



2012

Parliament of Tasmania

# LEGISLATIVE COUNCIL



– Twenty-Third Annual Report to 30 June 2012 –

Presented to both Houses of Parliament pursuant to section 30 of the  
*Financial Management and Audit Act 1990*

# A HOUSE OF REVIEW

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## 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.

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 by a 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 the May-June period in each year.

## DISCLOSURE OF INTERESTS

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

The Act requires that Members disclose details of —

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

# THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

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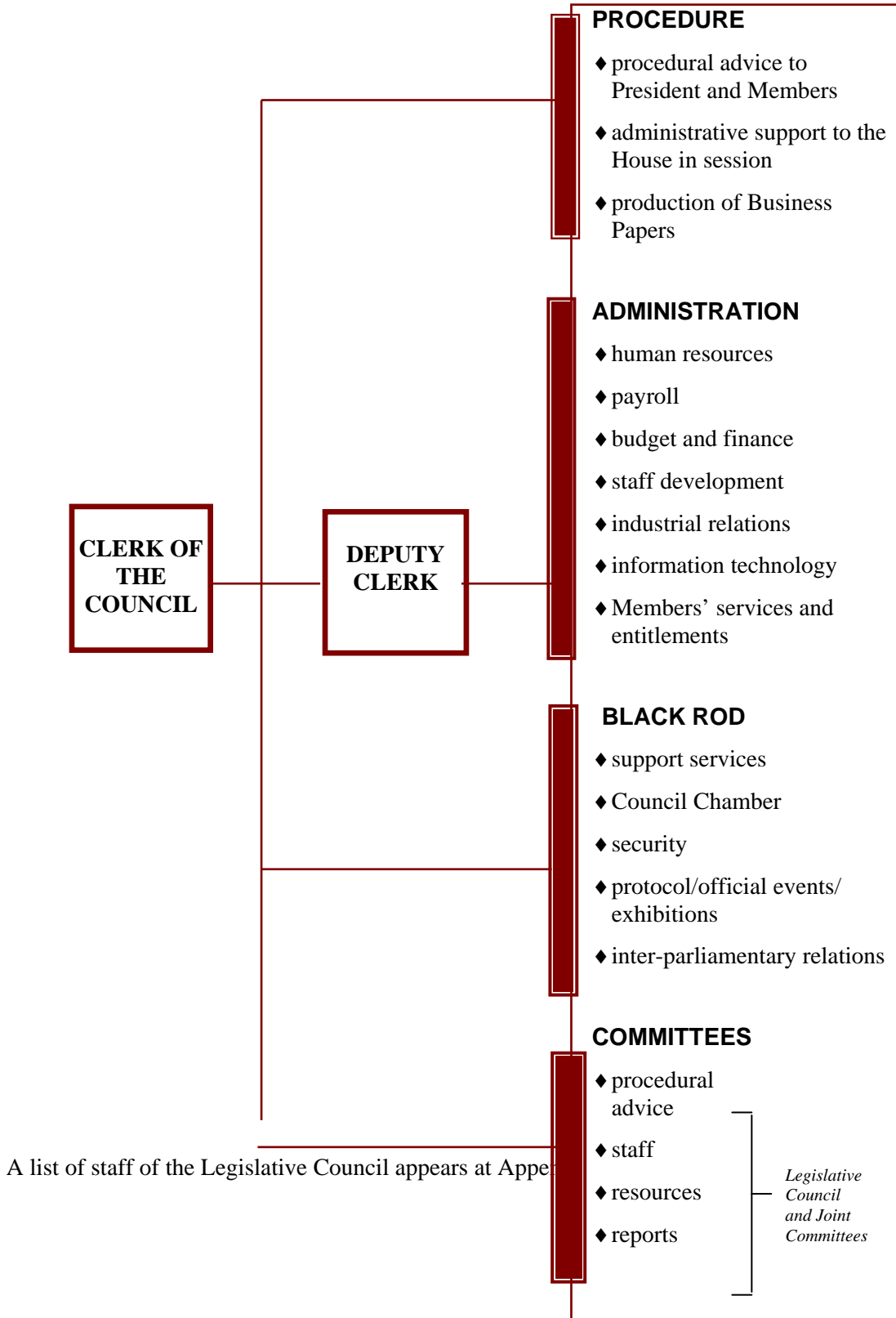
## VISION

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



## **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. Further minor changes to the Standing Orders were approved by His Excellency the Governor on 23 June 2008 and 29 November 2010 respectively.
- ◆ **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 Guide** - 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.
- ◆ **Leaflet** – Making a Submission to a Parliamentary Committee.
- ◆ **Committee Hearings** – Information for Witnesses.
- ◆ **Estimates Committees** – Committee Manual.
- ◆ **Briefing Notes on the Budget Estimates** - a 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 2005
- ◆ Evidence Act 2001
- ◆ Legislation Publication Act 1996
- ◆ 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 Register
- ◆ 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 or by individual committees. 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, Standing and Sessional 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 are provided to all Members of the Council. It is considered essential that Members have access to high quality secretarial and personal support to enable them to adequately discharge their responsibilities. Personal assistant support continues to be assessed on an ongoing basis by the President and Clerk. Funding is available to enable all Members to engage personal assistant support up to one full-time equivalent (FTE).

### **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 2011 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 2011.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2012 form part of this Annual Report.

The appointment during the 2008/09 financial year of a part-time Financial Accountant has provided valuable additional accounting expertise to the Council's operations.

## **SUMMARY OF FINANCIAL OUTCOMES**

The total expenditure by the Legislative Council from the Consolidated Fund for the year ending 30 June 2012 was within the budget approved by the Parliament with additional funding of \$65,000 (RAF) being approved from the Treasurer's Reserve. These additional costs related to regional office establishment in the divisions of Elwick and Derwent, staff and other costs associated with the transfer of an existing electorate office for the division of Rumney and additional staff costs for the division of Pembroke.

The additional Reserved-by-Law funding approved by the Treasurer totalled \$90,000 to cover increases connected with Council sittings and committee activity. 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.

## **SUPPORT FOR LOCAL BUSINESS**

The Legislative Council ensures that Tasmanian businesses are given every opportunity to compete for the Council's business. It is the Council's practice 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 2012.

There were no consultancies undertaken for the Council with a value less than or equal to \$50,000 during the financial year ending on 30 June 2012.

## **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 progressively identified.

Risks of damage to buildings or injury to staff or clients through failure of plant, services or equipment are 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 has been improved upon in recent years, particularly with the rationalisation of building accommodation and access routes through the parliamentary complex.

Measures are in place which see a strengthened security process within the Parliament building.

In terms of the computer network throughout the building there is in place a Disaster Recovery Plan. This Plan, which has been put in place by the Computer and Electronic Services Manager, deals with matters such as data backup; off-site server facility; off-site software; web server recovery; file server recovery and network recovery. A Policy Statement in respect of computer and internet usage is published on the Parliament Intranet site.

Risk management in relation to finances is controlled by a series of checks and balances. The segregation of duties within the finance operating area combined with, at all times, a minimum two tier authorisation and certification of all transactions is maintained to provide the necessary management controls.

Personal risk in Regional Offices has been improved with the trial and introduction of personal security devices for staff to activate if necessary. These devices complement the fixed placement duress alarm system.

Installation of reception security barriers and the matter of access and egress in Regional Offices are matters which receive appropriate consideration.

# DEPARTMENT OUTPUTS

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## 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; and
- ◆ the administration of travel and research and equipment 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 2012*.

**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 AND RELATED MATTERS

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## PARLIAMENTARY SALARIES

The *Parliamentary Salaries, Superannuation and Allowances Act 2012* received Royal Assent on 3 July 2012.

The Act not only consolidated the law relating to the superannuation and entitlements of Members but importantly contained provisions relating to the setting of the ‘basic salary’ of a Member of the Tasmanian Parliament.

The need for legislative change was brought about by the substantial increase flowing to Members of the Federal Parliament with Tasmanian Members’ salaries fixed at 85.19% of the Commonwealth basic salary.

The Government’s proposal to link Tasmanian MPs salaries to a level in the Tasmanian State Service was not an acceptable situation for Members of the Legislative Council. It was the view of the majority of Upper House Members that any increases in basic salary should be placed at “arms length” and be considered by an appropriate independent body.

The legislation was initially amended in the Upper House to provide a wage freeze and referral to an independent umpire – being the Tasmanian Industrial Commission to set the ‘basic salary’. The Leader of the Government indicated that the amendments were not acceptable to the Government. A compromise position had to be reached with some urgency as a substantial increase would have flowed by reason of the link to Federal Members if not resolved by 1 July 2012.

After much media reporting and discussion between individual Members of the Legislative Council and the Premier a position was reached where Members of the Tasmanian Parliament would receive increases identical to those received by State Servants that is – 2% from 1 July 2012, 2% from 1 July 2013 and then the Industrial Commission or Tribunal, before 31 May 2014, is to cause a report to be prepared determining the basic salary and other matters. The report is to be provided to the Premier who is then required to Table it in each House of the Parliament.

As a consequence further legislative action will undoubtedly be required in relation to parliamentary salaries.

## JOINT SITTING – SENATE VACANCIES

On Wednesday, 20 June 2012 the Members of the Legislative Council and of the House of Assembly met in the House of Assembly Chamber, pursuant to Resolutions of both Houses, for the purpose of sitting and voting together to choose two persons to fill Senate vacancies. The Speaker was elected as the Presiding Officer for the purposes of the Joint Sitting.

The Senate vacancies came about as a consequence of the resignations of Senator the Honourable Nicholas John Sherry and Senator Robert James Brown. Advice of the above-mentioned resignations was communicated by the President of the Senate to His Excellency the Governor of Tasmania who advised both Presiding Officers accordingly.

As a result of the Joint Sitting Lin Estelle Thorp and Peter Stuart Wish-Wilson were duly proposed and chosen to hold the places in the Senate of the Parliament of the Commonwealth of Australia.

The Presiding Officer, by Resolution of the Joint Sitting, duly notified His Excellency the Governor of the choices made.

## **INTEGRITY COMMISSION WORKSHOP AND DRAFT CODE OF CONDUCT**

The independent Integrity Commission was established by the *Integrity Commission Act 2009* and started operation on 1 October 2010.

The Act was passed by the Tasmanian Parliament in November 2009 and was the outcome of recommendations made by the Parliamentary Joint Select Committee on Ethical Conduct. A key focus of the Act is to promote and enhance standards of ethical conduct by public officers through the establishment of the Commission.

A workshop was held in April with the theme 'Integrity in Office' which was designed for newer MPs but which all Members were invited to attend. The workshop was very informative and canvassed the following topics —

- Integrity in elections and with constituents
- Integrity and Parliament (eg. staff, codes of conduct and accountability)
- Integrity and the public service structure, including committees
- Individual integrity (eg. conflicts of interest, pecuniary interests)
- Where to go for guidance

In addition the Commission produced a 'Draft Code of Conduct for Members of the Tasmanian Parliament' which the Joint Parliamentary Standing Committee on Integrity is considering at the present time. The Joint Committee has requested feedback from Members of both Houses on the draft code.

The Legislative Council has never had a prescribed code of conduct whereas the Assembly has a Code of Ethical Conduct and a Code of Race Ethics which is enshrined in the Assembly's Standing Orders.

The new draft code has been developed for the guidance of all Members and it sets out principles to assist Members in observing the expected standards of conduct in public office and to act as a benchmark against which conduct can be measured. The draft code contains provisions relating to —

- Conflict of Interest;
- Declaration of Personal Interests;
- Improper Advantage;
- Improper Use of Public Resources;
- Gifts and Benefits;
- Misleading Statements;
- Outside Employment; and
- Duties as a Member of Parliament.

The adoption of the code will be a matter ultimately for each House to decide.

## GOVERNMENT ADMINISTRATION COMMITTEES

The Legislative Council resolved on 12 October 2010 to establish two Government Administration Committees. The option to establish these two committees was identified in a Discussion Paper entitled “Committees of the Tasmanian Parliament” but with a focus on the options specifically available to the Legislative Council.

The functions of the committees are to inquire into and report upon any matter relating to—

- (a) Any Bill or other matter referred to it by the Council; and
- (b) The administration, processes, practices and conduct of any department, agency, Government Business Enterprise, State-owned Company or other entity and any Statute for which Ministers are responsible.

The Sessional Orders which govern the operation of the two committees provide flexibility by allowing for the appointment of different Members to the position of Inquiry Chair; by allowing the appointment of sub-committees and also by providing for the ability of Members to substitute members for the purpose of a particular inquiry.

The committees have functioned well since their establishment. It was generally felt by Upper House Members that the smaller membership of the Tasmanian Parliament required a rationalisation of joint committee membership.

The committees have undertaken valuable work on references in the following inquiry areas to date—

- Surrogacy Bill 2011 and Surrogacy (Consequential Amendments) Bill 2011
- Forestry Tasmania Financial Performance
- Public Native Forests Transition
- Tasracing Performance
- Cost Reduction Strategies in Health
- Intergovernment Agreement on forestry – Independent Verification Group and the Report of the Chairman
- Overtime Cost of the Tasmanian Prison Service
- The Operation and Administration of the Tasmanian Parks and Wildlife Service
- Integrated Transport Options
- Business Names Bill 2011

From time to time the Committees have been frustrated by the reluctance of the Executive to provide documents considered necessary by the Committees to adequately scrutinise the Executive’s actions.

Whilst the Government is responsible to the Parliament it has been argued that there exists limited kinds of documents in the possession of the Government, the public disclosure of which would be contrary to the public interest, ie “public interest immunity”.

So there have been some tensions around—

- Public interest immunity.
- *Class documents* – ie: those documents which the public interest requires to be withheld from production – typically these include documents which reveal the deliberation of cabinet or the views of individual members of Cabinet expressed before Cabinet has reached a concluded view.
- Legal advice protected by lawyer-client privilege.

- *Contents documents* – ie: documents the content of which the public interest requires to be withheld from production. The Government's view is that these documents are many and varied and will depend on the actual contents and it is a matter of judgement for the custodian of the document/information in terms of whether the public interest requires it to be withheld from production.

These tensions and arguments are not new and continue to be matters to be worked through using appropriate parliamentary processes and practices.

## **CHAMBER DESIGN STUDY**

With the House of Assembly Chamber having been fully refurbished with a substantial capital injection (which included the installation of broadcast cameras in both Houses and associated infrastructure and broadcast room equipment fit-out) attention is being focused on the operational and environmental concerns associated with the Legislative Council Chamber.

The Chamber remains in a fairly untouched state and the time had arrived where a design study needed to be undertaken. A design study was commissioned and the report of the Conservation Architect was received in May 2011 which addressed the following areas:

### ***Functionality***

- Layout and operation of the Chamber.
- Ergonomics of seating and working conditions of both the Members and the staff.
- Circulation and access throughout the Chamber, including Disability Access.
- Provision for operation of current technology.

### ***Environmental***

- Lighting for both the traditional operation of the Chamber and to meet the requirements of the TV Broadcast facilities.
- Acoustics.
- Air/temperature.

### ***Conservation***

- The report took into account the important conservation values of the space and all proposed design options addressed their impact on the fabric of the space.

The Report provided the following sections:

- Sketch design of alterations to improve accommodation for the Members and others (clerks, advisors, invited visitors, etc) to be accommodated on the floor of the Chamber. This was accompanied by sketch plans for the seating and/or workstations for the Members.
- Design options to provide for disability access, including providing wheelchair access to all areas, hearing loops and acoustic improvements for the hearing impaired, and tactile indicators for the vision impaired where required.
- Design options to provide for technology, including telephone, data, audio and power outlets, recording and broadcast facilities for Hansard.

The combined options presented by the Conservation Architect were costed at about \$1.1 million. It is hoped that the Government will support a submission for an amount of funding at some time in the future when the State's budgetary situation improves.

## **I-PAD USE IN CHAMBER**

Due to the limitations within the existing Legislative Council Chamber due to its layout and seating configurations the use of technology has to this point been restricted to desktop computers which are situated on the centre Table. These computers allow Members to access the Parliament's Intranet site as well as the Internet.

New forms of technology when released bring about discussion among Members about whether or not the technology can and should be able to be used in the Chamber.

The release of the I-Pad is one such form of technology which does lend itself very easily for use by Members in the Chamber. Almost all Members now have I-Pads for their work.

The Legislative Council Chamber has a wireless link which provides Internet, Email, Notice Paper, Hansard, Bills, Standing Orders and Consolidated Legislation of the State.

The I-Pad technology represents a form of technology which can be handled easily in the Chamber without the need to alter its fabric.

They work extremely well and are now an essential tool for Members.

## **NATIONAL SCHEME LEGISLATION**

Whilst the flow of national scheme legislation introduced into the Tasmanian Parliament has slowed there have been several pieces of legislation within the last twelve months or so introduced which give away the States' legislative powers and vest these in other jurisdictions.

Areas such as —

- Education and Care Services;
- Passenger Transport;
- Health Practitioners; and
- National Energy Retail Law,

have been regulated by legislation enacted in another jurisdiction and which Tasmania adopts as its law by legislative measures.

Some may argue that by adopting the law of another jurisdiction the Parliament is giving away its sovereign autonomy although on most occasions the purpose of the national scheme legislation requires a uniform and constant application of law in a national sense.

Notwithstanding the sound argument and the support that comes from both Houses of the Tasmanian Parliament, the Legislative Council has in recent times consistently proposed Amendments to national scheme legislation which at least provide a legislated mechanism whereby the responsible Minister is to Table detail of changes made to the national scheme legislation in both Houses of the Tasmanian Parliament within about 10 sitting days from the day on which any amendment receives Royal Assent in that other jurisdiction.

This requirement in statute at least provides an opportunity for Members of the Tasmanian Parliament to be made aware of changes that have been made notwithstanding that very little can be done about it.

In addition there has been discussion in the Legislative Council about whether all such national scheme legislation should automatically be referred to one of the Legislative Council's Government Administration Committees for investigation and report or at least, if that is not the case, whether the Leader of the Government in the Legislative Council should make available additional information and detail such as any intergovernmental agreement or even the Tabling of a copy of the law that is to be applied to Tasmania.

The matter is currently receiving further consideration in our jurisdiction.

## **PARLIAMENTARY LIBRARY**

The Parliamentary Library Committee resolved at a meeting in September 2010 that the Parliament should be responsible for the Parliamentary Library and Research Service after many years of having an administrative link with the then State Library of Tasmania, a branch of the Department of Education. At the time, under a long-standing arrangement, the State Library administered staffing and operational matters but decisions were based on the divergence of strategic directions of both parties. The majority of staff were employed by the Department of Education and were seconded to positions at the Parliamentary Library.

In October 2010 the Parliament of Tasmania and the State Library negotiated a Memorandum of Understanding by which the staff of the Library and Research Service would be employed by the Parliament and the salaries budget for those people would be transferred to the Parliament. The MoU also set out the process for transfer and future collaborations between both institutions. Staff leave allocations were also transferred and they were assured of their superannuation entitlements being preserved.

As a result the staff employed by the State Library resigned from the State Public Service and were appointed in March 2011 to the Parliament under the *Parliamentary Privilege Act 1898*. Conditions of employment remained the same as those under the *State Service Act 2000* and were negotiated with the transferring staff at the time. All staff were very positive regarding the changes.

## **GOVERNMENT BRIEFINGS**

Although not unique to the Parliament of Tasmania, briefings of Members arranged by the Leader's Office have become one of the methods by which Members of the Council may inform themselves of various matters being promoted by the Government. The device, although not formally part of the Standing Orders, has developed due to two factors: the political composition of the Council Chamber, which has always had a majority of Independent Members; and the increased complexity of legislation. Due to the absence of any official caucusing by Independents, there is often no consensus view developed prior to the debate in the Chamber. As a result, through the 1990s Government briefings developed into an accepted mechanism to deal with complex or contentious issues.

Members are briefed by the various parties involved in the issue; generally this will include Government departments, lobby groups and sometimes even private individuals. By this method Members can obtain information and clarification more quickly than could normally occur in the Chamber. Though briefings have their advantages in usually speeding up the process of legislating, there are two aspects of the briefings process which should be noted. Firstly, it could be argued that a briefing may not be viewed as a proceeding in Parliament and may not therefore be protected by parliamentary privilege. Secondly, they are conducted in private and not minuted or recorded. This requires Members to be vigilant in ensuring any undertakings or explanations of the effect of clauses in legislation are reaffirmed in the public debate in the Chamber.

The sittings of the Council are often suspended, on motion by the Leader, to enable a briefing on a Bill to be undertaken prior to, or even during, the Bill's consideration.

Briefings can take up a significant portion of a sitting day. Briefings, although not compulsory, are well attended by Independent Members. See Appendix F of this Report for briefing time statistics.

Briefing time is not included in the official statistics for a sitting day. The trend in the use of briefings is unlikely to abate, though a more formal structure with provision in the Standing Orders for this procedure would provide the protection of absolute privilege afforded to a proceeding in parliament.

Detail of briefings conducted are as follows:—

	<b>Briefing</b>	<b>Date</b>
1	State Service Amendment (Performance) Bill 2011 (No. 33)	5 July 2011
2	State Service Amendment (Redeployment) Bill 2011 (No. 34)	5 July 2011
3	Water and Sewerage Industry Amendment Bill 2011 (No. 37)	7 July 2011
4	Canal Estates (Prohibition) Bill 2011 (No. 15)	7 July 2011
5	Business Names (Commonwealth Powers) Bill 2011 (No. 43)	14 July 2011
6	Mr Terry Long, Tasmanian Minerals Council	31 August 2011
7	Asbestos-Related Diseases (Occupational Exposure) Compensation Bill 2011 (No. 38)	31 August 2011
8	Asbestos-Related Diseases (Occupational Exposure) Compensation (consequential Amendments Bill 2011 (No. 39)	31 August 2011
9	Tasmanian Forests Intergovernmental Agreement between the Commonwealth of Australia and the State of Tasmania.	1 September 2011
10	Solicitor-General in relation to the Motion proposed to Table the Solicitor-General's advice regarding Gunn's exit from native forest harvesting in Tasmania	20 September 2011
11	Fire Service Amendment (Bushfire-Prone Areas) Bill 2011 (No. 36)	21 September 2011
12	Electricity Supply Industry Panel	29 September 2011
13	Primary Produce Safety Bill 2011 (No. 46)	29 September 2011
14	Single Water Authority: Mr Miles Hampton, Chairman Southern Water Board	25 October 2011
15	Agricultural and Veterinary Chemicals (Control of Use) Amendment Bill 2011 (No. 48)	26 October 2011



	<b>Briefing</b>	<b>Date</b>
16	Solicitor-General in relation to the legal advice provided to Government on the residual rights of Gunns Ltd in respect to certain wood supply contracts with Forestry Tasmania	27 October 2011
17	Public Health Amendment Bill 2011 (No. 56)	9 November 2011
18	Education and Care Services National Law (Application) Bill 2011 (No. 65)	9 November 2011
19	Long Service Leave Amendment Bill 2011 (No. 54)	10 November 2011
20	Work Health and Safety Bill 2011 (No. 59)	22 November 2011
21	Work Health and Safety (Transitional and Consequential Provisions) Bill 2011 (No. 60)	22 November 2011
22	Auditor-General Report No. 3 of 2011-12: Financial Statements of State Entities, Volume 1: Analysis of the Treasurer's Annual Financial Report 2010-11	22 November 2011
23	Auditor-General Report No. 4 of 2011-12: Financial Statements of State Entities, Volume 2: Executive and Legislature, Government Departments and other General Government Sector State Entities.	22 November 2011
24	Vocational Education and Training (Commonwealth Powers) Bill 2011 (No.64)	22 November 2011
25	Tasmanian Health Organisation Bill 2011 (No. 58)	23 November 2011
26	Local Government Amendment Bill (No. 2) 2011(No. 76)	24 November 2011
27	Passenger Transport Services Bill 2011 (No. 70)	30 November 2011
28	Passenger Transport and Related Legislation (Consequential Amendments) Bill 2011 (No. 72)	30 November 2011
29	Taxi and Luxury Hire Car Industries Amendment Bill 2011 (No. 73).	30 November 2011
30	National Energy Retail Law (Tasmania) Bill 2012 (No. 10)	18 April 2012
31	National Energy Retail Law (Tasmania) Consequential Amendments) Bill 2012 (No. 11)	18 April 2012
32	Services Tasmania	18 April 2012
33	Gene Technology (Tasmania) Bill 2012 (No. 1)	19 April 2012
34	Building Amendment Bill 2012 (No. 6)	16 May 2012
35	Telstra: re Broadband Network	17 May 2012
36	Deputy Premier on Proposed Electricity Reforms	22 May 2012
37	Dr Ernesto Sirolli	23 May 2012
38	Parliamentary Salaries, Superannuation and Allowances Bill 2012 (No. 15)	24 May 2012
39	Hobart City Council officers re Gehl Architects Report "Hobart 2010 Public Spaces and Public Life – a city with people in mind"	21 June 2012
40	Financial Management and Audit Amendment Bill 2012 (No. 18)	21 June 2012
41	Consolidated Fund Appropriation Bill (No. 1) 2012 (No. 16)	26 June 2012
42	Mr Rhys Edwards, DPAC: Report by Mr George O'Farrell: Review into Governance and Structural Arrangements in the Tasmanian State Service	27 June 2012
43	Workers Rehabilitation and Compensation Amendment (Validation) Bill 2012 (No. 20)	28 June 2012
44	Tasmanian Forests Agreement Bill 2012 (No. 30)	28 June 2012

## **FAMILY MEMBERS PROVIDING SUPPORT IN MEMBERS' OFFICES**

In accordance with the Legislative Council's policy relating to the paid engagement of family members to provide electorate office support effective from 1 January 2008 it is a requirement that such approvals, if any, by the President, be reported in this Report.

During the reporting period there were no approvals for the engagement of family members.

## **LEGISLATIVE COUNCIL ELECTIONS**

The boundaries of the current 15 electoral divisions were determined by the Legislative Council Redistribution Tribunal during 2007/08. Under the *Legislative Council Electoral Boundaries Act 1995* the enrolment of each Legislative Council division is determined as at the last day of January, April, July and October of each year and are published in the Gazette and in the three daily newspapers circulating generally in the State. Elections are conducted on a six year periodic cycle. Elections for three Members are held in May in one year, with elections for two Members held in May the following year and so on.

Legislative Council elections for two divisions, Hobart and Western Tiers, were held on Saturday, 5 May 2012. The Writs were returned to His Excellency the Governor on Wednesday, 9 May 2012.

The outcome of the Western Tiers election saw the incumbent Member, Greg Hall, defeat one other candidate. With 18,056 formal votes cast, Greg Hall in excess of 73 per cent of the primary vote with John Hawkins receiving just over 26 per cent. Greg Hall was duly elected and returned for a third term.

The battle for the seat of Hobart was contested by six candidates with Doug Parkinson, the former Member for Hobart, not recontesting the seat, having been first elected back in 1994. The distribution of preferences saw Rob Valentine receive 10,619 votes to defeat the Tasmanian Greens candidate, Penelope Ann with 6,376 votes.

The two Members representing the Divisions of Western Tiers and Hobart were sworn in on Tuesday, 15 May 2012.

## **TELEVISION BROADCAST OF PROCEEDINGS**

The very first Parliamentary broadcast tender was let during the 2008/09 financial year for the operation of the television broadcast system (TBS) with the successful firm being Winning Post Productions. Television broadcast of proceedings in both Houses and Estimates Committees and GBEs formed part of the contract.

Broadcast commenced on 26 February 2009 for the House of Assembly with the Legislative Council broadcast commencing for the first time on 11 March 2009.

The broadcast operators are required to provide a directed sound and vision broadcast following the proceedings of the Houses on Parliamentary sitting days, including Estimates and GBE weeks and Legislative Council quorum days. There are four new studios, one for each of the Chambers, one for Committee Room 1 and the final one for Committee Room 2.

Committee Room 2 has been fitted with cameras ready to broadcast, with Committee Room 1 having cameras relocated from the House of Assembly Chamber when required. Provision for broadcasting from the Long Room and the Reception Room has also been made. For both of these locations there will be a need to relocate cameras from the House of Assembly Chamber.

Broadcast commenced on 26 February 2009 for the House of Assembly with the Legislative Council broadcast commencing for the first time on 11 March 2009.

The broadcast operators are required to provide a directed sound and vision broadcast following the proceedings of the Houses on Parliamentary sitting days, including Estimates and GBE weeks. Broadcast of Legislative Council quorum days is overseen by Parliamentary Staff from the Computer and Electronic Services Unit. There are four studios, one for each of the Chambers, one for Committee Room 1 and the final one for Committee Room 2.

Committee Rooms 2 has been fitted with cameras ready to broadcast, with Committee Room 1 having cameras relocated from the House of Assembly Chamber when required. Provision for broadcasting from the Long Room and the Reception Room has also been made. For both of these locations there is a need to relocate cameras from the House of Assembly Chamber.

TBS is directed by the Winning Post broadcast manager and manned by two or three Winning Post operators depending if one or two Houses are sitting. In the event of staff unavailability, staff from the Parliament's Computer and Electronic Services Unit can also operate the system on any sitting day.

Certain technical support, procedures and non-political policy and direction is provided by Mr Peter Hancox, Manager, Computer and Electronic Services and the broadcast manager is responsible for the broadcast quality.

The TBS provides a broadcast feed to the media room on the 1st floor of Parliament House. This is the location where all media services can record footage for re-broadcast on the public networks as news or current affairs. The broadcast feed is also streamed onto the internet and available to everyone. This facility is frequently used by the Premier, Ministerial and Regional offices. The broadcast is also distributed throughout the Parliament building via the MATV and CMS systems.

The broadcast feed is also recorded in PC and DVD format by the Computer and Electronic Services Unit and kept as an archive. Members of Parliament can request specific speeches or segments from the broadcast proceedings so that they can be utilised on Members' web sites however there is a cost associated with these requests.

The broadcast of proceedings of the Legislative Council and its Estimates Committees has again gone extremely smoothly during the course of the current reporting year.

The current broadcast contract expired during the early part of the 2012 calendar year.

Tenders for the new Television Broadcast Contract were invited through a public advertising process to provide the service for the Parliament. As a result of the advertising two tenders were received.

A tender Selection Committee was formed with the following membership —

Peter Bennison – Deputy Clerk of the House of Assembly  
David Pearce – Clerk of the Legislative Council  
Roy Cordiner – Project Consultant  
Glenda Sorrell – Project Consultant

Deloitte Touche Tohmatsu, represented by Ian Shield and Rebecca Foxen, were the probity advisers appointed to oversee the tender process.

The following Selection Criteria were advised in the invitation to submit detailed proposals and were used in the selection process —

1. Organisational Capability	30%
2. Approach to Providing the Service	40%
3. Service Cost	30%

The Selection Committee members assessed the tenders against the Criteria before identifying the preferred tenderer.

During February 2012 the Joint Presiding Officers delegated their authority on the part of the Parliament of Tasmania to the Deputy Clerk of the House of Assembly, Mr Peter Bennison to enter into a contractual arrangement between the Parliament of Tasmania and Masina Pty Ltd trading as Winning Post Productions to deliver the television broadcast system operational service. The duration of the new contract, which was signed in February 2012, is for a two year period with two options to extend for a period of one further year each.

## **ELECTORATE FAMILIARISATION TOUR**

An electorate tour of the Mersey Electorate was undertaken during the reporting year. Thirteen Members of the Legislative Council undertook the tour between 7 and 9 February 2012. The program included the following —

- ◆ Mersey Hospital
- ◆ Anvers Chocolate Factory
- ◆ Tour of Cement Australia (Railton)
- ◆ Tour of Dulverton Waste Management
- ◆ Tour of Spreyton Race Track
- ◆ Wesley Vale Mill Site Tour
- ◆ Devonport Airport Tour
- ◆ Orana Respite Care Centre
- ◆ “Spirit of the Sea” Familiarisation and Walk to Devonport Bluff
- ◆ Tour of Devonport Surf Lifesaving Club
- ◆ Tour of Australian Weaving Mills
- ◆ Tour at Harvest Moon
- ◆ Turner’s Beach Berry Patch Tour
- ◆ New Life Industries Tour/Presentation
- ◆ Tour of Home Hill
- ◆ Tour of Devonfield Enterprises
- ◆ Fairbrother Construction
- ◆ Tour of Veolia Waste Management
- ◆ Latrobe Recreation Ground

## DEPARTMENT STAFF

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### INDUSTRIAL AGREEMENT

The current Legislative Council Staff Industrial Agreement was agreed between the parties and filed with the Tasmanian Industrial Commission in March 2009. A hearing was held on 17 March 2009 before Deputy President Shelley.

The Agreement applies to all relevant persons employed under the *Parliamentary Privilege Act 1898* in the Legislative Council.

In accordance with the provisions of the *Industrial Relations Act 1984*, *Industrial Relations Regulations 1984*, and the *Parliamentary Privilege Act 1898* as subsequently amended, the President of the Legislative Council, as Controlling Authority of the Legislative Council and the CPSU agree *inter alia* that —

As minimum conditions of service the President shall observe, as though bound by, the terms and conditions of employment of the following Awards and Agreements of the Tasmanian Industrial Commission —

- (i) the *Tasmanian State Service Award (S085)*; and
- (ii) includes the Tasmanian State Service Union Agreement 2008 and any previous or successor agreements however titled.

The Agreement known as the Legislative Council Staff Agreement 2009, has been operative from the first full pay period on or after 5 March 2009 and remains in force until varied between the parties to the Agreement..

At the time the current Staff Industrial Agreement was approved, the Deputy President of the Tasmanian Industrial Commission was satisfied that the agreement was consistent with the Wage Fixing Principles and the public interest and the no disadvantage tests required by the Act.

Order No. 1 of 2012 of the Tasmanian Industrial Commission provided for an Award variation of 2 per cent from December 2011.

### PARLIAMENTARY SERVICE AWARDS

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

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

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

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

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

The awards presentation function was extremely well attended and feedback from those who attended continues to be extremely positive. The award concept continues to be well received by all employees.

The Tasmanian Parliament follows other Australian parliamentary jurisdictions who have in place similar award schemes.

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

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

## **RETIREMENTS FROM THE PARLIAMENTARY SERVICE**

The Parliament of Tasmania has an employee age profile which sees a large percentage of the overall number of employees in the +50 age group.

As a consequence it has been no surprise that a number of employees are choosing to retire from the Parliamentary Service. This year alone we have had retirements across both Houses of long serving, key and experienced parliamentary staff.

Whilst recruitment of replacement staff is always necessary the fact that so much corporate knowledge leaves the unique Parliamentary working environment is something we must all accept.

As an example the Legislative Council has had two staff retire from the finance and human resources area very recently with a combined 57 years of experience. In the Assembly they also have had two very experienced staff retire in recent times with a combined 50 years of experience.

In a smaller Parliament this is quite significant and does represent some challenges although with appropriate planning the respective offices continue to operate effectively and efficiently.

Retirements also provide the Clerks and Presiding Officers with an opportunity to review and reassess the work units across both Houses and make judgements about the vacancies created.

## HOUSE COMMITTEE SECRETARY

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

Rotation of the position to an officer in the House of Assembly took place from January 2012.

During the 2011 calendar year the Council's Clerk-Assistant, Mrs Sue McLeod, held the position of Secretary.

The responsibility for the day to day management of the Legislature-General [Joint House] Department will remain with the House of Assembly until January 2013 at which time the Legislative Council will assume day to day oversight and directional responsibility.

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 —

<b>Superannuation Schemes</b>	<b>Number of employees for whom employer superannuation contributions are made (as at 30 June 2012)</b>
RBF defined benefit scheme	11
Tasmanian Accumulation Scheme (TAS)	17
Other complying superannuation schemes	7
<b>Total</b>	<b>35</b>

As indicated in the Table there were seven Legislative Council employees who were members of an alternative complying superannuation scheme during the period up to 30 June 2012.

## DEVELOPMENT AND TRAINING

The benefits available to staff through attendance at specialised courses is recognised and every encouragement is made to allow selected staff the opportunity to attend appropriate courses. Development of both new and existing skills ensures a continued high standard in the delivery of service to Members and other clients of the Legislative Council.

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

The ANZACATT Professional Development Seminar was hosted by the Victorian Parliament in Melbourne in January 2012. The theme for the seminar was "Agents for change and custodians of Parliamentary traditions, the role of the parliamentary officers past, present and future". The Legislative Council was represented at the seminar by Mr Stuart Wright, Committee Secretary and Mrs Jenifer Austin, Secretary to the Parliamentary Standing Committee of Public Accounts.

The Legislative Council is also able to nominate officers to undertake the Parliamentary Law, Practice and Procedure Program (PLPPP) which was for the first time conducted in July 2009 by the University of Tasmania who were successful in their tender bid. From its inception in 2004 through to 2008 the course was delivered by the Queensland University of Technology. The course is conducted with the agreement of ANZACATT. This program provides an overview of the constitutional and legal frameworks underpinning Australia and New Zealand's parliamentary systems.

The Council's Committee Research Officer, Mr Nathan Fewkes participated in the course and achieved an outstanding result during 2009. The Council did not have a course participant in 2010 due to staff recruitment, however the Council was represented at the 2011 course by the Clerk of Committees, Mr Tom Wise. The Council did not have a course participant for the course this year however it is anticipated that Mr Stuart Wright, Committee Secretary will be the Legislative Council's nominee for the course in 2013.



Other courses of training were attended by selected staff during the reporting period. These included attendance at the annual Australasian Study of Parliament Group (ASPG) Conference, fire drill training and computer support training. In addition the sixth annual meeting of Electorate Officers, Executive Assistants and other Legislative Council officers was held in Launceston in December 2011.

In-house induction programs are conducted and training for new members of staff appointed both at Parliament House and in the Regional Electorate Offices is undertaken through an orientation session. The Legislative Council's Financial Accountant, Mrs Nicole Muller, undertakes ongoing professional development as a Registered Member of the Institute of Chartered Accountants. Mr Craig Thorp, Acting Parliamentary Officer-Finance, is undertaking an accounting related certificate course at TAFE and Ms Ilise Bourke, Executive Assistant-Committees is undertaking a Bachelor of Commerce Degree (Business Law) through the Curtin University of Technology in Western Australia.

## **INDUSTRIAL DEMOCRACY**

The Legislative Council administration continues to pursue a cooperative approach to decision making. The small numerical staff size of the Legislative Council 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 and continues to be 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 remain a focus.

The actual working conditions in the Legislative Council Chamber have been addressed formally with a scoping exercise and report provided by the Parliament's conservation architect. The report looked at proposed works to address functionality issues in the Legislative Council Chamber and will inform the future approach to be taken to improve the working conditions in the Chamber for both Members and officers.

The new *Work Health and Safety Act 2012* received the Royal Assent on 18 April 2012 and by amendment made by the Legislative Council will come into operation on 1 January 2013. This legislation is significant not only in terms of the duties and obligations which rest with employers as they relate to the occupational health and safety of employees but also the ability for employees to be actively involved and be key participants in health and safety issues in the workplace.

# PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE

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## PUBLIC ACCOUNTS

The Public Accounts Committee is a joint standing committee of the Tasmanian parliament constituted under the *Public Accounts Committee Act 1970*.

The Committee comprises six Members of Parliament, three Members drawn from the Legislative Council and three Members from the House of Assembly.

Its functions under the Public Accounts Committee Act (Section 6) are to inquire into, consider and report to Parliament on —

- any matter referred to the Committee by either House relating to:
  - ◆ the management, administration or use of public sector finances; or
  - ◆ the accounts of any public authority or other organisation controlled by the State or in which the State has an interest;
- any matter arising in connection with public sector finances that the Committee considers appropriate; and
- any matter referred to the Committee by the Auditor-General.

The Public Accounts Committee (PAC) also has oversight responsibilities regarding the independence of the Auditor-General, which are derived from the *Audit Act 2008*.

### **Committee Membership**

#### **Legislative Council**

Mr Ivan Dean  
Mr Jim Wilkinson (Chair)  
Ms Ruth Forrest

#### **House of Assembly**

Mr Brenton Best  
Mr Kim Booth  
Mr Peter Gutwein

The Parliamentary Research Service has assisted the Committee during the year, providing timely and valuable research assistance when requested.

### **Committee Activity**

The Committee operations include a mix of self-initiated inquiries and referred inquiries. The Committee receives submissions and conducts briefings and hearings on such matters as required. Results of inquiries are presented in reports that are Tabled in both the House of Assembly and the Legislative Council. Those reports are available to the public and are posted on the Committee website <http://www.parliament.tas.gov.au/ctee/Joint/pacc.htm>.

The Committee met on seventeen occasions during 2011-12.

Two reports were Tabled during the year. The Committee's report on (i) the review of Public Works Committee Approved projects dated May 2008–March 2009 and (ii) review of the Hazelwood School Relocation project were tabled in Parliament House on 17 May 2012 in the Legislative Council and the House of Assembly.

The commitment by PAC to enhance the accountability mechanisms of the Parliament, is demonstrated by the Committee's renewal of the Statement of Understanding between itself and the Auditor-General of Tasmania in March 2012. This Statement was updated from 2007, as a consequence of the commencement of the *Audit Act 2008* in March 2009 and the decision by the Committee to take a more proactive role in following up reports issued by the Auditor-General.

During 2012, the Committee implemented a framework for following up Special Reports of the Auditor-General and is due to issue its first report on the basis of that framework early in 2012-13. A separate Committee-initiated Inquiry into the Performance Information reported by government departments, as a result of a follow up of the Auditor-General's Special Report #72, is also ongoing. The Committee has also initiated an Inquiry into the Public Account which will be continuing in the coming year. The Committee also followed up other matters of interest referred to it by independent persons. No Inquiry was initiated in those instances.

The Committee has continued to meet periodically with the Auditor-General and as a consequence of the requirements of the Audit Act has reviewed and made recommendations in relation to the Auditor-General's Annual Plan of work 2012-13.

The Committee held a number of briefings on other matters of interest including briefings from the Auditor-General on his Special Reports #82-86 and in relation to his Analysis of the Treasurer's Annual Financial Report 2010-2011. The PAC Committee also received a briefing from Treasury officials with respect to the Financial Management and Audit Amendment Bill 2012.

## **PUBLIC WORKS**

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

The function of the Committee is to report on every proposed public works which is estimated to cost at least \$5 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. 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. 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's charter is to examine every Regulation, By-Law and Rule. Regulations comprise all subordinate legislation made by the Governor-in-Council but do not include Orders, Proclamations or Rules of the Supreme Court. By-Laws are those made by municipal councils, marine boards and other semi-government authorities. The Committee is also responsible for ensuring the *Subordinate Legislation Act 1992* is complied with, and the examination of other Instruments referred to it under the authority of an Act.

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

During 2011-2012 the Committee held twelve (12) meetings and examined sixty seven (67) instruments of subordinate legislation that had been published in the Government Gazette.

As part of the examination of these instruments the Committee requested information from Ministers in relation to regulations imposing significant increases in fees, explanations of some provisions and other issues of concern.

During the year the Committee received briefings from Departmental officers in relation to the following regulations –

- Health (Fees) Amendment Regulations (No. 3) 2011
- Crown Lands Regulations (No. 116) 2011
- Traffic (Compliance and Enforcement) Regulations (No. 121) 2011
- Agricultural and Veterinary Chemicals (Control of Use) Regulations (No. 10) 2012

The briefings provided Members with further details and clarification of specific issues. The Regulations were subsequently passed as 'Examined' by the Committee.

The Auditor-General met with the Committee in relation to regulatory impact analysis and the Committee was also briefed by officers from the Department of Treasury and Finance regarding the use in regulations of fee units and dollar amounts.

### **Regulatory Impact Analysis**

The Committee Chair and Secretary met with representatives of the Productivity Commission on 14 March 2012 to discuss the Commission's study into Regulatory Impact Analysis: Benchmarking. The Committee subsequently agreed to provide a submission to the study.

The Committee's submission raised several concerns regarding areas in the Productivity Commission's Issues Paper considered relevant to its jurisdiction. In particular, the frequent provision of exemptions from the requirement of regulatory impact analysis, was highlighted.

Following on from the Committee's submission, the Chair wrote to the Treasurer requesting that further information be provided when exemptions relating to RIA are granted by the Secretary of the Department of Treasury and Finance.

### **Committee Membership**

#### **Legislative Council**

Ms Ruth Forrest (Chair)  
Ms Tania Rattray  
Mr Doug Parkinson (to May 2012)  
Mrs Adriana Taylor (from May 2012)

#### **House of Assembly**

Ms Elise Archer  
Mr Tim Morris  
Mr Graeme Sturges

# COMMITTEES

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## 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 and Sessional 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.

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 new session.

Two Legislative Council Sessional Committees were appointed on 12 October 2010 to inquire into and report on any matter relating to –

- (a) Any Bill or other matter referred to it by the Council;
- (b) The administration, processes, practices and conduct of any department, agency, government Business Enterprise, State-owned Company or other entity including entities established under *Water and Sewerage Corporations Act 2008*; and
- (c) The administration, processes, practices and conduct of any other entity including those entities in which local government has an interest.

## SELECT COMMITTEES – AN INVESTIGATORY FUNCTION

Notwithstanding the establishment of two Sessional 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 inquire 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.

The following Select Committee has completed its inquiry and reported to the Legislative Council during this financial year —

- ◆ Public Sector Executive Appointments

The following Select Committees are ongoing —

- ◆ Recreational Marine Fishing in Tasmania
- ◆ Violence in the Community
- ◆ PV Fortescue

## ESTIMATES COMMITTEES

The Legislative Council again agreed to the establishment of Estimates Committees which could not vote on, but could examine and report upon the proposed expenditures contained in the *Consolidated Fund Appropriation Bills (Nos. 1 and 2) of 2012*, 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 17 May 2012 contained the following provisions —

**Appointment and Membership** That the Legislative Council establish two Estimates Committees and that Committee A shall consist of 7 members and Committee B shall consist of 6 members.

And that –

*Mrs Armitage*  
*Ms Forrest*  
*Mr Hall*  
*Mr Harris*  
*Mr Mulder*  
*Mr Valentine; and*  
*Mr Wilkinson*  
be of Committee A

and

*Mr Dean*  
*Mr Finch*  
*Mr Gaffney*  
*Dr Goodwin*  
*Ms Rattray, and*  
*Mrs Taylor*  
Be of Committee B

**Reporting Date** That the Estimates Committees report upon the proposed expenditures contained in the Consolidated Fund Appropriation Bills (No. 1 and No. 2) and budget papers by no later than 13 June 2012.

**Committee Timetable** And that the schedule emailed to Members on 17 May 2012 be adopted as the Estimates Committee timetable.

## GOVERNMENT BUSINESSES SCRUTINY COMMITTEES

On 21 October 2011 the Legislative Council again established two Government Businesses Scrutiny Committees to inquire into Government Businesses on 6 and 7 December 2011.

The following businesses were scrutinised —



- *Hydro Tasmania*
- *Transend Networks Pty Ltd*
- *Tasmanian Ports Corporation Pty Ltd*
- *The Public Trustee*
- *TT Line Company Pty Ltd*

Committee A met on 5 occasions and Committee B on 6 occasions.

## **SESSIONAL COMMITTEES**

### **Government Administration Committee A**

This Committee held its first meeting of the year on 1 July 2011 with Ms Ruth Forrest as Chair and Dr Vanessa Goodwin as Deputy Chair.

#### **Committee Membership**

Mrs Rosemary Armitage  
 Ms Ruth Forrest (Chair)  
 Dr Vanessa Goodwin (Deputy Chair)  
 Mr Greg Hall  
 Mr Paul Harriss  
 Mr Jim Wilkinson

The membership of the Committee changed in May 2012 with Mr Rob Valentine being appointed and Mr Greg Hall moving to Government Administration Committee B. Mr Valentine was welcomed to the Committee on 26 June 2012.

The Committee met a total of 36 times to 30 June 2012 (not including sub-committee meetings). A total of 12 hearings were held within those meetings, with 38 witnesses being examined. A total of 11 written submissions were received.

#### **Inquiries**

The Committee had three ongoing inquiries from the previous financial year. The details of these inquiries for the current financial year are listed below. All ongoing inquiries from 2010-2011 were finalised in the 2011-2012 financial year.

Two new inquiries were initiated including one established through a sub-committee. The meetings, membership and hearings of that sub-committee have been dealt with separately.

#### **Forestry Tasmania – Financial Performance**

The Committee resolved on 3 March 2011 to inquire into the Financial Performance of Forestry Tasmania. The Committee was concerned with the series of reports by the Auditor-General highlighting the declining operating profits, poor cash flows and superannuation liabilities faced by Forestry Tasmania. Ms Ruth Forrest was appointed as Chair of this inquiry.

The Committee sought evidence from Forestry Tasmania in a public hearing conducted on 4 July 2011 as well as two prior hearings held in the 2010-2011 financial year. This inquiry was completed in September 2011 and the final report Tabled in the Legislative Council on Wednesday 21 September 2011.

## **Surrogacy Bills**

On 14 June 2011 the Surrogacy Bill 2011 and Surrogacy (Consequential Amendments) Bill 2011 were referred by motion of the Legislative Council to Government Administration Committee A for inquiry and report. The Committee met on 16 June 2011 and appointed Ms Ruth Forrest as inquiry Chair.

This inquiry conducted five hearings from 1 July 2011 to 19 September 2011 and examined a total of 19 witnesses during the course of the inquiry. Evidence was also taken *in-camera* from witnesses not listed in the final published report. A total number of eight submissions were made to this inquiry. A final report was prepared and Tabled in the Legislative Council on 1 December 2011.

## **Financial Performance of Tasracing**

This inquiry was commenced on 8 April 2011 by resolution of the Committee following concerns raised by the Auditor-General. Ms Ruth Forrest was elected Chair of the inquiry.

The Committee sought public submissions and two additional submissions were received this financial year. Five hearings were held between 1 July 2011 and 30 March 2012 and the inquiry was completed and a final report Tabled in the Legislative Council on 16 May 2012.

## **Forestry Intergovernmental Agreement – Chairman’s Report**

Concerns raised with the Members around the comments made by Professor Jonathan West in his Chairman’s Report to the Forestry Capstone Report prompted the commencement of this inquiry. The inquiry was commenced by resolution of the Committee’s own motion on 1 May 2012. Mr Jim Wilkinson was elected Chair of the inquiry. One submission was provided to the inquiry by the Australian Forests Products Association. The Committee held a public hearing on 15 May 2012 where evidence was heard from Professor Jonathan West. Following the hearing, the Committee resolved to hear from Forestry Tasmania and the Forest Practices Authority. This inquiry is ongoing.

## **Sub-Committee Inquiry into the Cost Reduction Strategies in the Health Department**

By resolution of its own motion on 24 October 2011 the Committee established a Sub-Committee to inquire into and report upon the cost reduction strategies announced by the Department of Health and Human Services on 4 October 2011. The Committee resolved that Ms Ruth Forrest, Dr Vanessa Goodwin, Mr Greg Hall, Mr Paul Harris and Mr Jim Wilkinson be of the sub-committee. Following Mr Hall’s move to Government Administration Committee B in May of 2012, his membership on the sub-committee was not replaced and the membership of the sub-committee remained at four Members.

The sub-committee met initially on 26 October 2011 and the inquiry was established with Ms Forrest elected as Chair of the sub-committee and the inquiry. The sub-committee met a further 10 times and held 9 hearings and examined 34 witnesses to 30 June 2012. Submissions were sought and the sub-committee received a total of 20 submissions. This inquiry is ongoing.

## **Government Administration Committee B**

This Committee held its first meeting of the 2011-2012 financial year on 13 July 2011 with Ms Tania Rattray as Chair and Mr Kerry Finch as Deputy Chair.

## **Committee Membership**

Mr Ivan Dean  
Mr Craig Farrell  
Mr Kerry Finch  
Mr Mike Gaffney  
Mr Tony Mulder  
Ms Tania Rattray (Chair)  
Mrs Adriana Taylor

The Membership of the Committee changed in May 2012 with Mr Greg Hall being appointed to the Committee. Mr Hall was welcomed on 20 June 2012. Mr Farrell left the Committee in May 2012.

The Committee met a total of 17 times from 30 June 2011 to 1 July 2012.

## **Inquiries**

The Committee established four inquiries in this period: One has concluded and three are ongoing. The details of these inquiries including the number of hearings and witnesses examined in the 2011-2012 financial year are listed below.

### **Business Names (Commonwealth Powers) Bill 2011**

On 14 July 2011 the *Business Names (Commonwealth Powers) Bill 2011* was referred by motion of the Legislative Council to Government Administration Committee B for inquiry and report. The Committee met on 4 August 2011.

While the Committee did not seek public submissions, the Committee held a public hearing on 4 August 2011 and heard verbal evidence from four witnesses. This inquiry was completed in August 2011 and the final report Tabled in the Legislative Council on 26 August 2011.

### **Overtime Costs of the Tasmanian Prison Service**

This inquiry was commenced on 29 March 2012 by resolution of the Committee to inquire into and report upon the overtime costs of the Tasmanian Prison Service. Mr Ivan Dean was elected Chair of the inquiry.

The Committee heard evidence from three witnesses at a public hearing on 16 April 2012 and from one witness at a public hearing on 8 May 2012.

There were no written submissions received.

Evidence was also taken *in-camera* from one witness.

This inquiry is ongoing.

### **Operation and Administration of the Tasmanian Parks and Wildlife Service**

On 29 March 2012 the Committee resolved to inquire into the operation and administration of the Tasmanian Parks and Wildlife Service.

The Committee met on eight occasions, held public hearings on three occasions and a total of eight witnesses gave verbal evidence.

While the Committee did not seek public submissions, it received nine written submissions.

This inquiry is ongoing.

### **Integrated Transport Options for Southern Tasmania**

On 20 June 2012 the Committee resolved to inquire into and report upon options for an integrated sustainable public transport system in Southern Tasmania.

A Committee with substitute members was formed – Mr Farrell substituted for Mr Finch, Mr Valentine substituted for Mr Gaffney and Dr Goodwin substituted for Mr Dean.

Mrs Taylor was elected Chair and Mr Mulder elected Deputy Chair of the inquiry.

The Committee met on one occasion.

This inquiry is ongoing.

## **COMMITTEE SECRETARIAT SUMMARY**

### **Committees/Inquiries Commenced and Ongoing**

<b>Name of Committee</b>	<b>No. Meetings</b>	<b>Hearing Days</b>	<b>No. Submissions</b>	<b>No. Witnesses</b>
Estimates Committee A ( <i>Report presented 13/6/12</i> )	7	4	-	-
Estimates Committee B ( <i>Report presented 13/6/12</i> )	6	4	-	-
Public Sector Executive Appointments (commenced 11/6/08, re-established 4/5/10, Report presented 16/9/11)	2	-	-	-
Recreational Marine Fishing in Tasmania (commenced 20/11/07, re-established 4/3/08 and 4/5/10)	2	1	-	1-
Violence in the Community (commenced 13/10/09, re-established 4/5/10)	6	5	-	15
PV Fortescue	6	2	-	8

### **Committees/Inquiries Concluded**

<b>Name of Committee</b>	<b>No. Meetings</b>	<b>Hearing Days</b>	<b>No. Submissions</b>	<b>No. Witnesses</b>
Government Businesses Scrutiny A ( <i>completed 16/12/11</i> )	5	1	-	8
Government Businesses Scrutiny B ( <i>completed 16/12/11</i> )	6	1	-	14
Public Sector Executive Appointments ( <i>completed 16/9/11</i> )	2	-	-	-
Government Administration Committee A –				
Forestry Tasmania – Financial Performance	*	1	-	1
Surrogacy Bills	*	5	8	19
Financial Performance of Tasracing	*	5	2	17
Government Administration Committee B –				
Business Names (Commonwealth Powers) Bill 2011	*	1	-	4

## Sessional Committees/Inquiries Commenced and Ongoing

Name of Committee	No. Meetings	Hearing Days	No. Submissions	No. Witnesses
Government Administration Committee A – Forestry Intergovernmental Agreement Cost Reduction Strategies in the Health Department – Sub Committee	* 10	1 9	1 20	1 34
Government Administration Committee B – Overtime Costs of the Tasmanian Prison Service Operation and Administration of the Tasmanian Parks and Wildlife Service Integrated Transport Options for Southern Tasmania	* * *	2 3 -	- 9 -	4 8 -

\* The number of meetings for each inquiry cannot be shown as each meeting covers a range of inquiry topics.

## Statistics for Committees 2011-2012

Name of Committee	No. Meetings	Hearing Days	No. Submissions	No. Witnesses
Public Sector Executive Appointments	2	-	-	-
Recreational Marine Fishing in Tasmania	2	1	-	1
Estimates Committee A	7	4	-	-
Estimates Committee B	6	4	-	-
Government Administration Committee A (including Cost Reduction Strategies in the Health Department – Sub Committee)	46	22	31	72
Government Administration Committee B (including Integrated Transport Options for Southern Tasmania)	17	6	9	16
Government Businesses Scrutiny A	5	1	-	8
Government Businesses Scrutiny B	6	1	-	14
PV Fortescue	3	1	-	4
Violence in the Community	6	5	-	15

# APPENDIX A

## MEMBERS OF THE LEGISLATIVE COUNCIL

*(as at 30 June 2012)*

MEMBER	ELECTORATE DIVISION	PARTY
<b>Armitage</b> , Rosemary Lois	Launceston	Ind.
<b>Dean</b> , Ivan Noel	Windermere	Ind.
<b>Farrell</b> , Craig Maxwell <i>Leader of the Government</i>	Derwent	ALP
<b>Finch</b> , Kerry <i>Second Deputy Chair of Committees</i>	Rosevears	Ind.
<b>Forrest</b> , Ruth Jane <i>Third Deputy Chair of Committees</i>	Murchison	Ind.
<b>Gaffney</b> , Michael Victor	Mersey	Ind.
<b>Goodwin</b> , Vanessa <i>Shadow Attorney-General</i> <i>Shadow Minister for Justice</i> <i>Shadow Minister for Corrections</i>	Pembroke	Lib.
<b>Hall</b> , Gregory Raymond	Western Tiers	Ind.
<b>Harriss</b> , Andrew <u>Paul</u> <i>Deputy President</i> <i>Chair of Committees</i>	Huon	Ind.
<b>Mulder</b> , Tony	Rumney	Ind.
<b>Rattray</b> , Tania Verene <i>Deputy Chair of Committees</i>	Apsley	Ind.
<b>Smith</b> , Susan Lynette <i>President</i>	Montgomery	Ind.
<b>Taylor</b> , Adriana Johanna	Elwick	Ind.
<b>Valentine</b> , Robert Henry Francis	Hobart	Ind.
<b>Wilkinson</b> , James Scott	Nelson	Ind.

**APPENDIX B**  
**STAFF OF THE LEGISLATIVE COUNCIL**  
*(as at 30 June 2012)*

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Clerk of the Council	-	Mr David Pearce
Deputy Clerk	-	Mr Nigel Pratt
Clerk-Assistant and Usher of the Black Rod	-	Mrs Sue McLeod
Clerk of Committees	-	Mr Tom Wise
Committee Secretary	-	Mr Stuart Wright
Secretary - Public Accounts Committee (Joint)	-	Mrs Jenifer Austin
Financial Accountant	-	Mrs Nicole Muller
Parliamentary Officer: Personnel and Administration	-	Miss Janet Chipman
Acting Parliamentary Officer: Finance	-	Mr Craig Thorp
Parliamentary Officer: Bills and Papers	-	Mr Mark Bailly
Executive Assistant to the President and Clerk	-	Mrs Janet Harrison/ Mrs Sandra Phillips
Executive Assistant to the Deputy Clerk	-	Mrs Sandra Phillips
Executive Assistant to the Clerk-Assistant	-	Miss Julie Thompson/ Ms Allison Waddington
Executive Assistant to the Clerk of Committees	-	Mrs Jill Mann
Executive Assistant – Committee Secretariat	-	Ms Ilise Bourke
Executive Assistant to the Leader of the Government	-	Miss Mandy Jenkins
Electorate Officers	-	Ms Debbie Cleaver
-	-	Ms Allison Waddington
-	-	Ms Luci Wildeboer
-	-	Mr James Reynolds
-	-	Mr Trevor Jones
-	-	Ms Dawn Vallance
-	-	Mrs Bonnie Phillips
-	-	Mrs Sue Szoka
-	-	Ms Di Bucknell
-	-	Ms Melissa Partridge
-	-	Mrs Megan Graham
-	-	Mrs Stephanie Webb
-	-	Mrs Debra Thurley
Computer Services Officer	-	Mr Brett Godfrey
Parliamentary Officer – Support Services	-	Mr Leigh Matthews
Communications Officer	-	Ms Shirley Round

## APPENDIX C

### SUMMARY OF ACTIVITIES OF THE COUNCIL

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	<b>Forty-Sixth Parliament First Session up to 31 December 2007</b>	<b>Forty-Sixth Parliament Second Session 4 March 2008 up to 30 June 2008</b>	<b>Forty-Sixth Parliament Second Session 1 July 2008 up to 30 June 2009</b>	<b>Forty-Sixth Parliament Second Session continued up to 31 December 2009</b>	<b>Forty-Seventh Parliament First Session 4 May 2010 up to 30 June 2010</b>	<b>Forty-Seventh Parliament First Session continued 1 July 2010 to 30 June 2011</b>	<b>Forty-Seventh Parliament First Session continued 1 July 2011 to 30 June 2012</b>
Sitting Days	29	20	45	28	10	41	54
Hours of Sitting	106	86	188	143	36	169	235
Bills Amended	7	3	7	16	1	11	15
Bills Passed	62	25	72	55	7	61	69
Questions on Notice	25	25	45	34	4	40	82
Petitions	6	-	1	1	1	4	7
Substantive Motions	7	25	41	34	1	35	38
Matters of Public Importance	-	-	4	1	1	1	1
Divisions	6	3	8	8	1	11	13
Ministerial Statements	-	2	3	1	1	1	1
Motions for the Disallowance of Regulations	-	-	1	0	0	0	0



## APPENDIX D

### PASSAGE OF BILLS

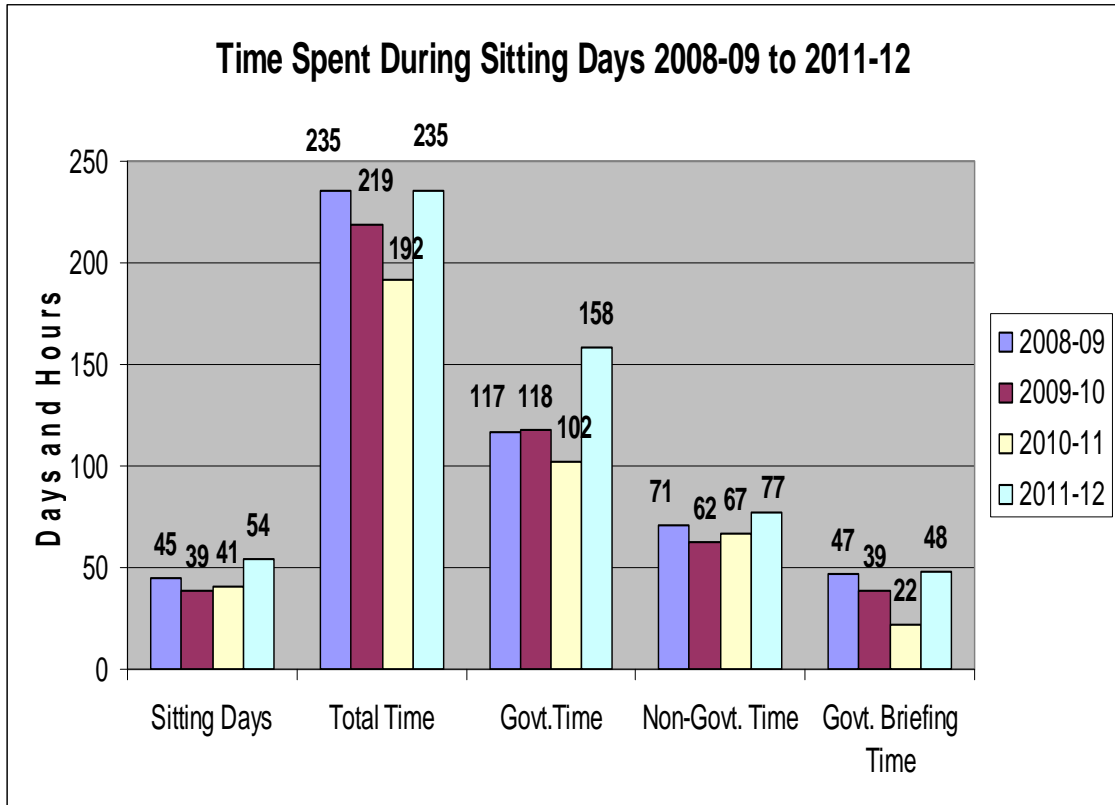
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<b>Bills</b>	<b>1 July 2007 to 31 December 2007</b>	<b>4 March 2008 to 30 June 2008</b>	<b>1 July 2008 to 30 June 2009</b>	<b>1 July 2009 to 19 November 2009</b>	<b>4 May 2010 to 30 June 2010</b>	<b>1 July 2010 to 30 June 2011</b>	<b>1 July 2011 to 30 June 2012</b>
Introduced	61	28	77	57	12	70	67
Lapsed	3	-	-	3	-	-	-
Negatived at Second Reading	-	-	-	1	-	-	1
Passed	62	25	72	55	7	61	69
Without Amendment	55	22	65	39	6	50	54
With Amendment	7	3	7	16	1	11	15
Number of Amendments	27	24	42	110	2	44	39

# APPENDIX E

## SITTING DAYS 2008-09 TO 2011-12

### GOVERNMENT TIME AND NON GOVERNMENT TIME

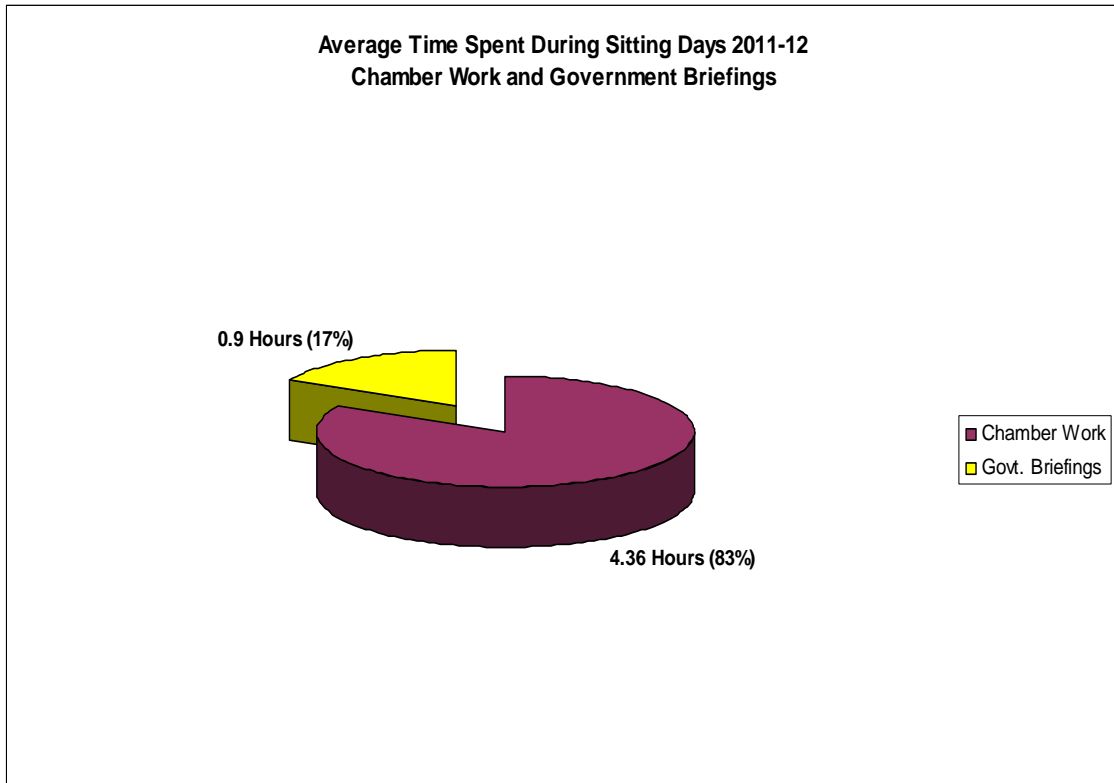


**APPENDIX F**  
**SITTING DAYS 2011-2012**  
**GOVERNMENT TIME, NON GOVERNMENT TIME**  
**AND GOVERNMENT BRIEFINGS**

**Time Spent in 2011-12**  
**Government Time; Non-Government Time; & Briefings**



**APPENDIX G**  
**SITTING DAYS 2011-2012**  
**AVERAGE TIME DURING SITTING DAYS –**  
**CHAMBER WORK AND GOVERNMENT BRIEFINGS**



## **APPENDIX H**

### **OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL**

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Ambassador of Czech Republic  
His Excellency Dr Hynek Kmonicek

22 August 2011

Ambassador of Germany  
His Excellency Dr Christoph Mueller

16 April 2012

High Commissioner of United Kingdom  
His Excellency Mr Paul Madden

22 June 2012

# APPENDIX I

## SCHOOL VISITS TO THE LEGISLATIVE COUNCIL

<b>Date Visited</b>	<b>School Name</b>	<b>Nos.</b>	<b>Date Visited</b>	<b>School Name</b>	<b>Nos.</b>
July 2011	Richmond Primary	40	Dec 2011	Meander Primary	20
July 2011	Blackmans Bay Primary	70	Dec 2011	Hobart Linc	15
July 2011	Bowen Road Primary	25	Mar 2012	Elizabeth College	24
July 2011	Blackmans Bay Primary	50	Mar 2012	Friends	80
July 2011	St Marys District	40	Mar 2012	St Peter Chanel	36
Aug 2011	Blackmans Bay Primary	24	Mar 2012	Polytechnic	32
Aug 2011	Goulburn Street Primary	25	Mar 2012	Mt Carmel	41
Aug 2011	Leighland Christian	7	Mar 2012	Guilford Young	30
Aug 2011	Our Lady of Mercy	27	Mar 2012	Hobart College	15
Sept 2011	Bowen Road Primary	75	Mar 2012	Claremont College	15
Sept 2011	UTAS	7	Mar 2012	Rosny College	40
Sept 2011	Hagley Farm School	50	Apr 2012	Polytechnic	10
Sept 2011	Hilliard Christian	15	Apr 2012	Guilford Young	17
Sept 2011	Hagley Farm School	50	Apr 2012	Ulverstone Primary	53
Oct 2011	Lindisfarne North	37	Apr 2012	Moonah Primary	6
Oct 2011	Triabunna	20	Apr 2012	Montague Primary	40
Oct 2011	Winnaleah High	32	Apr 2012	New Town Primary	30
Oct 2011	Moriarty Primary	24	Apr 2012	Elizabeth College	24
Oct 2011	Calvin Christian	27	May 2012	Ulverstone Primary	53
Oct 2011	Spreyton Primary	50	May 2012	Marist Regional	8
Oct 2011	Leyland Christian	20	May 2012	Beaconsfield Primary	58
Oct 2011	Hobart College	30	May 2012	Hobart College	15
Oct 2011	St Aloysius	15	May 2012	Hutchins	64
Nov 2011	Port Dalrymple	56	May 2012	Scotch Oakburn	45
Nov 2011	Claremont College	40	May 2012	Forest Primary	35
Nov 2011	Polytechnic	18	June 2012	Scotch Oakburn	66
Nov 2011	Friends	150	June 2012	Geilston Bay High	45
Nov 2011	Bracknell	25	June 2012	Lindisfarne Primary	40
Nov 2011	Calvin Christian	29			

- ◆ Table does not show scheduled 10.00 am and 2.00 pm tours on non sitting days for members of the public.

# **APPENDIX J**

## **FINANCIAL STATEMENTS**

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Financial Report of the Legislative Council for the period ending on 30 June 2012 including the Independent Audit Report.