
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:

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

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

COUNCIL ELECTIONS

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

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

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

DISCLOSURE OF INTERESTS

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

The Act requires that Members disclose details of—

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

THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

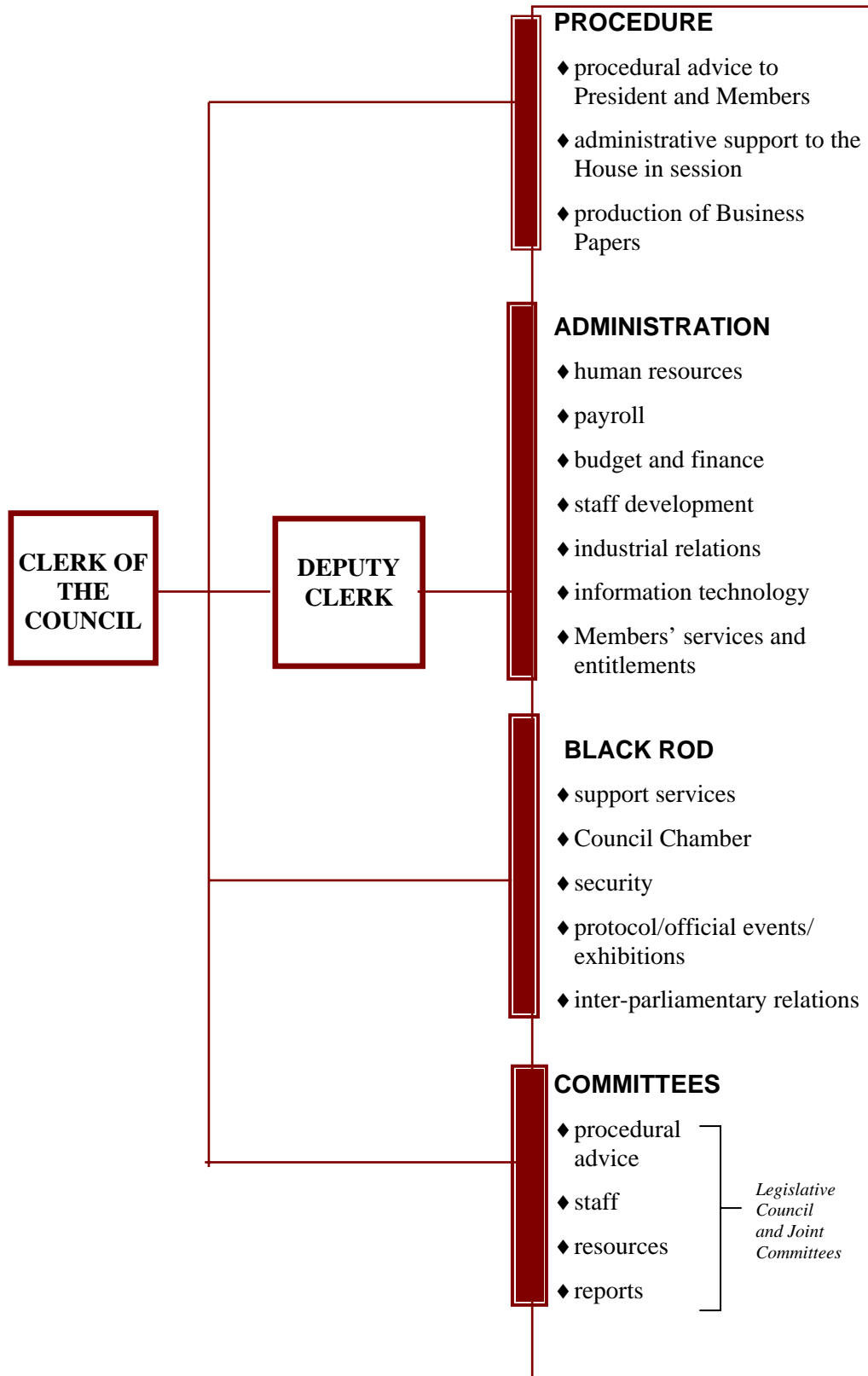
VISION

To be an efficient and responsive House administration.

GOALS

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

ORGANISATIONAL CHART



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

PURPOSE

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

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

There are three principal program areas of the Department.

Advisory and procedural services

These include:

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

Administrative and support services

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

Corporate management

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

OBJECTIVES

The major objectives and responsibilities are to:—

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

PURSUIT OF OBJECTIVES

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

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

MAJOR DOCUMENTS

- ◆ **Annual Report** - The annual report on the operations of the Legislative Council is compiled and presented to the both Houses of Parliament pursuant to the Financial Management and Audit Act 1990.
- ◆ **Committee Reports** - Reports presented by committees and published as parliamentary papers.
- ◆ **Votes and Proceedings** - An official record of the proceedings of the Legislative Council being the Journals of the House. The Votes and Proceedings are produced 'in-house' and are published for each day's sitting.
- ◆ **Notices of Question, Motion and Orders of the Day** - An official list of all business before the Council in the order in which it is proposed to be dealt with. The 'Notice Paper' is produced 'in-house' and is published for each day's sitting.
- ◆ **Index to the Votes and Proceedings** - This index is also incorporated and printed in final form in the bound volumes of the Votes and Proceedings.
- ◆ **The Legislative Council Brochure** - An information and souvenir booklet providing a brief history and other relevant procedural information for visitors to the Council.
- ◆ **List of Members** - A list of Council Members and senior officers in alphabetical order, detailing electoral division, party, postal address and phone and facsimile numbers.
- ◆ **Standing Orders of the Legislative Council** - The standing rules and orders of procedure for the operation of the Council and its committees. As a consequence of a complete examination and review the new and revised Standing Orders were agreed by His Excellency the Governor on 6 January 2005.
- ◆ **Rulings and Opinions of Presiding Officers of the Legislative Council 1856-2003** - A comprehensive index, by individual headings, of rulings and opinions of Legislative Council Presiding Officers.
- ◆ **Legislative Council Members Handbook** - A guide on procedures and entitlements prepared by the Clerk of the Council, for use by Members and their staff.
- ◆ **Parliament of Tasmania: A Brief Guide for Visitors** - prepared by the Joint Presiding Officers for the information of visitors to both Houses.
- ◆ **Guidelines for Select and Standing Committees** - Guidelines on the powers, functions and procedures of Legislative Council Select and Standing Committees.
- ◆ **Briefing Notes on the Budget Estimates** - a key budgetary document which presents detail of the Council's principal expenditure areas. Budget briefing notes are utilised by the Premier during the consideration of the Council's expenditure estimates by budget estimate committees of both Houses.

STATUTES AFFECTING LEGISLATIVE COUNCIL STANDING ORDER PROVISIONS

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

- ◆ Constitution Act 1934
- ◆ Electoral Act 2004
- ◆ Parliamentary Privilege Act 1858, 1885, 1898, 1957
- ◆ Parliament House Act 1962
- ◆ Defamation Act 1957
- ◆ Evidence Act 2001
- ◆ Acts Custody Act 1858
- ◆ Acts Enumeration Act 1947
- ◆ Acts Interpretation Act 1931
- ◆ Subordinate Legislation Committee Act 1969
- ◆ Public Works Committee Act 1914
- ◆ Public Accounts Committee Act 1970

ASSET MANAGEMENT

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

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

DELIVERY OF SERVICES

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

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

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

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

PERFORMANCE INFORMATION

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

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

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

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

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

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

Procedural Support and Advice

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

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

Personal Assistant Support to Members

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

Chamber Activity

The Second Session of the Forty-Fifth Parliament commenced on Wednesday, 7 April 2004. The Session continued on from 1 July 2004, with the first sitting day for the reporting period being Friday, 27 August 2004. From that time to 30 June 2005 the Legislative Council sat on 41 days.

The number of Bills which were presented for the Royal Assent during the period 1 July 2004 to 30 June 2005 totalled 83.

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 2004 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 2004.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2005 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 2005 was within the budget approved by the Parliament with additional funds (RAF) being approved from the Treasurer's Reserve to meet additional expenditure associated with the Legislative Council's Committee activity to 30 June 2005. The amount of the additional funding totalled \$20,000. 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 not exceeded.

SUPPORT FOR LOCAL BUSINESS

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

No tenders were called, or contracts awarded, with a value greater than \$50,000 during the financial year ending on 30 June 2005.

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 2005.

RISK MANAGEMENT

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

Risks relating to the building complex are being progressively identified.

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

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

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

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

The documented procedures contained in the Plan have been tested.

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

E-PETITIONS

On Tuesday 19 October the House noted Report No. 12 of the Joint Select Committee on the Working Arrangements of the Parliament concerning E-Petitions. The Report recommended that an E-Petitions process be introduced into the Legislative Council. The Queensland E-Petition model was the preferred model for use.

The House agreed to the recommendation subject to certain Rules. These Rules had been previously considered by the Standing Orders Committee and agreed on 7 September 2004. The House also agreed to the Rules Nos. 1 to 17 and resolved that the said Rules be made Sessional Orders of the House on a trial basis for a period of 12 months.

NEW STANDING ORDERS

The comprehensive review and trial of the Standing Orders of the Legislative Council concluded on Tuesday 19 October with the House agreeing to the final recommendations of the Standing Orders Committee in their further report on the Review of Standing Orders. The recommendations agreed by the House were as follows:

- (1) That the amendments effected during the trial period from 4th September 2003 to 7th September 2004 be agreed to.
- (2) That the proposed Standing Orders having undergone a twelve month trial, be now agreed to and that they be formally adopted by the Legislative Council.
- (3) That following approval by the Council the Standing Orders be submitted for the approval of His Excellency the Governor in accordance with Section 17 of the *Constitution Act 1934*.

The Governor subsequently approved the Standing Orders on 6 January 2005.

The changes to the Council's Standing Orders are the most significant since 21 April 1857 when the House approved, in Parliamentary Paper No. 19 of 1856, the first set of Standing Orders for the Upper House of Tasmania's newly established bicameral Parliament.

One hundred years later on 14 March 1956 following a review lasting some two and a half years the Council's Standing Orders Committee completed a major review, at which time 51 of the then 399 Standing Orders were amended and 18 additional Standing Orders were inserted. [Parliamentary Paper No. 23 of 1956 refers]

The Council's Standing Orders next comprehensive review took place in 1987 when 11 Standing Orders were added and eight rescinded. The opportunity was taken at that time to re-format with a three-ring spring back A5 six loose-leaf volume in lieu of the hard-back version along with a more user friendly index.

The latest review deleted 74 Standing Orders, amended a further 98 and added 44 new Standing Orders.

Of considerable importance was the incorporation into the new Standing Orders of procedures recommended over some time by the Joint Select Committee of both Houses whose role has and continues to be the examination of the working arrangements of both Houses.

As a consequence of that Committee's work the new Legislative Council Standing Orders contain provisions relating to:

- ◆ Estimates Committees;
- ◆ Government Businesses Scrutiny Committees;
- ◆ Citizens' Right of Reply; and
- ◆ Certain other refinements as they relate to Committee procedures.

In addition other Sessional Orders which were previously in use have also been incorporated into the new Standing Orders. These relate to:

- ◆ Petitions and their communication to the Premier
- ◆ Proposing Questions on Amendments
- ◆ Special Interest Matters
- ◆ Premier's State of the State Address; and
- ◆ Televising and radio broadcasting of proceedings

The new and revised Standing Orders have brought about increased efficiency in the conduct of business both in the House and in its Committees.

The only Sessional Orders remaining are those which deal with E-Petitions and these are subject to a trial period.

'TAKE NOTE' MOTIONS - REPORTS

The following Reports Tabled in the House were considered by way of 'take-note' Motions —

- ◆ Joint Standing Committee on Community Development – Report on Ambulance Services in Tasmania.
- ◆ Annual Report of the Minerals Council of Tasmania.
- ◆ Joint Standing Committee of Public Accounts – Report on the Hobart International Airport and Report on the Purchase of Fibre Optic Cable.

GOVERNOR OF TASMANIA AMENDMENT BILL (ACT NO. 25 OF 2004) AND THE JIM BACON FOUNDATION BILL (ACT NO. 70 OF 2004)

The passage of two Bills is noted in this Report for different reasons, one in view of the controversy which surrounded the resignation and departure from office of the former Governor of Tasmania and the other in view of the contribution and legacy of the late former Premier of Tasmania, Jim Bacon.

The Governor of Tasmania Amendment Bill was received from the House of Assembly and considered by the Council in September 2004. The purpose of the Bill was to amend the Governor of Tasmania Act 1982 to adjust the salary payable to the Governor of Tasmania.

The Act was previously amended back in 2003 following amendments made by the Commonwealth Government to the Governor-General Legislation Amendment Act 2001 which removed the income tax exemptions for vice-regal representatives across Australia. There was full support back at that time for that change which increased the level of the Governor's salary to cover the requirement to pay income tax. The salary level was set at 126 per cent of that paid to Tasmania's Chief Justice. This maintained the status quo – the Governor's net salary at that time was not increased.

The Amendment Bill came after the departure from office of the former Governor of Tasmania, Richard Butler. The Bill provided that the salary level paid to future Governors of Tasmania should be set at 90 per cent of that paid to Tasmania's Chief Justice. It was put that in setting the new level it was important not to diminish the significance of the office while at the same time better reflecting a salary that is supportable in the Tasmanian context.

The rate of 90 per cent of the Chief Justice's salary is equivalent to the rate that a Supreme Court Judge is paid in Tasmania.

Transitional provisions in the Commonwealth's Governor-General Legislation Amendment Act 2001 provided that the new tax arrangements only take effect when a new appointment is made. Therefore, some State Governors are currently subject to income tax and others not.

The Bill was seen as an opportunity prior to the appointment of Tasmania's new Governor to deal with an anomaly with regard to the rate of salary paid to Tasmania's Governor which was higher than most other jurisdictions.

A Motion to adjourn the second reading debate was negatived. Robust debate ensued concerning the rationale used to equate the position of Governor with the position of a Supreme Court Judge. The Bill was however read the second time and passed through its remaining stages without amendment on 1 September 2004. It received the Royal Assent on 23 September 2004.

The Jim Bacon Foundation Bill was considered by the Council on 26 November 2004 and passed through all stages that same day. It received the Royal Assent on 17 December 2004.

Following the death of the former Premier, Jim Bacon, it was felt by Government that a Trust or Foundation of some sort should be established in his name to promote and progress some of the issues that he felt strongly about.

The Government's Bill established a Foundation with its primary function of providing financial and other assistance to people who are undergoing treatment for cancer. The Foundation will be able to grant money to individuals and to organizations that provide support for people undergoing treatment.

Members well recognized the support that the proposed Jim Bacon Foundation would bring to so many in the Tasmanian community.

The Foundation will also provide important support to young Tasmanians who are going to be working in areas that were close to former Premier Bacon's heart. Areas such as politics and the Australian political system, music and the visual arts. The Foundation establishes scholarship programs in these areas.

The Jim Bacon Scholarship will provide financial assistance to up to three students each year who are studying either the care and treatment of cancer, visual arts or political science. Each student will receive a \$10,000 scholarship to assist them in their studies. The Tasmanian Government will commit \$30,000 per year to the Foundation to cover the cost of the Jim Bacon Scholarships and provide further financial support to enable the Foundation to operate without the need to direct the funds it raises to administration.

The Council unanimously supported the Bill through all stages.

NOTING OF DEPARTMENT ANNUAL REPORTS

The Financial Management and Audit Act 1990 (FMAA) requires agencies of Government to report to Parliament annually. Prior to an amendment in 2003 the deadline for the Tabling of Reports was 30 November.

In late 2002 and early 2003 several Members expressed concern that the agencies were using all the time available to them and meeting their statutory obligation by Tabling reports on 30 November.

This however did not serve the Parliament well by Tabling reports on the last day in November, which in recent years is very much toward the end of the sitting year.

The matter was considered by Public Accounts Committee after representations from several Members who in-turn engaged the Government in some dialogue on the matter.

The Government agreed that the situation was unreasonable and the FMAA did require amendment to provide for an earlier reporting date. The reporting date was amended and brought forward to the end of October in each year.

Several Members of the Council went as far as suggesting that the Auditor-General's Office ought to be provided with additional resources to enable it to certify the financial statements of agencies even earlier thus enabling agency annual reports to be Tabled by the end of September in each year. This suggestion however did not receive support.

An earlier Tabling date however, effective for the financial year ending 30 June 2004, has provided Members with some additional time to scrutinize agencies activities.

The problem prior to change to the legislation was however, how to engage in some adequate debate in the House with regard the Reports and outcomes contained in them at the very earliest possible time after the end of the financial year.

Budget estimates during May and June in the preceding year indicated what is being budgeted for and what Parliament is asked to appropriate. Prior to the amended provision the next opportunity prior to the 2004 year was the budget estimates process of the following year.

In 2004 there was an opportunity for the earlier consideration of agency outcomes; operational performance and financial performance.

It was argued that Members of Parliament are key stakeholders and information needs to be provided which facilitates their role of challenging and holding accountable those who spend the tax-payers money.

Several reports were noted and during the debate the matter of how best to examine agency reports in the future was raised.

It was suggested that Members as a group need to have further dialogue with Government to see what ways might be explored and what procedures can be developed to improve and enhance the process.

To that end the focus was on how to provide the best opportunity for review of the year immediately past:

- ◆ To measure what the budget papers were saying and what the outcomes reported in annual reports were actually reflecting; and
- ◆ To make judgements about the content of those reports.

The accounting standards stipulate the requirements with regard agency financial reporting but as far as performance reporting is concerned it was considered that Members could well have greater input.

What the Council is seeking to do at this point is to further explore processes and procedures to ensure that the examination of agency annual reports becomes an important part of the Parliamentary and legislative year for Members.

BRIEFING SESSIONS

Briefings provided to Members continue to play an important part in the Legislative review process in the Legislative Council. The following briefings were conducted during the reporting year —

- ◆ Tasmanian Minerals Council
- ◆ Statutory Rules 2003, No. 156, Animal Farming (Registration) Amendment Regulations 2003
- ◆ Bob Campbell, Chair of the Tasmania Together Progress Board on Tasmania Together Report No. 3
- ◆ Legal Profession Amendment Bill 2004 (No. 11) – National President of the Law Council of Australia: Government Advisers
- ◆ Public Health Amendment Bill 2004 (No. 56)
- ◆ Government Business Enterprises Amendment Bill 2004 (No. 42)
- ◆ Liquor and Accommodation Amendment (Fees) Bill 2004 (No. 59)
- ◆ Genetically Modified Organisms Control Bill 2004 (No. 9)
- ◆ Department of Education – Essential Learnings for All Initiative
- ◆ Pulp Mill Development in Tasmania
- ◆ Criminal Code Amendment (Consent) Bill 2003 (No. 102)
- ◆ Sullivans Cove Waterfront Authority Bill 2004 (No. 67)
- ◆ Racing Legislation Package of Bills –
 - Racing Regulation Bill 2004 (No. 75)
 - TOTE Tasmania (Racing Regulation) Bill 2004 (No. 76)
 - Racing Regulation (Transitional and Consequential Provisions) Bill 2004 (No. 77)
- ◆ Asbestos Disease Tasmania Inc
- ◆ Royal Volunteer Coastal Patrol
- ◆ AFL Underwriting
- ◆ Notice of Motion No. 5 relating to the Establishment of a Select Committee on the practice of benchmarking by Tasmania Police
- ◆ Notice of Motion No. 6 relating to the Disallowance of Statutory Rules 2004, No. 48, Animal Welfare Regulations 2004

-
- ◆ Family Violence Bill 2004 (No. 87)
 - ◆ Racing Legislation Package of Bills –
Racing Regulation Bill 2004 (No. 75)
 - TOTE Tasmania (Racing Regulation) Bill 2004 (No. 76)
 - Racing Regulation (Transitional and Consequential Provisions) Bill 2004 (No. 77)
 - ◆ Aboriginal Lands Amendment Bill 2004 (No. 69)
 - ◆ State Policies and Projects Amendment Bill 2005 (No. 8)
 - ◆ Local Government Amendment Bill 2005 (No. 1)
 - ◆ Tasmanian Community Forest Agreement
 - ◆ Superannuation
 - ◆ Sex Industry Regulation Bill 2005 (No. 36)
 - ◆ Proposed Ports Merger
 - ◆ Aboriginal Lands Amendment Bill 2005 (No. 39)
 - ◆ Fisheries (Scalefish) Rules 2004 – Rule No. 73 of Statutory Rules 2004, No. 91
 - ◆ Bilateral Agreement on Threatened Non-Forest Vegetation Communities
 - ◆ Building Act 2000 and Building and Plumbing Regulations 2004
 - ◆ Criminal Code Amendment (Child Exploitation) Bill 2005 (No. 37)
 - ◆ Security-Sensitive Dangerous Substances Bill 2005 (No. 40)
 - ◆ Mental Health Amendment Bill 2005 (No. 15)

PERIODIC ELECTIONS 2005

Legislative Council elections were held on Saturday 7 May 2005 for the two seats of Rumney and Murchison. A ballot was not required for the third seat, that of Paterson, where Don Wing was returned unopposed.

The sitting Labor Government Member for Rumney Lin Thorp was returned. There were four candidates with Ms Thorp receiving 50.96 per cent of the primary vote (9,513 votes) being an absolute majority. Her nearest rival received 4,600 votes. It will be Ms Thorp's second term as a Member. In 1999 she defeated a sitting Member after the distribution of preferences.

In the seat of Murchison, the long serving former Member Tony Fletcher retired after 24 years as a Member of the Legislative Council.

The election to fill the seat was contested by five candidates. Two candidates Ruth Forrest and Kevin Hyland received 29 per cent and 26 per cent of the primary vote respectively. After the distribution of preferences Ruth Forrest was elected.

Ms Forrest's success brings the number of women in the 15 Member Legislative Council to six.

ELECTION OF PRESIDENT

On 18 May 2005 Don Wing was returned as President of the Legislative Council. Mr Wing was the only nomination from the floor of the House and was duly declared as President.

The election procedure was held in its entirety in the Legislative Council Chamber. Had there been more than one nomination then a secret ballot would have ensued. Up until this year it had been convention that the ballot process take place in a Committee Room with only the Members, the Clerk and his Deputy present. Subsequent to that informal meeting, the formal process of nomination was followed later on the floor of the House. This year however that procedure was not followed after consideration by all Members.

The *Constitution Act 1934* and Standing Orders provide that the President continue to hold office, if returned at an election, until the next meeting of the House. In the circumstances which prevailed this year, Mr Wing continued to hold the office of President from the election day (7 May 2005) up to Wednesday 18 May 2005 when he was returned as President.

CONDOLENCE MOTIONS

Three significant Motions of Condolence were proposed and unanimously supported during the first part of the 2005 sitting year —

- ◆ Tsunami Disaster of Boxing Day 2004 - where the Motion contained an expression of gratitude to all Tasmanians who had contributed time, money and effort toward relieving the suffering of those affected by the disaster.
- ◆ Deaths of Defence Force Personnel - where nine Australian defence force personnel died in a helicopter crash on the island of Nias, Indonesia, on 2 April 2005 - those personnel were killed in the course of a mercy flight providing assistance relief to the people of the earthquake ravaged island of Nias. One of the victims was Flight-Lieutenant Lynne Rowbottom who was Tasmanian born.
- ◆ The death of Pope John Paul II

As is usual practice the Members expressed their support for each of the Motions by standing in their places and observing a minute's silence.

PRIVATE MEMBER'S BILL - DUTIES AMENDMENT BILL 2005

The Duties Amendment Bill 2005 was introduced by an independent private Member in early April 2005 and was agreed to with the support of the five Government Members in the Council on 13 April. The Bill was agreed to by the House of Assembly on 9 June 2005.

It was the first time since the year 2000 that a private Member's Bill had passed through both Houses.

In the past five years there have been several attempts by private Members to promote Bills through the House, however these had not received the required support. During the same period there have been a couple of Government Bills which have been introduced into the Upper House and have subsequently been agreed to by the Assembly.

The most recent agreed Bill dealt with extending stamp duty relief to first home buyers who purchased land with a view at a future time to constructing a dwelling on that land as a first home. The provisions contained a retrospective component. Prior to the amending Bill the provisions of the Duties Act dealt only with stamp duty relief for those first home buyers buying a house or house and land package.

The Government's 2005/06 Budget Bill package contained funding provision for the relief, including the relief contained in the provisions of the private Member's Bill, to continue into the current budget year up to 30 June 2006. Certainly the correction of what was agreed to be an anomalous situation clearly outweighed matters of administrative complexity and difficulty.

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 previous financial year.

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

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

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

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

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

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

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

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

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

HOUSE COMMITTEE SECRETARY

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

The Assembly's Clerk-Assistant, Mr Shane Donnelly, held the position of Secretary for the 2004 calendar year.

Rotation of the position to an officer in the Legislative Council took place in January 2005. The responsibility for the day to day management of the Legislature-General [Joint House] Department will remain with the Legislative Council's Clerk-Assistant to January 2006.

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 2005)
RBF defined benefit scheme	16
Tasmanian Accumulation Scheme (TAS)	9
Other complying superannuation schemes	1
Total	26

As indicated in the Table there was one Legislative Council employee who was a member of an alternative complying superannuation scheme during the period up to 30 June 2005.

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 2005 one of the Council's officers was undertaking part-time study at TAFE level, however during the financial year other staff attended selected training courses and professional development seminars including attendance at the Australian and New Zealand Association of Clerks at the Table (ANZACATT) Professional Development Seminar. This Seminar was held over a three day period at the New Zealand House of Representatives in Wellington during January 2005. The Seminar was attended by the Deputy Clerk and the Clerk of Committees of the Legislative Council.

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

INDUSTRIAL DEMOCRACY

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

OCCUPATIONAL HEALTH AND SAFETY

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

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

- ◆ assess compliance with the requirements of the Building Code of Australia with regard fire escape;
- ◆ assess compliance with the requirements of the Disability Discrimination Act in reference to the provision of access and facility for the disabled; and
- ◆ assess the performance of mechanical services in the provision of a controlled environment.

These surveys have identified the need to —

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

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

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

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

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

PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE

PUBLIC ACCOUNTS

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

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

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

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

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

PUBLIC WORKS

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

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

SUBORDINATE LEGISLATION

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

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

The Government Printer sends the Committee copies of all regulations as soon as they have been gazetted. Each Local Municipality sends a copy of the new By-Law plus background material.

The Chair and Secretary attended the Ninth Australasian and Pacific Conference on Delegated Legislation and the Sixth Australasian and Pacific Conference on the Scrutiny of Bills and also a meeting of the Working Group which consists of Chairs and Deputy Chairs of each jurisdiction in March of this year.

Interesting topics of discussion at the Conference included —

- ◆ Henry VIII Clauses – in some jurisdictions it was agreed that the Clauses were in order for transitional provisions
- ◆ New South Wales has a panel of 12 consultants who are called on individually to give advice to the Committee. This has been found to be cheaper than having one or two advisers employed by the Parliament
- ◆ The theme of the Conference was Human Rights. Gradually States are introducing Human Rights Acts and Scrutiny Committees will be expected to ensure it is complied with in all primary and subordinate legislation

There were some very interesting Papers presented which had a human rights theme and included —

Dr Helen Watchirs, ACT Human Rights and Discrimination Commissioner
'The ACT Human Rights Act 2004 – a new scrutiny challenge'

Professor John McMillan, Commonwealth and ACT Ombudsman
'Legislative Scrutiny through an Ombudsman's Lens'

Professor Janet Hiebert, Visiting Professor, Dept of Political Studies, Queen's University, Kingston, Ontario
'The UK Committee on Human Rights – An Assessment'

Committee Membership

Legislative Council

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

House of Assembly

Mr Brenton Best
Mr Will Hodgman (Deputy Chair)
Mr Graeme Sturges

COMMITTEES

OVERVIEW

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

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

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

Two Joint Standing Committees were established by Resolution of both Houses in December 2000 and reappointed on 12 March and 27 November 2002 and again on 7 April 2004. These Joint Standing Committees are known as the Community Development Committee and the Environment, Resources and Development Committee. Both Committees were formally established by Resolution of both Houses on 25 November 2004.

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

WORK OF JOINT STANDING COMMITTEES

Joint Standing Committee on Environment, Resources and Development

The Legislative Council administers this Committee. After a four year trial period, the Committee was formally established on 25 November 2004.

The membership of the Committee as at 30 June 2005 was Mr Doug Parkinson MLC (Chair), Mr Greg Hall MLC (Deputy Chair), Mrs Tania Rattray-Wagner MLC, Mr Paul Harriss MLC, Mr David Bartlett MHA, Mr Nick McKim MHA, Mr Jeremy Rockliff MHA and Mr Graeme Sturges MHA.

During the year the Committee met on ten occasions and is currently inquiring into Waste Management in Tasmania. The Committee has received written and verbal evidence in Tasmania and has visited many relevant sites within the State.

Some Members have also met with senior Waste Management officers on the mainland and also inspected several recycling and waste management centres.

It is expected that a report will be Tabled in the near future.

Joint Standing Committee on Community Development

The Joint Standing Committee on Community Development is administered by officers in the House of Assembly Committee Secretariat. The Committee consists of four Members from each House. At 30 June 2005 the Legislative Council was represented on the Committee by Mr Kerry Finch MLC, Ms Allison Ritchie MLC, Ms Lin Thorp MLC and Mr Jim Wilkinson MLC.

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

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

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

SELECT COMMITTEES – AN INVESTIGATORY FUNCTION

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

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

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

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

WORK OF JOINT SELECT AND SELECT COMMITTEES

Joint Select Committee on the Working Arrangements of the Parliament

The membership of the Committee at 30 June 2005 was Mr Michael Aird MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Jim Wilkinson MLC, Mr David Llewellyn MHA, Mrs Judy Jackson MHA, Mrs Sue Napier MHA and Ms Peg Putt MHA.

During the year the Committee Tabled Report No. 13 on Electronic Committee Meetings.

The Committee is currently considering several issues and a further two reports are expected to be Tabled in the near future.

Legislative Council Select Committee on Clyde River Water

The Committee was established by order of the Legislative Council on 26 May 2004.

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

The Committee presented its Final Report to the Legislative Council on 8 October 2004.

ESTIMATES COMMITTEES

The Legislative Council again agreed in the early part of 2005 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 2005-06, 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 13 April 2005 contained the following provisions —

Appointment and Membership	That the Legislative Council establish two Estimates Committees and that each Committee shall consist of 6 members.
----------------------------	---

And that the Members for —

Murchison
Huron
Elwick
Apsley
Rumney, and
Nelson

be of Committee A

And that the Members for —

Windermere
Rosevears
Rowallan
Mersey
Pembroke, and
Montgomery

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 10 June 2005.
Committee Timetable	And that the schedule distributed in the Legislative Council on Wednesday, 13 April 2005 be adopted as the Estimates Committee timetable.

GOVERNMENT BUSINESSES SCRUTINY COMMITTEES

The Legislative Council on 25 November 2004 again established two Government Businesses Scrutiny Committees.

Formal hearings of the Committees took place on Thursday, 3 March and Friday, 4 March 2004 with the following businesses being scrutinised:

- ◆ Metro Tasmania Pty Ltd
- ◆ Aurora Energy Pty Ltd
- ◆ Tasmanian International Velodrome Management Authority
- ◆ Rivers and Water Supply Commission
- ◆ TOTE Tasmania Pty Ltd
- ◆ Motor Accidents Insurance Board
- ◆ Tasmanian Public Finance Corporation
- ◆ Port Arthur Historic Site Management Authority

The Report of Committee “A” was presented to the Legislative Council on 13 April and Committee “B” on 19 May 2005.

APPENDIX A

MEMBERS OF THE LEGISLATIVE COUNCIL

(as at 30 June 2005)

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

APPENDIX B

STAFF OF THE LEGISLATIVE COUNCIL

(as at 30 June 2005)

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

APPENDIX C

SUMMARY OF ACTIVITIES OF THE COUNCIL

	Forty-Third Parliament Third Session 1998	Forty-Fourth Parliament First Session 1998-99	Forty-Fourth Parliament Second Session 2000-01	Forty-Fourth Parliament Third Session 2002	Forty-Fifth Parliament First Session 2002-2003	Forty-Fifth Parliament Second Session up to 30 June 2004	Forty-Fifth Parliament Second Session up to 30 June 2005
Sitting Days	16	57	91	15	55	13	41
Hours of Sitting	60	299	577	109	174	50	144
Bills Amended	3	22	32	5	10	3	13
Bills Passed	31	126	227	29	124	16	85
Questions on Notice	3	49	126	13	50	8	40
Petitions	-	4	6	-	4	-	-
Substantive Motions	9	18	26	13	52	6	41
Urgency Motions	1	2	1	1	-	-	-
Divisions	-	4	39	5	14	1	9
Ministerial Statements	-	1	1	-	8	-	2
Motions for the Disallowance of Regulations	-	1	2	-	-	1	2

APPENDIX D

PASSAGE OF BILLS

Bills	1998	1999	2000-2001	2002 up to 30 June 2002	2002-2003	2003-2004 up to 30 June 2004	2004-2005 up to 30 June 2005
Introduced	44	134	230	36	125	29	89
Lapsed	12	7	1	7	4	-	-
Negated at Second Reading	1	-	2	-	-	-	1
Passed	31	126	227	29	124	16	85
Without Amendment	30	104	195	24	114	13	72
With Amendment	1	22	32	5	10	3	13
Number of Amendments	5	117	142	11	19	3	131

APPENDIX E

OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL

Ambassador of the Philippines Her Excellency Cristina Garcia Ortega <i>(President hosted a lunch at the Launceston Club)</i>	21 July 2004
Mr James Wise Australian High Commissioner to Malaysia <i>(President hosted a lunch at the Launceston Club)</i>	26 August 2004
Hon. John Cowdell President of the Legislative Council Western Australia	12 December 2004

MEETINGS WITH OTHER DIGNITARIES

State Reception - Official Visit of the Crown Prince and Crown Princess of Denmark Wrest Point Casino	11 March 2005
---	---------------

APPENDIX F

FINANCIAL STATEMENTS

Financial Report of the Legislative Council for the period ending on 30 June 2005 including the Independent Audit Report.