Legislative Council normally meets at 2.30 pm on Tuesday and 11.00 am on Wednesday and Thursday.

Visitors may attend the sittings at any time and observe proceedings from the public gallery.

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1.0 THE LEGISLATIVE COUNCIL - A HOUSE OF REVIEW

1.1 AN INTRODUCTION

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.

1.2 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.

1.3 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. The Budget for 2000/2001 was introduced into the Parliament on Thursday, 24 May 2001.

1.4 DISCLOSURE OF INTERESTS

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

The Act requires that Members disclose details of —

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

2.0 PROCEDURAL AND OTHER MATTERS

2.1 WORKING ARRANGEMENTS OF THE PARLIAMENT: REPORT OF JOINT SELECT COMMITTEE

The seventh Report of the Working Arrangements of the Parliament Joint Select Committee entitled "New Parliamentary Committee System" was Tabled by the Leader of the Government and Chair of that Committee, the Honourable Michael Aird, on 23 November 2000.

The principal role of the Committee is to examine and recommend to both Houses measures which may improve the performance and efficiency of the Parliament.

The Committee's Terms of Reference (1)(c) provides for the system of Statutory Standing, Joint Sessional and Joint Select Committees of both Houses to be examined having regard to their roles, functions and relevance to contemporary Parliamentary practice.

The Committee in its Report *inter alia* stated that it is timely that the whole Tasmanian Parliamentary Committee System be reviewed to provide for the following:—

- a vibrant and vigorous system which ensures the accountability of the Government to the Parliament.
- continuing active public input into the Parliamentary process.
- acknowledgment of the House of Assembly as the "House of Government" and the Legislative Council as the "House of Review".
- the enhancement of the roles of each House of Parliament.
- the better harnessing of resources of both Houses to service the Parliamentary Committees structure.
- committees that, as well as providing input on the formulation of public policy, are also able to perform the function of ensuring all views on any issue have the opportunity to be publicly aired.

The Committee recommended that a New Parliamentary Committee System be established for a trial period of two years and that the new system include the following:—

- (1) Joint Standing Committee on Financial Operations with the limit for the examination of public works projects increased to \$2 million be established.
- (2) Joint Standing Committee on Delegated Legislation be established.
- (3) Joint Parliamentary Services Committee be established.

-
- (4) Privileges Committees of both Houses continue as currently operating.
 - (5) Standing Orders Committees of both Houses continue as currently operating.
 - (6) Annual Estimates Committees of both Houses continue as currently operating.
 - (7) Government Business Enterprises and Government Corporations Scrutiny Committees (GBEs) of both Houses continue as currently operating.
 - (8) That new Legislative and investigative standing committees be established.
 - (9) All Committees are to be established by Resolution of the Houses.
 - (10) Each Committee is to consist of six members (three appointed from each House).
 - (11) The Chair of the Joint Standing Committee on Financial Operations be a Member of the Legislative Council.
 - (12) The Chair of the Joint Standing Committee on Delegated Legislation be a Member of the Legislative Council.
 - (13) The Chair of the Joint Parliamentary Services Committee be the Speaker of the House of Assembly.
 - (14) The right to establish Select Committees of each or both House(s) remains.
 - (15) Dissenting reports be permitted.
 - (16) The establishment of a Joint Committee Office with appropriate resourcing to enable the appointment of qualified staff as and when required.
 - (17) Specific and significant time periods be allocated for Committee work during Parliamentary sitting and non-sitting times.
 - (18) The Standing Orders of both Houses, the Evidence Act and the Parliamentary Privilege Act be amended to incorporate provision for electronic committee meetings.

2.2 NEW JOINT STANDING COMMITTEES

As a consequence of the recommendation contained in the Report of the Joint Select Committee on the Working Arrangements of the Parliament entitled 'New Parliamentary Committee System' the Leader of the Government, on 5 December 2000 introduced a Motion for the establishment of two new Joint Standing Committees. The first to be known as the Joint Standing Committee on Community Development and the second being the Joint Standing Committee on Environment, Resources and Development.

The Motion moved contained the *modus operandi* of the Committees and is reproduced in its entirety as follows:—

(1) That the following Joint Standing Committees be established for a period of two years commencing from the date on which both Houses agree to the terms of this Resolution:

- (a) the Community Development Committee; and
- (b) the Environment, Resources and Development Committee;

to inquire into and report upon any issues and legislative proposals arising within the scope of the Committees as set out below.

(2) Each committee shall consist of six members.

(3) The membership of each of the committees shall be as follows:

(a) Legislative Council:
Three Members appointed by the Council.

(b) House of Assembly:
Two nominated by the Government; and
One nominated by the Opposition.

Members who are not Members of the Committees may participate in proceedings by asking questions of witnesses at the discretion of the Chair, but may not vote, move any motion or be counted for the purposes of a quorum.

(4) Each member of the Committees shall have a deliberative vote only.

(5) (a) It shall be open to any member of a Committee to nominate in writing to the chairperson of the Committee a proxy to attend any meeting of the Committee on behalf of the member. A proxy member shall exercise all the rights of an appointed member including voting rights at any meeting of a committee.

(b) If a permanent vacancy occurs in the membership of a Committee, either House shall, where appropriate, nominate a Member in substitution.

(6) A quorum for any meeting of a Committee shall be three (of whom one is the Chair of the Committee or Deputy Chair) when the Committee is hearing evidence but shall be four when deliberating.

(7) The scope of the two Committees shall be as follows —

(a) Community Development Committee

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

(b) Environment, Resources and Development Committee

Government Business Enterprises;
Regulation of business, commerce and industrial relations;
Economic and finance development;
Environment and land use planning;
Natural resources – forestry, mining and fisheries;
Energy;
Tourism;
Transport; and
Primary Industry.

(8) References can be made to the Committees in the following manner –

- (a) by resolution of either House; or
- (b) by a Minister of the Crown; or
- (c) by the Committee's own motion (including public submissions).

(9) (a) Except as provided in (b), the Committees shall conduct all their affairs in public unless the Committee by majority vote determines it is in the public interest to take evidence and/or deliberate in private.

(b) In deliberating or in taking evidence on matters which are "commercial-in confidence" the Committee shall sit in private.

(10) That the Committees have the power to send for persons and papers, with leave to sit during any adjournment of either House exceeding fourteen days, with leave to adjourn from place to place and with leave to report from time to time.

After debate and some minor amendment to this very significant proposal the question was decided in the Affirmative on Division. A Message was transmitted to the Assembly requesting their concurrence to the Resolution. The Assembly agreed to the terms of the Council's Resolution on 6 December 2000.

The Legislative Council provides the administrative and secretarial support resources to the Environment, Resources and Development Committee with the House of Assembly providing the necessary administrative and secretarial support to the Community Development Committee.

To this point no formal submission has been made to Government concerning the funding and establishment of a Joint Committee office for the Parliament.

2.3 REVIEW OF STANDING ORDERS

The Legislative Council's Standing and other Sessional Orders are currently being reviewed. A "Sub-Committee" of the Standing Orders Committee has been working on the review.

Much work has already been done and it is expected that this work will be completed during the first half of the 2002 calendar year.

The work undertaken to date has been painstaking but of immense value. The resultant amended Standing Orders in an approved form will bring about a modernisation of procedures and more effective and efficient practices in the House.

It is expected that the Council's Standing and other Sessional Orders will be reduced significantly in number.

A copy of the Standing Orders as revised will be made available electronically and in hard copy when agreed by the House and approved by His Excellency the Governor.

Section 17 of the *Constitution Act 1934* provides the following:—

Houses to make standing orders

- (1) *Each House, as occasion may arise, shall prepare and adopt such standing rules and orders as shall appear to it to be best adapted for the orderly conduct of the business of such House; for the mode in which such House shall confer, correspond, and communicate with the other House; for the manner in which Bills shall be introduced, passed, numbered, and intitled in such House, for the proper presentation of Bills to the Governor for His Excellency's assent; and generally for the conduct of all business and proceedings of such House and of both Houses collectively.*
- (2) *All such rules and orders shall be laid before the Governor by the House making them and, being approved by him, shall become binding and of force.*

The Standing Orders Committee is still grappling with a couple of fundamental questions, one in particular being the Standing Orders relating to a Joint House Conference of Managers as a procedural mechanism to resolve deadlocks between the two Houses.

The Assembly removed the Conference of Managers provisions from its Standing Orders some time ago.

Major considerations of the review continue to be the focus on streamlining procedures with a view to time management; rationalisation of business priorities; incorporation of current practices and rulings; a reduction in the number of Standing Orders, if possible, by eliminating obsolete Standing Orders and the use of plain English in their drafting.

2.4 QUESTION TIME

The Legislative Council's Sessional Order regarding Questions without Notice provides —

- (a) *A Member may ask an oral question without notice and the Minister, Leader or Member concerned, if it is one that in his opinion may be answered immediately, may thereupon answer the question and, if not, request that it be placed on notice; [the Member being responsible for it being so placed].*
- (b) *Unless the House otherwise orders, the President at 2.30 pm each sitting Tuesday, Wednesday and Thursday shall interrupt any business then under consideration and call on questions without notice. At the conclusion of questions without notice the House shall resume the business so interrupted.*

On any sitting day commencing after 2.30 pm, Question Time should be held as soon as practicable after that commencement.
- (c) *No question shall be asked after the lapse of 20 minutes from the President calling on questions.*
- (d) *The Leader of the Government may, by leave of the Council, terminate oral questions without notice requesting the President to proceed to the next item of business; with the question of leave being determined without debate.*

The Legislative Council now has among its membership five Government Members of which one is the Leader of the Government, one is the Deputy Leader of the Government and one is the Treasurer of Tasmania with the remaining two Labor Members not holding any official position.

A Motion was proposed by the Independent Member for Montgomery on 20 March 2001 in the following terms:—

That the Legislative Council requests the State Government to allocate portfolio responsibilities to Government Members of the Legislative Council, for the purposes of 'Question Time', in order that portfolios in addition to that of Treasurer, might properly be the subject of Questions without Notice by Members, ensuring a more effective transfer of information between the Government and the House.

An Amendment was proposed to the Motion by the Leader of the Government in the Council, by leaving out all the words after "That",

And inserting instead –

"the Legislative Council requests the House of Assembly to permit all Members of the Legislative Council to enter the House of Assembly chamber during that House's question time and that Members of the Council be able to ask questions without notice of Ministers and that all Members of both Houses be able to ask questions without notice of the Treasurer, ensuring a more effective transfer of information between the Government and the House".

After debate the Question was determined in the Negative on Division.

The Motion, as originally proposed, was also defeated on Division.

2.5 ATTENDANCE OF THE TREASURER IN THE ASSEMBLY AND BUDGET 2001-2002

Upon receipt of a Message from the House of Assembly the usual Motions were moved to allow the Treasurer to attend in the House of Assembly Chamber and give a speech in relation to the Tasmanian Budget for 2001/02 with the exception that the Assembly also requested in their Message to the Council that all other Members of the Council attend in the House of Assembly Chamber following the First reading of the *Consolidated Fund Appropriation Bill 2001* for the purpose of listening to the speech of the Treasurer.

This part of the Assembly's Resolution was disagreed to by the Council. The Council resolved that – Members be granted leave to attend in the House of Assembly for the purpose of listening to the Treasurer's speech *if they think fit*.

Whilst it could be argued that the matter was hair splitting on the part of the Council the majority of Members felt that it was inappropriate in all the circumstances for the Assembly to request their attendance in the Chamber and that it should not be agreed to.

Five Government Members and one Independent Member thought fit to attend in the Assembly Chamber.

The budget speech was delivered on Thursday 24 May 2001.

The Council's usual 'take note' debate followed the Tabling of all the budget documents by the Treasurer. This debate has the effect of enabling a 'simultaneous' second reading debate on the budget in both Houses. Following the Estimates Committees consideration of the detail of the budget it passed the Assembly on 13 June 2001 and the Legislative Council on 20 June 2001.

3.0 THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

3.1 MISSION - ITS BASIC PURPOSE

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 including:

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

Administrative and support services including:

- 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 including:

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

3.2 OBJECTIVES AND DESCRIPTION

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.

3.3 PURSUIT OF OBJECTIVES

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

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

3.4 MAJOR DOCUMENTS PRODUCED

-
- **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.
 - **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.

3.5 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 1910
- 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

3.6 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

3.7 DELIVERY AND EFFECTIVENESS INDICATORS - A QUALITATIVE ASSESSMENT

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.

3.8 PERFORMANCE INFORMATION – LEGISLATIVE COUNCIL SUPPORT SERVICES

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

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 of the Council'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 Members 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 49 days during the Second Session of the Forty-Fourth Parliament from 1 July 2000 up to 30 June 2001 with a total sitting time of 316 hours.

The number of Bills which were presented for the Royal Assent during the period 1 July 2000 up to 30 June 2001 totalled 109.

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 of the Council 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 2000 presented to the Parliament the Council's Annual Report. As required by law that Report contained the Council's duly audited Financial Statements.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2001 form part of this Annual Report.

3.9 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 up to 30 June 2001
Sitting Days	63	16	57	67
Hours of Sitting	406	60	299	435
Bills Amended	17	3	22	26
Bills Passed	89	31	126	149
Questions on Notice	16	3	49	115
Petitions	5	-	4	3
Substantive Motions	12	9	18	21
Urgency Motions	2	1	2	-
Divisions	53	-	4	29
Ministerial Statements	4	-	1	1
Motions for the Disallowance of Regulations	1	-	1	1

Passage of Bills

Bills	1997	1998	1999	2000-2001 up to 30 June 2001
Introduced	110	44	134	162
Lapsed	17	12	7	-
Negatived at Second Reading	4	1	-	1
Passed	89	31	126	149
Without Amendment	79	30	104	123
With Amendment	10	1	22	26
Number of Amendments	133	5	117	116

3.10 SUMMARY OF FINANCIAL OUTCOMES

The total expenditure by the Legislative Council from the Consolidated Fund for the year ending on 30 June 2001 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 budgeted amount for the Council's two Output Groups was not exceeded. Additional funding was provided during the financial year to enable the continued provision of agreed levels of support to Members.

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

3.11 CAPITAL INVESTMENT PROGRAM – ESSENTIAL MAINTENANCE

Carpet Acquisition

During the financial year funding was sought and provided to the Department via the Capital Investment Program – Essential Maintenance Fund.

The project bid submitted and approved enabled the acquisition of new design carpet approved by the President to complement restoration and refurbishment work to the historic core areas of the Parliament House building incorporating restoration of historic core areas in the Legislative Council.

The supply only by Tascot Templeton Carpets of new approved design carpet is principally for the public areas of the Legislative Council.

The Parliament's detailed Strategic Asset Management plan identifies the medium to long term strategic directions and priorities for the ongoing development and maintenance of the whole Parliament building complex. The plan identifies in considerable detail the strategies for capital investment and maintenance works over an extended period of time with a particular emphasis on restoration and refurbishment of the heritage building asset.

Replacement of floor coverings is a matter not provided for in the Plan. It was the Council's desire to have the carpet replacement project considered as part of the Capital Investment Program – Essential Maintenance Program rather than as a Capital Investment Program budget initiative for a future budget year as it complemented the heritage asset restoration work undertaken in the Legislative Council's jurisdiction. The Parliament's recurrent budget will continue to be utilised on a rolling basis to fund the installation of the carpet to the public and other designated areas in the Council.

The installation of new design carpet throughout the Council will, over time, dramatically enhance the overall Parliament building asset as a significant part of Tasmania's heritage and is complementary to the very considerable restoration effort undertaken to date.

3.12 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 2001.

3.13 RISK MANAGEMENT

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

Parliament House is yet to fully develop a comprehensive risk management program. However, 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 is now being undertaken by a single contractor responsible for all building elements in the complex which greatly improves 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.

In terms of the Parliament's computer network 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.

4.0 DEPARTMENT STAFF

4.1 STAFFING INFORMATION

The officers of the Legislative Council are appointed by the President pursuant to the provisions of the *Parliamentary Privilege Act 1898* as amended.

New Staff Industrial Agreement

In accordance with the provisions of the *Industrial Relations Act 1984* the new Legislative Council Staff Industrial Agreement having been agreed to by the parties (ie the President and the Community and Public Sector Union) was filed with the Tasmanian Industrial Commission during the present calendar year.

A hearing was held and the Commissioner having considered the submissions of the parties to the Agreement and having determined that the Agreement was not contrary to the general public interest requirements of Section 36 of the Industrial Relations Act, approved the Agreement.

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* as amended.

The new Agreement contains within it the flow-on provisions of the most recently agreed State Service Wages Agreement.

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 Legislative Council Staff Industrial Agreement is effective from 1 February 2001 and expires on 31 July 2003.

A list of Departmental officers as at 30 June 2001 can be found at Table 2 of this Report.

4.2 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 2001)
RBF defined benefit scheme	15.6
Tasmanian Accumulation Scheme (TAS)	2
Other complying superannuation schemes	Nil
Total	17.6

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 2001.

4.3 PERSONAL ASSISTANT SUPPORT

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

With the recent election win on 5 May of Ms Allison Ritchie in the Division of Pembroke, it was agreed between the President and the Leader of the Government in the Council to make provision so as to accommodate all Government Members in close proximity to each other in the 10 Murray Street annex of the Council.

The result has been some shifting of other Independent Members to other offices. In addition, 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 the Department of Premier and Cabinet.

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

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

The level of personal assistant support for all Members who do not hold appointed positions is 0.6 FTE per Member.

4.4 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 2001 two of the Council's permanent officers were undertaking part-time study at University and TAFE level.

During the financial year other staff attended selected courses.

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.

4.5 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.

4.6 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.

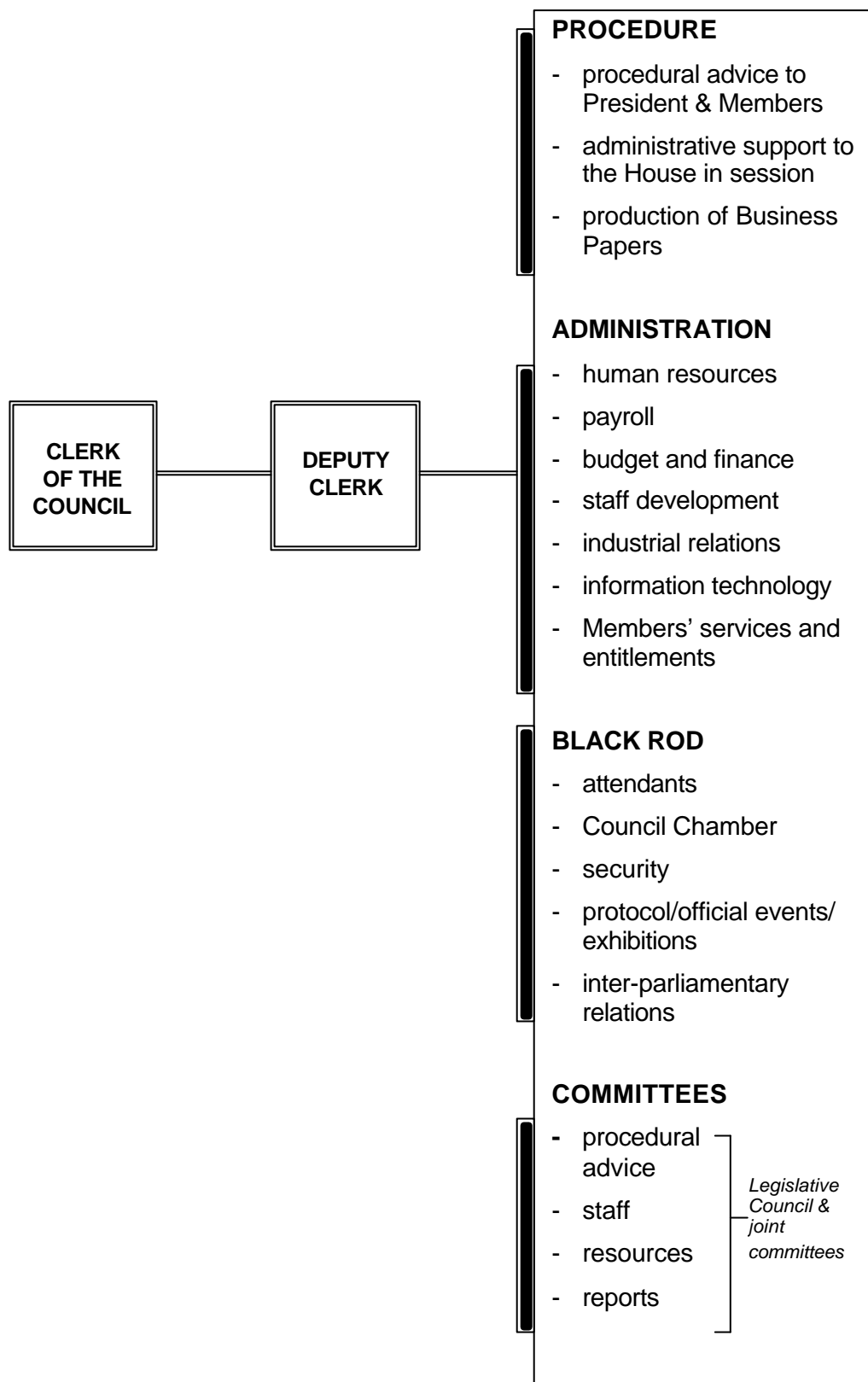
As a consequence work has been done to address the areas identified.

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 are being addressed.

4.7 LEGISLATIVE COUNCIL ORGANIZATIONAL CHART



A list of staff of the Legislative Council appear at Table 2.

5.0 OUTPUTS

5.1 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 Group 2:

PAYMENTS ADMINISTERED BY THE LEGISLATIVE COUNCIL

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

5.2 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;
- 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;
- quality and timely research and information to Members;
- 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.

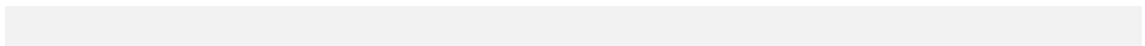
Output Group 2:

PAYMENTS ADMINISTERED BY THE LEGISLATIVE COUNCIL

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—

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



6.0 COMMITTEES

6.1 AN 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 whole 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 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.

As previously noted in this Report two new Joint Standing Committees were established by Resolution of both Houses in December 2000 for a two-year trial period. These Joint Standing Committees are known as the Community Development Committee and the Environment, Resources and Development Committee. Refer to Part 2.2 of this Report for the composition, jurisdiction and terms of reference of these two new Standing Committees.

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.

6.2 JOINT STANDING COMMITTEE ON ENVIRONMENT, RESOURCES AND DEVELOPMENT ADMINISTERED BY THE LEGISLATIVE COUNCIL

Since its establishment the Committee has met on three occasions to 30 June 2001. To this point there have been no references made from either House to the Committee for their inquiry and report.

The Committee of its own Motion has however resolved to inquire into and report upon the use of natural gas in Tasmania as an alternative vehicle fuel and as an alternative fuel source for residential and commercial buildings.

The Committee's Terms of Reference for this inquiry are as follows:—

To inquire into and report upon the use of natural gas in Tasmania –

- (1) in the form of Compressed Natural Gas (CNG) as a vehicle fuel, with particular reference to –
 - (a) the economic, employment, public health and environmental benefits to Tasmania of the use of CNG as a motor vehicle fuel;
 - (b) the infrastructure requirements (including funding options), such as refuelling stations, that would be necessary to support the establishment of a CNG vehicle fleet in Tasmania for:
 - large vehicles such as buses and trucks; and
 - smaller vehicles;
 - (c) the barriers to the conversion of vehicles in Tasmania to CNG.
 - (d) options for funding the conversion of petrol and diesel vehicles in Tasmania to CNG;
 - (e) options for encouraging owners of existing petrol and diesel fuelled vehicles, particularly buses and trucks, to convert to CNG;
 - (f) options for promoting an increased public awareness of the benefits of using CNG as an alternative vehicle fuel; and
- (2) as an alternative fuel source for residential and commercial buildings, with particular reference to –
 - (a) options (including funding) for the conversion of residential and commercial buildings to natural gas; and
 - (b) options for promoting increased public awareness of the benefits of using natural gas as an alternative energy source in domestic and commercial buildings; and
- (3) other matters incidental thereto.

6.3 JOINT STANDING COMMITTEE – COMMUNITY DEVELOPMENT ADMINISTERED BY THE HOUSE OF ASSEMBLY

The scope of the Community Development Joint Standing Committee covers the following:—

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

References can be made to the Committee by:—

Resolution of either House; or
A Minister of the Crown; or
The Committee's own motion (including public submissions)

On 26 June 2001 a Motion was proposed by the Member for Huon for the establishment of a Legislative Council Select Committee to inquire into the provision of ambulance services in Tasmania.

An amendment was proposed to the Motion by the Leader of the Government, the effect of which was to simply refer the matter including the Terms of Reference as proposed, to the newly established Joint Standing Committee on Community Development.

On Division the amended Motion was agreed to and the reference to the Joint Standing Committee made.

This has been the only reference from the Legislative Council to date to either of the two Joint Standing Committees.

6.4 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. However, a committee may, 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.

6.5 WORK OF JOINT SELECT AND SELECT COMMITTEES

Joint Select Committee on the Working Arrangements of the Parliament

The Committee was established by order of the House of Assembly and Legislative Council on 7 October 1998.

The membership of the Committee as at 1 July 2000 was Mr Michael Aird MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Paul Lennon MHA, Mr Peter Patmore MHA and Mr Ray Groom MHA.

During the financial year 2000-2001 the Committee met on four occasions.

The Committee Tabled Report No. 7 on a New Parliamentary Committee System on 23 November 2000.

Select Committee on Post School Options for Young Adults with Disabilities

The Committee was established by Order of the Legislative Council on 23 November 1999. It was disbanded due to prorogation on 21 March 2000 and re-established on 30 March 2000.

The membership of the Committee as at 1 July 2000 was Mr Geoff Squibb (Chair), Mr John Loone, Ms Lin Thorp, Mrs Silvia Smith and Mr Tony Fletcher.

The Committee met on six occasions in the year 2000-2001, with one involving public hearings. Twenty-two written submissions were received and verbal evidence was given by 22 witnesses in Tasmania.

The Committee presented its Report to the Legislative Council on 30 November 2000.

Select Committee on Bass Strait Air Transport

The Committee was established by Order of the Legislative Council on 20 March 2001.

The membership of the Committee as at 30 June 2001 was Mr Don Wing (Chair), Mr Paul Harriss and Mrs Sue Smith.

The Committee met on eight occasions to 30 June 2001, four involving public hearings. Forty-two written submissions were received and verbal evidence was given by 19 witnesses during 2000-2001.

6.6 RESPONSE TO SELECT COMMITTEE REPORT

The Legislative Council Select Committee report dealing with the matter of Post School Options for Young Adults with Disabilities was the only report presented to the Council during the period covered by this Report. The Select Committee report was Tabled on 30 November 2000.

In accordance with an agreement between the Legislative Council and the Government a response to the Committee's report from the Government was presented to the Council and Tabled on 31 May 2001.

6.7 ESTIMATES COMMITTEES

The Legislative Council again agreed to the establishment of Estimates Committees to examine and report upon the proposed expenditures contained in the *Consolidated Fund Appropriation Bill 2001*, 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 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 2001-02; Operations of Government Departments Volumes 1 and 2 2001-02; Budget Speech 2001-02; and the Consolidated Fund Appropriation Bill 2001-02 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 15 June 2001.
Sitting Times	<p>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 –</p> <ul style="list-style-type: none">(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 suspended 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	<ul style="list-style-type: none">(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 Committee 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:—<ul style="list-style-type: none">(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.

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- (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.
- (3) The remaining provisions of Membership previously agreed by the Council on 5 November 1998 continue to apply.
- Open Hearings Proceedings of an Estimates Committee Hansard**
- (1) 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. [The Council extended the provision of 5 November 1998 concerning 'open hearings' to provide for the taking of evidence in camera by adding the words 'unless otherwise ordered'.
- (2) That the Committee are authorised to hold meetings by electronic communication without the Members of the Committee being present in one place.
- Committee Timetable**
- That the following schedule be adopted as the Estimates Committees timetable:

Date	Committee	Minister	Portfolios
Monday 4 June 2001			
9.30 am – 12.30 pm	A (Room 1)	Hon Judy Jackson MHA	Minister for Health and Human Services
2.00 pm – 5.00 pm	A (Room 1)	Hon Judy Jackson MHA	Minister for Health and Human Services
9.30 am – 12.30 pm	B (Chamber)	Hon D M Crean MLC	Treasurer Minister for Finance
2.00 pm – 5.00 pm	B (Chamber)	Hon D M Crean MLC	Treasurer Minister for Finance
Tuesday, 5 June 2001			
9.30 am – 12.30 pm	A (Room 1)	Hon J A Bacon MHA	Premier Minister for State Development
2.00 pm – 5.00 pm	A (Room 1)	Hon J A Bacon MHA	Premier Minister for State Development
9.30 am – 12.30 pm	B (Chamber)	Hon D E Llewellyn MHA	Minister for Primary Industries, Water and Environment and Minister for Police
2.00 pm – 5.00 pm	B (Chamber)	Hon D E Llewellyn MHA	Minister for Primary Industries, Water and Environment and Minister for Police
Wednesday, 6 June 2001			
9.30 am – 12.30 pm	A (Room 1)	Hon P C Wriedt MHA	Minister for Education
2.00 pm – 5.00 pm	A (Room 1)	Hon P C Wriedt MHA	Minister for Education
Thursday, 7 June 2001			
9.30 am – 12.30 am	B (Chamber)	Hon P A Lennon MHA	Deputy Premier, Minister for Infrastructure, Energy and Resources, Minister for Racing and Gaming
2.00 pm – 5.00 pm	B (Chamber)	Hon P A Lennon MHA	Deputy Premier, Minister for Infrastructure, Energy and Resources, Minister for Racing and Gaming
Friday, 8 June 2000			
9.30 am – 12.30 pm	B (Chamber)	Hon P J Patmore MHA	Attorney-General Minister for Justice and Industrial Relations
2.00 pm – 5.00 pm	B (Chamber)	Hon P J Patmore MHA	Attorney-General Minister for Justice and Industrial Relations

6.8 GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEES

On Thursday, 5 December 2000 two Government Business Enterprises and Government Corporations Scrutiny Committee be established, with leave to sit on 20 and 21 February 2001 between the hours of 9.00 a.m. and 5.00 p.m. to inquire into selected Government Business Enterprises and Government Corporations (GBEs and GCs).

Not all GBEs and GCs are scrutinized by the Committees of the two Houses. A rotational system applies between the Committees. Members of the Council's Committees are given an opportunity to indicate preferences which are then considered before a final allocation proposal is moved by the Leader of the Government in the Council.

The Resolution establishing the Committee prescribed the rules and examination schedule and is reproduced as follows:—

For 2001 the following Government Business Enterprises and Government Corporations are allocated to the Committees as detailed below —

Tuesday, 20 February 2001	Committee A - Metro Tasmania Pty Ltd, Motor Accidents Insurance Board, TT Line Company Pty Ltd.
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Wednesday, 21 February 2001	Committee B - Civil Construction Corporation, Forestry Tasmania, Hydro Tasmania.
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MEMBERSHIP OF THE COMMITTEE —

- (1) Committee A shall consist of six Members and Committee B shall consist of five Members appointed by the Council.
- (2) During sittings, substitute Members may be allowed at the discretion of the Chair.
- (3) If a vacancy occurs in the membership of a Committee, the President may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the Council.
- (4) A Committee may proceed with business despite a vacancy in its membership.
- (5) The Chair of a Committee has a deliberative vote only.
- (6) The quorum of a Committee is three of whom one is the Chair of the Committee or Deputy Chair.

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- (7) If at any time a quorum is not present the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
 - (8) Any time lost for lack of a quorum shall be added to the time allocated to that session.
 - (9) Members of the Council who have not been appointed as Members of a Committee, may participate in proceedings by asking questions at the discretion of the Chair; but may not vote, move any motion or be counted for the purposes of a quorum.
 - (10) A responsible Minister and Chairperson of the Board of a GBE or GC shall be examined before a Committee for a maximum period of four hours.

SITTING TIMES

- (1) Each Committee meets only in accordance with the time-table adopted by the Council or as varied by the Chair.
- (2) A one-hour period shall be provided each day at the discretion of the Chair for the purpose of a luncheon break.
- (3) Each Committee may sit only when the Council is not sitting.

HEARINGS

All hearings of each Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard *in camera*. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the Council and the Council resolves that the information be made public.

PROCEEDINGS OF A GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEE.

- (1) When the activities of a GBE or GC are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.
- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GBE or GC.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GBE or GC in the provision of factual information.

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- (5) Officers may answer questions at the request of the Minister but shall not be required to comment on policy matters.
 - (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
 - (7) The ratio of questions to be asked may be in such form as the Committee determines.
 - (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
 - (9) Additional information may be provided to a Committee about an answer given.
 - (10) Additional information —
 - (a) is to be written;
 - (b) given by a time decided by a Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the Council by the Committee.
 - (11) If any Member persistently disrupts the business of a Committee, the Chair -
 - (a) names the Member;
 - (b) if the Member named is a Member of the Committee, suspends the sittings of the Committee until he or she has reported the offence to the President;

as soon as practicable, the Chair advises the President who then gives notice that the Member of the Committee be replaced; and
 - (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the President;
 - (12) If any objection is taken to a ruling or decision of the Chair,
 - (a) the objection must be taken at once and stated in writing;
 - (b) the Chair, as soon as practicable, advises the President who makes a ruling on the matter; and
 - (c) the Committee may continue to meet but may not further examine the matter then under consideration.

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- (13) Television coverage will be allowed subject to -
- (a) the foregoing provisions contained under “Hearings”; and
 - (b) the same guidelines that apply to televising of the Legislative Council.

TRANSCRIPT

An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

Evidence taken *in camera* shall be printed on coloured paper and shall only be circulated to the Committee Members and shall not be divulged in any way to any other person.

REPORTS OF COMMITTEES

A Report of each Committee is to be brought up by the Chair or the Deputy Chair to the Council and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

And that the Legislative Council give leave to the Treasurer to attend any similar Committee established by the House of Assembly if requested by that Committee should it examine GBEs or GCs within the area of the Treasurer's portfolio responsibilities.

The following Members were appointed to serve on the said Committees:—

Committee A

Mrs Edwards
Mrs Silvia Smith
Mr Squibb
Ms Thorp
Mr Wilkinson, and
Mr Wing

Committee B

Mr Fletcher
Mr Harriss
Mr Loone
Mr Rattray, and
Mrs Sue Smith

The Reports of the Committees were Tabled on 29 March 2001.

The Committees determined their objectives generally to be making an assessment of the following aspects of the GBE's and GC's operations:—

- return on equity
- the quality and robustness 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

As information publicly available in annual reports was deemed to be inadequate to meet the Committees' goals and as the Committees wished to move beyond the accepted practice of having a discussion with the Minister and his advisers in the hope of gaining sufficient information to report to the Council it was this year decided to meet with and seek input from peak bodies and other individuals who claimed an interest in the outputs of the GBE's and GC's. It was also determined that the Committees would attempt to deal with classified information (ie: secret or commercial in confidence detail) 'in camera' if that was required to assist the making of judgements by the Committees. Whilst there were time constraints the new direction was successful.

The Committees felt better informed and more able to meet the tasks given it by the House and further refined in its goals as stated.

7.0 PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE

7.1 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.

7.2 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 \$1,000,000. 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. Public works estimated to cost less than \$1,000,000 may, by Resolution of the Parliament, also be referred to the Committee.

7.3 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.

Committee Membership

Legislative Council

Mr Parkinson
Mrs Sue Smith
Mr Squibb (Chairman)

House of Assembly

Mr K Bacon
Mr Best
Mr M Smith

TABLE 1 MEMBERS OF THE LEGISLATIVE COUNCIL <i>(as at 30 June 2001)</i>
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MEMBER	ELECTORATE DIVISION	PARTY
Aird , Michael Anthony <i>Leader of the Government</i>	Derwent	ALP
Bailey , Raymond Frederick <i>President</i>	Rosevears	Ind.
Crean , Dr David Mackenzie <i>Treasurer and Minister for Finance</i>	Elwick	ALP
Fletcher , Anthony William	Murchison	Ind.
Hall , Gregory Raymond	Rowallan	Ind.
Harriss , Andrew <u>Paul</u>	Huon	Ind.
Parkinson , Douglas John	Wellington	ALP
Ratray , Colin Lewis	Apsley	Ind.
Ritchie , Allison Maree	Pembroke	Ind.
Smith , Silvia Joy <i>Third Deputy Chair of Committees</i>	Windermere	Ind.
Smith , Susan Lynette	Montgomery	Ind.
Squibb , Geoffrey Bruce <i>Second Deputy Chair of Committees</i>	Mersey	Ind.
Thorp , Lin Estelle	Rumney	ALP
Wilkinson , James Scott <i>Deputy Chair of Committees</i>	Nelson	Ind.
Wing , Donald George <i>LL.B. - Chair of Committees</i>	Paterson	Ind.

<p>TABLE 2</p> <p>STAFF OF THE LEGISLATIVE COUNCIL</p> <p><i>as at 30 June 2001:</i></p>
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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
Executive Assistant to Members [Henty House]	-	Mrs Tasma J. Howell
Assistants to Members	-	Mrs Sandra L. Phillips Mrs Jill R. Mann Miss Julie Thompson Mrs Leanne Holland
Secretary to Members [Henty House]	-	Mrs Suzanne J. Carracher
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

FTE's – 17.6

8.0 FINANCIAL REPORT

Financial Report of the Legislative Council for the period ending on 30 June 2001 including the Independent Audit Report.