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PUBLIC AWARENESS

The Chamber

During the year a variety of groups and individuals are introduced to the Parliament and in particular the Legislative Council through conducted tours. The majority of the groups conducted through the Parliament during the year consisted of secondary and primary school groups.

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

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

Office Hours

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

Sitting Days

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

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

TABLE OF CONTENTS

	<u>Page</u>
A HOUSE OF REVIEW.....	1
◆ Background	
◆ A Constituent Part of the Parliament	
◆ Council Elections	
◆ Disclosure of Interests	
THE DEPARTMENT OF THE LEGISLATIVE COUNCIL.....	6
◆ Vision and Goals	
◆ Organisational Chart	
◆ Purpose	
◆ Objectives	
◆ Pursuit of Objectives	
◆ Major Documents	
◆ Statutes Affecting Legislative Council Standing Order Provisions	
◆ Asset Management	
◆ Delivery of Services	
◆ Performance Information	
◆ Summary of Financial Outcomes	
◆ Essential Maintenance	
◆ Support for Local Business	
◆ Risk Management	
DEPARTMENT OUTPUTS.....	18
◆ Summary and Description	
PROCEDURAL AND OTHER MATTERS.....	20
◆ Minor Legislative Changes	
◆ Disclosure of Interests	
◆ Petitions	
◆ Premier's Address – Grievance Debate	
◆ Select Committees Established	
◆ Select Committee Interim Report	
◆ Government Business Enterprises and Government Corporations Scrutiny Committees	
◆ Parliamentary Recall	
◆ Periodic Elections	
◆ Election of New President	
◆ Joint Sitting – Senate Vacancies	
◆ Budget 2002-03	
◆ Review of Standing Orders	

-
- ◆ Condolence Motion – Victims of the terrorist attacks in the United States

DEPARTMENT STAFF	31
♦ Industrial Agreement	
♦ Personal Assistant Support	
♦ House Committee Secretary	
♦ Superannuation Schemes	
♦ Development and Training	
♦ Industrial Democracy	
♦ Occupational Health and Safety	
Parliamentary Standing Committees: Statutory in Nature	36
♦ Public Accounts	
♦ Public Works	
♦ Subordinate Legislation	
COMMITTEES.....	38
♦ Overview	
♦ Joint Standing Committee on Environment, Resources and Development	
♦ Joint Standing Committee – Community Development	
♦ Select Committees - An Investigatory Function	
♦ Work of Joint Select and Select Committees	
♦ Estimates Committees	
APPENDIX A - MEMBERS OF THE LEGISLATIVE COUNCIL	45
APPENDIX B - STAFF OF THE LEGISLATIVE COUNCIL.....	46
APPENDIX C – SUMMARY OF ACTIVITIES OF THE COUNCIL.....	47
APPENDIX D– PASSAGE OF BILLS	48
APPENDIX E – OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL	49
APPENDIX F - FINANCIAL STATEMENTS INCLUDING AUDIT REPORT ..	50

A HOUSE OF REVIEW

BACKGROUND

The Legislative Council of Tasmania was established in 1825 as a unicameral legislature following the separation of Van Diemen's Land from New South Wales.

On 3 December of that year, Governor Darling of New South Wales proclaimed Van Diemen's Land as a separate colony, and simultaneously the first Legislative Council was created consisting of six nominee Members and the Lieut.-Governor, Colonel George Arthur.

The continuing prosperity and population growth of the colony were reflected by the increase in membership of the Council. In 1828, as a result of an Imperial Act, the Council was increased to 15 nominee Members (6 official and 8 unofficial) with the Governor as Presiding Officer.

In 1851, the Legislative Council Membership was further increased to a total of 24 Members. 16 Members were elected by restricted franchise and 8 Members were nominated by the Governor, who ceased to be a Member. From 1850 until 1856 the Presiding Officer in the Council was known as the Speaker. The Members elected Sir Richard Dry as the first incumbent of that position. In 1856 the title of the Presiding Officer changed from that of Speaker to President.

During the 1840s the British Colonial Office argued that the penal transportation system should continue. The colonists argued against any further influx of convicts and believed that their interests would be better served by a form of representative government for the colony. Although the Governor temporarily resolved this crisis, agitation for a more representative style of government grew stronger. The efforts of the colonists were rewarded with the proclamation of an act to permit the introduction of a bicameral, representative Parliament on 24 October 1856. The first elections were held in 1856 and the first Session of the new Parliament was opened on 2 December in that year.

When a bicameral Parliamentary system was discussed in the 1850s a Select Committee of the Council was appointed in 1853 to draw up proposals. The Committee, charged with producing a constitution for the State of Tasmania, stated in the explanatory introduction to their report - *"A Legislative Upper Chamber is recommended to guard against hasty and ill considered legislation by ensuring due deliberation previous to the adoption of any measure. This necessarily imparts a very different character to the Legislative Council from that which the Assembly will possess. The instincts of the Assembly will be movement - progress - innovation; generally of a useful character, but subject to the defects incidental even to improvement when suddenly introduced. The instincts of the more conservative Council will be caution - deliberation - resistance to change if not fully proved to be beneficial"*.

Throughout the life of the Legislative Council, Tasmanian electors have to a very large extent, preserved the independent nature of their Upper House. The Legislative Council is neither a rubber stamp for decisions of the Government in the Lower House, nor an alternative Opposition.

Reduction in
Numbers

Both Houses of the Parliament had adjournment periods cut short during the 1998 sitting year by a Proclamation issued by the Lieutenant-Governor on the recommendation of the then Premier, the Honourable Tony Rundle MHA, in order that the House of Assembly and the Legislative Council assemble primarily for the purpose of considering a Bill entitled the *Parliamentary Reform Bill 1998* (subsequently Act No. 31 of 1998). Both Houses resumed sitting on Wednesday, 22 July 1998.

Prior to the introduction of this Bill there had been introduced and debated in the Parliament, during the preceding few years, several Bills relating to the structure and operation of the Tasmanian Parliament. Provisions debated included changes to Legislative Council boundaries, the Council's powers in relation to Budget and Supply Bills; the numbers of Members in both Houses including a proposal to conduct a referendum on the future structure of the Parliament.

However, prior to the introduction of the *Parliamentary Reform Bill 1998* only legislative provisions relating to changes to Legislative Council boundaries including some validating legislation had successfully passed both Houses.

New 40
Member
Parliament

Having been introduced into the House of Assembly by the then Leader of the Opposition, the Honourable Jim Bacon MHA (subsequently Premier as a result of Labor's victory in the State election held on 29 August 1998), the *Parliamentary Reform Bill* which provided for the reduction in the number of Members in both Houses of the Parliament passed the House of Assembly on 22 July 1998.

The Bill was read the First time in the Legislative Council on that same day and passed through all stages by the morning of 23 July 1998. The Bill received the Royal Assent on 27 July 1998. As soon as the Royal Assent had been given the Premier sought, and was granted, a General Election for the House of Assembly. The Assembly was dissolved and the subsequent election held on 29 August 1998 returned 25 Members to that House.

The amending provisions of the Legislation affected principally the *Constitution Act 1934*, the *Electoral Act 1985* and the *Legislative Council Electoral Boundaries Act 1995*, with respect to the constitution of both the Assembly and the Council and the process by which a Redistribution Tribunal would determine the transitional arrangements to implement the redistribution of the State in respect of the Legislative Council, by providing for a reduction in the number of Members from 19 to 15.

The transition determination of the Redistribution Tribunal appointed in accordance with provisions contained in the *Legislative Council Electoral Boundaries Act 1995* was made on 26 May 1999.

The determination cited as the *Legislative Council (Transition Arrangements) Determination 1999 inter alia* allocated Members to the fifteen new Council electoral divisions which were determined at the last redistribution of the State Legislative Council boundaries on 6 February 1999 and established a new periodical election cycle. An allocated Member was taken to have been elected for and to represent the Council division to which they were allocated.

The term of the four unallocated Members of the Council was reduced so that those Members ceased to be Members of the Council on 1 July 1999.

From that time the Legislative Council has consisted of 15 elected Members.

A CONSTITUENT PART OF THE PARLIAMENT

The Legislative Council, together with the House of Assembly and His Excellency the Governor constitute the Parliament of Tasmania.

The Legislative Council as the Upper House of the Parliament of Tasmania can be described as democratic with an independent character. The role of the Council is three-fold:

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

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

COUNCIL ELECTIONS

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

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

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

DISCLOSURE OF INTERESTS

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

The Act requires that Members disclose details of —

- ◆ each source of income greater than \$500 received by a Member, including income from trusts;
- ◆ all real estate interests of a Member except where the interest is as executor or administrator of a deceased estate of which the Member is not a beneficiary or as a trustee related to the Member's non-parliamentary occupation;
- ◆ any interests or any position, whether remunerated or not, that a Member may hold in a corporation, except where the corporation is set up as a non-profit organisation for community purposes. This includes shareholdings;

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- ◆ any position, whether remunerated or not, held by a Member in a trade union, professional or business association;
 - ◆ all debts owed by the Member exceeding \$500, except where the money is owed to a relative, a normal lender of money such as a bank or building society or arises from the supply of goods or services as part of a Member's occupation outside of Parliament;
 - ◆ gifts of value greater than \$500, except where received from a relative;
 - ◆ disposition of property by a Member where there is an arrangement for the Member to retain the use or benefit of the property or a right to acquire the property at a later date;
 - ◆ contributions to travel undertaken by a Member of value greater than \$250. Travel contributions would not need to be disclosed where provided by the Government, a relative or where made in the normal course of a Member's occupation outside Parliament. Contributions made by a Member's political party for travel on party business are also exempted.

THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

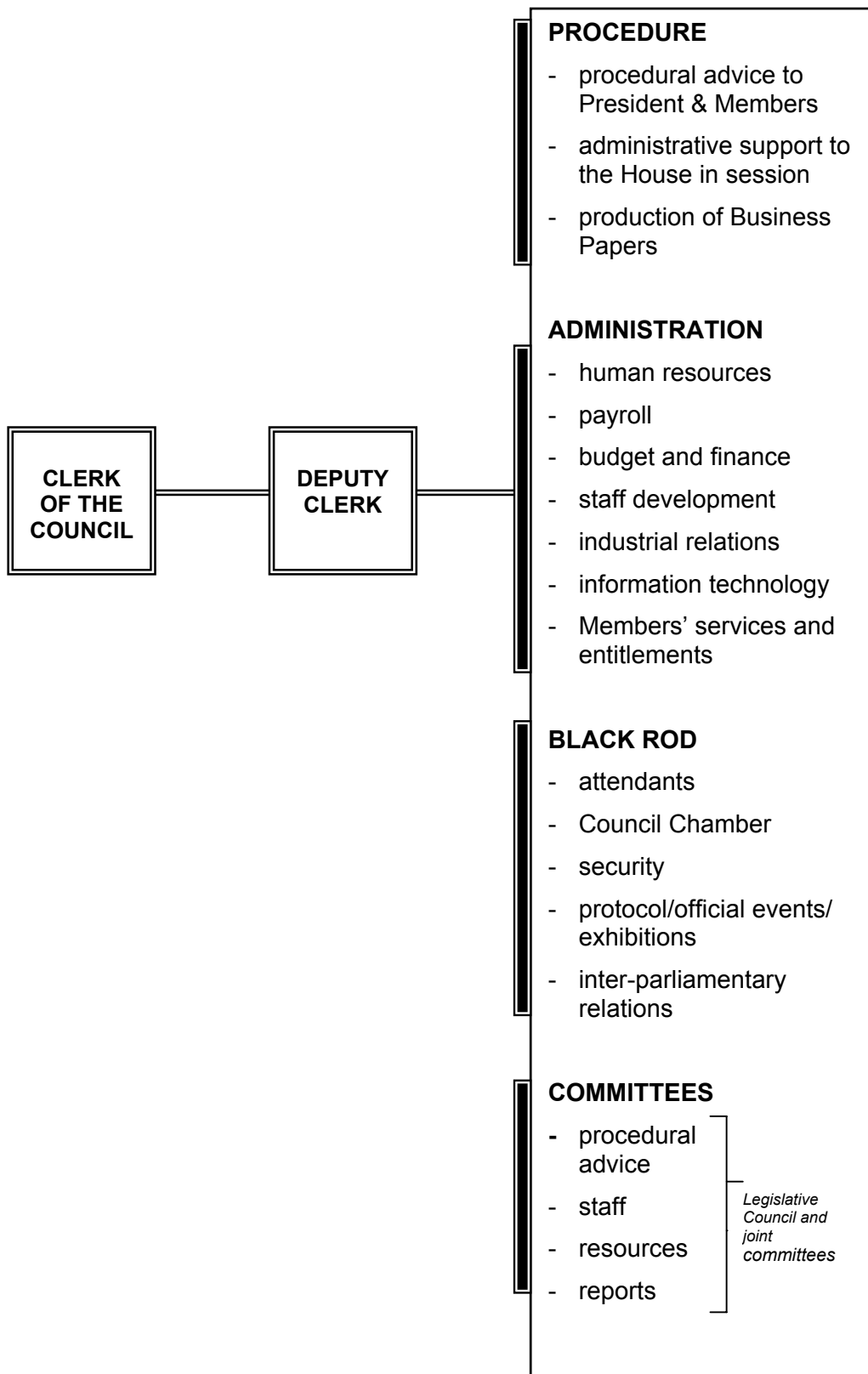
VISION

To be an efficient and responsive House administration.

GOALS

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

ORGANISATIONAL CHART



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

PURPOSE

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

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

There are three principal program areas of the Department.

Advisory and procedural services

These include:

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

Administrative and support services

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

Corporate management

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

OBJECTIVES

The major objectives and responsibilities are to:—

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

PURSUIT OF OBJECTIVES

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

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

MAJOR DOCUMENTS

- **Annual Report** - The annual report on the operations of the Legislative Council is compiled and presented to the both Houses of Parliament pursuant to the Financial Management and Audit Act 1990.
- **Committee Reports** - Reports presented by committees and published as parliamentary papers.
- **Votes and Proceedings** - An official record of the proceedings of the Legislative Council being the Journals of the House. The Votes and Proceedings are produced 'in-house' and are published for each day's sitting.
- **Notices of Question, Motion and Orders of the Day** - An official list of all business before the Council in the order in which it is proposed to be dealt with. The 'Notice Paper' is produced 'in-house' and is published for each day's sitting.
- **Index to the Votes and Proceedings** - This index is also incorporated and printed in final form in the bound volumes of the Votes and Proceedings.
- **The Legislative Council Brochure** - An information and souvenir booklet providing a brief history and other relevant procedural information for visitors to the Council.
- **List of Members** - A list of Council Members and senior officers in alphabetical order, detailing electoral division, party, postal address and phone and facsimile numbers.
- **Standing Orders of the Legislative Council** - The standing rules and orders of procedure for the operation of the Council and its committees (revised and adopted by the Council on 17 December 1987 and agreed to by His Excellency the Governor on 23 December 1987. Amendments have been made by the Legislative Council on 6 December 1988, 9 December 1993, 26 May and 1 July 1999. All amendments made have been approved by His Excellency the Governor.
- **Rulings and Opinions of Presiding Officers of the Legislative Council 1856-1990** - A comprehensive index, by individual headings, of rulings and opinions of Legislative Council Presiding Officers.
- **Legislative Council Members Handbook** - A guide on procedures and entitlements prepared by the Clerk of the Council, for use by Members.
- **Seating Plan of the Legislative Council Chamber** - prepared to assist visitors to the Council.

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- **Briefing Notes on the Budget Estimates** - a key budgetary document which presents detail of the Council's principal expenditure areas. Budget briefing notes are utilised by the Premier during the consideration of the Council's expenditure estimates by budget estimate committees of both Houses.

STATUTES AFFECTING LEGISLATIVE COUNCIL STANDING ORDER PROVISIONS

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

- ◆ Constitution Act 1934
- ◆ Electoral Act 1985
- ◆ Parliamentary Privilege Act 1858, 1885, 1898, 1957
- ◆ Parliament House Act 1962
- ◆ Defamation Act 1957
- ◆ Evidence Act 1910
- ◆ Acts Custody Act 1858
- ◆ Acts Enumeration Act 1947
- ◆ Acts Interpretation Act 1931
- ◆ Subordinate Legislation Committee Act 1969
- ◆ Public Works Committee Act 1914
- ◆ Public Accounts Committee Act 1970

ASSET MANAGEMENT

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

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

DELIVERY OF SERVICES

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

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

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

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

PERFORMANCE INFORMATION

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

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

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

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

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

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

Procedural Support and Advice

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

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

Personal Assistant Support to Members

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

Chamber Activity

The Legislative Council sat on 91 days during the Second Session of the Forty-Fourth Parliament. The sittings commenced on 30 March 2000 and concluded on 20 December 2001, with a total sitting time of 577 hours.

During the Third Session of the Forty-Fourth Parliament the Council sat on 15 days with a total sitting time of 109 hours. The sittings for this Session concluded on 20 June 2002.

The number of Bills which were presented for the Royal Assent during the period of the Second and Third Sessions totalled 256.

Notice Papers and Votes and Proceedings, being the Journals of the Council, were prepared for each day's sitting of the House.

Financial Activity

According to law, the Clerk is responsible for the overall effective, efficient and economical management of the House.

The Clerk must ensure that expenditure is in accordance with the law and that effective accounting and financial management information systems are maintained.

In accordance with the provisions of the *Financial Management and Audit Act 1990*, associated Treasurer's Instructions and other statutory provisions, the Clerk of the Council, in respect of the financial year ending on 30 June 2001 presented to the Parliament the Council's Annual Report. As required by law that Report contained the Council's duly audited Financial Statements.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2002 form part of this Annual Report.

SUMMARY OF FINANCIAL OUTCOMES

The total expenditure by the Legislative Council from the Consolidated Fund for the year ending on 30 June 2002 was within the budget approved by the Parliament. Financial activities were conducted both in accordance with statutory provisions and in terms of compliance with mandatory reporting requirements of the Department of Treasury and Finance.

Additional funding was required during the financial year to fund costs in Output Group 1.2 which relate specifically to Committee activity. Additional Committees in both the Select and Standing Committee areas were appointed by Resolution of the Council or both Houses jointly.

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

ESSENTIAL MAINTENANCE

Legislative Council Chamber Air Quality – First Stage Minor Work

During the reporting year minor work in the Legislative Council Chamber was undertaken to improve air quality. The first stage of a two stage minor works project was completed which saw the installation of new and improved supply air registers.

Strategic Asset Management Plan

The Strategic Asset Management Plan [SAMP] for Parliament House identifies the medium to long term strategic directions and priorities for the ongoing development and maintenance of the building complex. The Plan identifies in some detail, the strategies for capital investment and maintenance works over the next several financial years.

An early outcome of the SAMP process and in consideration of the Conservation Management Plan [CMP] for the “*historic core*” of the Parliament House buildings, is the recommendation that these buildings continue in ownership of the Crown.

With the continued ownership of the “*historic core*” of Parliament House and the medium-term occupation of the 1975 brick extension, the continued focus of attention has been towards addressing issues of:

- Occupational Health and Safety,
- Improvement of disabled access,

-
- Continued maintenance of the building fabric and services including the improvement to engineering services to improve energy efficiency and performance.

Description of the Works

Existing Air-conditioning Systems

The building is served by a ducted ventilation system delivering treated air into the Legislative Council Chamber. The system uses a mix of outside and return air, with a separate heating and cooling coil installed. A humidifier is installed within the system.

The route of the supply air ductwork to the Chamber was altered as part of the works associated with the restoration of adjoining offices. This and the removal of redundant ductwork from within the roof space reduced the demand on the supply air system.

The delivery of the supply air into the Chamber is via perforated metal supply air registers designed as a part of the decorative frieze high on the walls of the Chamber. The return air is via the entry doors and a riser shaft in the foyer.

The controls system has previously been upgraded to a digital control system to provide quicker response time to changing comfort conditions. This improvement is providing a better control over the installed system.

Improvement to Conditions

Improvement to the supply airflow required an increase in the volume of air delivered and the introduction of a directional element to project the airflow to the lower level of the Chamber.

To achieve this required the manufacture of supply air registers using a larger perforation (50%) with metal deflectors attached at the rear to direct the airflow downwards. The registers were manufactured to suit the décor.

This work was undertaken using funds provided during the year from the Capital Investment Program – Essential Maintenance (CIP-EM) Program.

As a direct consequence the *quantity* of air flowing into the Chamber has been dramatically improved.

Second Stage Minor Work

To improve the *quality* of the air in the Chamber requires the monitoring of the carbon dioxide levels in the air.

To achieve this requires the provision of a carbon dioxide monitor installed in the return air riser shaft connected to the controls system and arranged to operate the air supply system on 100% outside air when air quality is monitored as being poor.

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

It is expected that this work will be undertaken and completed during the early part of 2003.

Agency Options

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

Risk Assessment

The SAMP states:

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

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

Building Degradation

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

Statutory Requirements

Works are carried out within the guidelines of the approved Conservation Management Plan. These works do not require approval of the Tasmanian Heritage Council. The aim is to provide a safer working environment in the Legislative Council Chamber.

SUPPORT FOR LOCAL BUSINESS

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

No tenders were called, or contracts awarded, with a value greater than \$50,000 during the financial year ending on 30 June 2002.

RISK MANAGEMENT

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

Risks relating to the building complex are being progressively identified.

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

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

Additional measures are currently being finalised which will bring about further strengthening of the security processes within the Parliament building.

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

The documented procedures contained in the Plan have been tested.

DEPARTMENT OUTPUTS

Summary and Description

OUTPUT SUMMARY

Output Group 1:

LEGISLATIVE COUNCIL SUPPORT SERVICES

- 1.1 - Procedural, administrative and research support and advice to the President and Members.
- 1.2 - Committee Support Services.

OUTPUT DESCRIPTION

Output Group 1:

LEGISLATIVE COUNCIL SUPPORT SERVICES

Description: Services provided under this Output Group include —

- ◆ procedural, administrative and research support and advice to the President and Members of the Legislative Council;
- ◆ assistance to Members of the Legislative Council in order that they are able to execute their duties and responsibilities as elected representatives of the people of Tasmania;
- ◆ tabling of Legislative Council Select Committee and Parliamentary Joint Select Committee reports on a variety of subject specific matters agreed to by Resolution of the Council;
- ◆ the continuing statutory obligations of the three Joint Parliamentary Standing Committees;
- ◆ the provision of continuing professional development allowances to Members; and
- ◆ the provision of travel and research support allowances to Members.

Outcomes to be achieved from this Output Group are as follows:—

- ◆ the continuing lawful and constitutional operation of the Legislative Council;
- ◆ the provision of quality and timely advice on Parliamentary practice and procedure to the President and Members;
- ◆ provision of a full range of services to directly support the functioning of the Council during ordinary sittings and to support its Sessional, Standing and Select Committees;
- ◆ quality and timely research and information to Members;
- ◆ provision of accommodation and office services to Members so as to enable the efficient and effective discharge of their Parliamentary and representational responsibilities; and
- ◆ the effective financial management of the Council in accordance with statutory requirements and other instructions.

OUTPUT SUMMARY

Output Group 2:

PAYMENTS ADMINISTERED BY THE LEGISLATIVE COUNCIL

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

OUTPUT DESCRIPTION

Output Group 2:

DESCRIPTION

This Output Group specifically provides for the Parliamentary Salaries and Allowances of Members of the Legislative Council as prescribed in the *Parliamentary Salaries, Superannuation and Allowances Act 1973* as amended.

Description: Activities undertaken as part of this Output Group include —

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

PROCEDURAL AND OTHER MATTERS

MINOR LEGISLATIVE CHANGE

Parliamentary Privilege Amendment Act 2001 [Act No. 82 of 2001]

The Parliamentary Privilege Amendment Act 2001 was given Royal Assent on 17 December 2001.

The Bill formed part of the Government's 2001 Evidence legislative package and simply inserted into the Parliamentary Privilege Act 1858 [No. 17 of 1858] what were the existing sections 23 and 24 of the Evidence Act 1910. The provisions allow a select committee of either House or a joint committee of both Houses to examine a witness. The provisions further provide for a person who wilfully gives false evidence to such committee to be charged with perjury.

The new section is reproduced below.

Examination of witnesses

- 2A (1) A select committee of either House or a joint committee of both Houses with power to send for persons may examine any witness in relation to any matter referred to it.
- (2) A witness is to make a declaration before the select committee or joint committee that the evidence given by the witness is the truth.
- (3) A witness who wilfully gives false evidence is guilty of perjury.

Public Works Committee Amendment Act 2001 [Act No. 108 of 2001]

The Public Works Committee Amendment Act 2001 was given Royal Assent on 17 December 2001. The Act provided for an increase in the threshold amount for projects which must be approved by the Parliamentary Joint Standing Committee on Public Works in accordance with the provisions of the Public Works Committee Act 1914. The amount increased from \$1 million to \$2 million. The increased threshold merely reflected the movement of the consumer price index (CPI) from when the threshold was originally set back in 1983. Since that time the CPI has almost doubled. The Public Works Committee agreed to the proposed change and the Joint House Select Committee on the Working Arrangements of the Parliament also recommended that the threshold be increased to \$2 million. The Select Committee in their report noted that —

‘to have the limit for Parliamentary examination of public works projects set too low and automatically requiring investigation may impede the pursuit of more significant inquiries’.

It was also proposed during debate on the measure in the House that a great deal of public money will be saved by reducing the administrative costs for Government agencies and the Public Works Committee. It was suggested that the cost to an agency in putting a project through the Committee process can be up to \$30,000.

DISCLOSURE OF INTERESTS

The Parliamentary (Disclosure of Interests) Act 1996 (No. 22 of 1996) provides for the establishment of register of interests in each House containing information on the pecuniary and other interests of Members which have the potential to lead to a conflict with their official duties. The Council’s register is open to public scrutiny. It is lodged with the Clerk and is Tabled annually. New Members are required to lodge a ‘Primary Return’ within three months of having taken the Oath.

On 21 August 2001 the Primary Returns of the two most recently elected new Members of the Council were Tabled. When Tabled the Returns are deemed to have been published.

In accordance with sections 19 and 20 of the Act, the ordinary annual returns of all other Members were Tabled on 2 November 2001 and were deemed also to have been published.

PETITIONS

The Legislative Council’s Sessional Orders relating to Petitions provide:

- (1) The text of each Petition which the House has received shall be communicated to the Premier by the Clerk of the House.
- (2) A Government response to each Petition shall be laid before the House within 15 sitting days of its communication to the Premier by the Leader of the Government.

Two Petitions relating to respite beds and the West Coast Magistrate’s office functions were received by the House during the last half of the 2001 calendar year.

Responses when received are Tabled in the House.

PREMIER'S ADDRESS – GRIEVANCE DEBATE

The Standing Orders of both Houses of the Tasmanian Parliament have been amended to remove His Excellency the Governor from the opening of Parliament ceremony on all but the formal occasion of opening following a general election of the House of Assembly.

During the first half of the reporting year the Council's Sessional and other Procedural Orders relating to 'Grievance Debate' again had application.

The Council's Procedural Order No. 7 restated provides:—

- (a) That the Leader of the Government shall read to the Council the Address made by the Premier to the House of Assembly within the first six sitting days following the 1st of September each year, reviewing the Government's past actions and its proposed policies and activities for the future.
- (b) At the conclusion of (a) above, the Leader shall lay upon the Table of the Council a copy of the Address and the President shall propose the Question "That the Address be noted".

The Premier delivered his Address in the House of Assembly on 26 September 2001. The Address was read in the Council on 3 October 2001 and Tabled. The debate which immediately followed concluded the following day.

SELECT COMMITTEES ESTABLISHED

The Legislative Council resolved to establish two new Select Committees of Inquiry during the last half of 2001. A Select Committee dealing with the impact of Gaming Machine Operations in hotels and clubs in Tasmania was the first of the two to be established.

The Committee's Terms of Reference which were agreed by the House on Thursday 4 October 2001 follow —

- (1) the immediate and long term social and economic impacts upon the community, of the expanded operation of poker machines in hotels and clubs;
- (2) the adequacy of current funding and support services for gaming machine addicted persons, families and communities;
- (3) the role and membership of the Tasmanian Gaming Commission;
- (4) the role and application of the Community Support Levy;

-
- (5) the degree to which undertakings given during the debate on the Gaming Control Bill 1993 have been adhered to;
 - (6) the degree to which the Parties have complied within the obligations contained within the Gaming Control Bill 1993 and the attached Deed; and
 - (7) other matters incidental thereto.

Whilst a reporting date for the Committee was not considered as part of the establishment motion, the Committee has been active and it is expected that a report will be presented to the House prior to the end of the current calendar year.

The second of the two most recently established Select Committees concerns the matter of attracting international students to Tasmania. The Committee's Terms of Reference which were agreed by the House on Tuesday 9 October 2001 follow —

- (1) the potential for attracting greater numbers of international students to Tasmania;
- (2) measures that could be undertaken at the Federal, State, Local Government and other levels to enhance that potential;
- (3) any matters which may act as impediments to Tasmania attracting more international students;
- (4) the effectiveness or otherwise of the methods employed by the State Government and Tasmanian educational institutions in marketing and recruiting international students;
- (5) the level and adequacy of the pastoral care and assistance given to international students in Tasmania;
- (6) the potential and action needed for Tasmania to establish educational institutions or courses in other countries and the effectiveness or otherwise of any attempts to do so to date;
- (7) the potential for education to become a primary economic driver in the Tasmanian economy; and
- (8) any other matters relevant to marketing, recruiting and catering for the educational and personal needs and welfare of international students in Tasmania.

The Committee sought from the main stakeholders background briefs on issues surrounding the Committee's inquiry prior to the Christmas break. A background brief has been prepared for Members by the Parliamentary Research Service. The Committee has commenced the more formal investigative aspects of its inquiry. It is expected that the Committee will report to the House during the next Autumn Session.

SELECT COMMITTEE INTERIM REPORT – BASS STRAIT AIR TRANSPORT

The trend continues in the House for reports presented by Select, Joint Select and Standing Committees to be subject to some further consideration and debate by way of a "take note" motion. This motion is usually proposed by the Committee Chair or if not, certainly by a member of the relevant committee.

The Legislative Council has had in place for some time an arrangement with the Government whereby a detailed response to all Select Committee Reports is presented to the House by the Leader of the Government after time has been had for the content and recommendations contained in the report to be fully appraised. Notwithstanding this arrangement but subject to issues of timing and circumstance "take note" motions are moved. The interim report of the Select Committee on Bass Strait Air Transport was one such report presented which was debated on 6 November 2001, the same day that it was received by the House. The Report addressed only the Committee's Term of Reference No. 1. The complete Terms of Reference are reproduced as follows —

- (1) whether the Federal Government should provide funds to reduce the cost impact to passengers travelling across Bass Strait by air;
- (2) to what extent, if any, should the State Government provide funds to reduce the cost impact to passengers travelling to and from Flinders Island and King Island by air;
- (3) the regularity, reliability and adequacy of air passenger services across Bass Strait;
- (4) the suitability and reliability of aircraft used to provide both passenger and freight services across Bass Strait;
- (5) the cost of air passenger fares across Bass Strait and a comparison of these with the cost of fares on other domestic routes;
- (6) the availability and method of allocation of frequent flyer award seats on Tasmanian flights and a comparison in each case with other domestic routes;
- (7) the adequacy and suitability of air terminal facilities at Tasmanian airports and the cost of car parking where charges are made;

(8) any problems or difficulties associated with –

- (a) interstate; and
- (b) international

air freight to and from Tasmania;

(9) any other matters relating to the provision of air passenger and freight services to and from Tasmania.

Due to the Federal emphasis contained in the Term of Reference No. 1, the importance of the issue to Tasmania and what was an impending Federal election, it was considered essential not only to present an interim report but make that report the subject of a “take note” debate in the House.

GOVERNMENT BUSINESS ENTERPRISES AND GOVERNMENT CORPORATIONS SCRUTINY COMMITTEES

The Council’s two duly appointed GBE and GC Committees met on 9 and 10 April 2002 to inquire into selected GBE’s and GC’s. The Committees were previously ordered to meet on 19 and 20 February, however due to the prorogation of the Parliament this was not possible.

The following enterprises and corporations were examined —

Aurora Energy Pty Ltd
Printing Authority of Tasmania
TOTE Tasmania
Forestry Tasmania
Tasmanian International Velodrome Management Authority
Southern Regional Cemetery Trust; and
The Public Trustee

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

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

Whilst the information publicly available in annual reports continues to be very useful both Committees continued the strategy of meeting with and seeking input from peak bodies and other individuals who claim an interest in the outputs of the GBE’s and GC’s. A full schedule of meetings statewide were arranged for the early part of February. Whilst there were time constraints the new direction again proved successful.

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

The Reports of the Committees were Tabled on 28 and 29 May 2002 respectively. The Chairs of both Committees gave notice of motion to 'take note' of the reports. With the further prorogation of Parliament and the dissolution of the House of Assembly on 21 June 2002 these motions were not moved during the reporting year.

PARLIAMENTARY RECALL

Following a complaint to Tasmania Police by a medical student at the Royal Hobart Hospital concerning aspects of the procedure for the termination of pregnancies at that Hospital, it was necessary for the Premier to seek a Governor's Proclamation to recall both Houses of Parliament to deal with an amendment to the Tasmanian Criminal Code.

Both Houses had adjourned on 29 November 2001 for the customary Christmas break and were due to resume on 12 March 2002.

The Proclamation sought the attendance of Members on Wednesday 19 December 2002.

Medical specialists and nursing staff were refusing to undertake termination procedures as a consequence of the complaint which cast doubt over the legality of the practice.

The Criminal Code Amendment Bill (No. 2) 2001 (No. 132) had two main aims:

- (a) to clarify the law relating to the practice which currently applied in Tasmania; and
- (b) to place the decision to terminate a pregnancy firmly in the hands of the woman and her doctor.

It was interesting in that the female Members of both Houses were responsible as a group for working on the provisions contained in the amending Bill and for their combined agreement to it.

Extensive briefings took place prior to the Bill, which was amended in the Assembly, reaching the Council on the morning of Thursday 20 December after a 'conscience' vote in the Lower House.

After considerable debate the Bill was agreed to without Amendment in the Council later that afternoon.

The Bill was prepared for Royal Assent on Friday 21 December and presented to His Excellency for his Assent at 10.00 o'clock am on Christmas Eve.

PERIODIC ELECTIONS – 4 MAY 2002

Periodic elections for three Legislative Council Divisions – Huon, Montgomery and Rosevears were held on Saturday 4 May 2002.

The former Member for Rosevears and President of the Legislative Council Ray Bailey did not recontest his seat and retired from the service of the Council after twelve years.

The seat of Huon is the southernmost division incorporating the Huon and Channel areas, Bruny Island and suburban Blackmans Bay and was contested by 4 candidates. The Hon Paul Harriss MLC, an independent, held the seat. One of the candidates, Fran Bladel a former Member of the House of Assembly, resigned her seat from the Assembly to contest the Upper House seat. She was a member of the Labor Government and a former Minister.

The sitting Member, Paul Harriss, comfortably retained his seat.

The seat of Montgomery in the north-west of the State includes the towns of Ulverstone and Penguin together with a large part of the city of Burnie.

The election was contested by 4 candidates including the Hon Sue Smith MLC, an independent member, who was the sitting member. As with the Division of Huon the sitting member comfortably retained her seat.

In Rosevears which incorporates the West Tamar region in the north of the State the election was contested by 9 candidates. After exclusions and distribution of preferences another independent, Kerry Finch, was elected to the Legislative Council again by a very comfortable margin. Mr Finch has a media background having spent a considerable amount of his working life with the ABC in Launceston.

The composition of the 15 Member Upper House remained unaltered after the May elections as follows:

Independent	9
Independent-Labor	1
Labor	5

ELECTION OF NEW PRESIDENT

With the retirement of the former President, Ray Bailey in May 2002 the Council proceeded to elect a new President when the sittings resumed on 21 May 2002 after the periodic elections.

Two long serving members nominated for the position, the Hon Tony Fletcher MLC and the Hon Don Wing MLC.

Mr Fletcher was first elected to the Legislative Council in 1979 with Mr Wing being elected in 1982.

The election of the new President was by secret ballot. It has become accepted convention that Members of the Council meet in private to conduct the ballot and determine their next President.

When the Council next sits it is usual then for there to be only one nominee (as determined at the earlier meeting and ballot) who is subsequently declared elected in the Chamber.

As a result of this process Hon Don Wing MLC was elected President of the Legislative Council on 21 May 2002.

JOINT SITTING – SENATE VACANCIES

On 4 February and 26 February 2002 respectively the Governor of Tasmania, on the advice of the Executive Council, appointed Richard Colbeck and Guy Barnett to fill vacancies in the representation of the State of Tasmania in the Senate resulting from the resignations of Senators Jocelyn Newman and Brian Gibson.

As the Tasmanian Parliament was prorogued on 1 February the appointments were made pursuant to Section 15 of the Constitution of the Commonwealth of Australia.

The appointments were to expire fourteen days from the beginning of the next Session of Parliament which by Proclamation was fixed for Tuesday 12 March 2002.

Both Houses agreed to meet on opening day for the purpose of sitting and voting together to choose persons to hold places in the Senate as a consequence of the resignations.

Richard Colbeck and Guy Barnett were duly chosen at that joint sitting.

BUDGET 2002-03

Upon receipt of a Message on 22 May 2002 from the House of Assembly the usual Motions were moved to allow the Treasurer to attend in the House of Assembly Chamber and give a speech in relation to the Tasmanian Budget for 2002-03.

The Budget Speech was delivered on Thursday 23 May 2002.

The Council's usual 'take note' debate followed the Tabling of all the budget documents by the Treasurer. This debate has the effect of enabling a 'simultaneous' second reading debate on the budget in both Houses. Following the two Estimates Committees consideration of the detail of the budget their reports were presented on 14 June 2002 as required by the Council. The Budget Bill passed the Assembly on 13 June 2002 and the Legislative Council on 18 June 2002.

The Bill received the Royal Assent on 20 June 2002.

REVIEW OF STANDING ORDERS

The Legislative Council's Standing and other Sessional Orders have continued to be reviewed during the reporting year. A "Sub-Committee" of the Standing Orders Committee has continued the work on the review.

It is expected that this work will be completed prior to the end of the 2002 calendar year.

The new and revised Standing Orders will bring about a modernisation of procedures and more effective and efficient practices in the House.

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

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

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

Houses to make standing orders

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

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

CONDOLENCE MOTION – VICTIMS OF TERRORIST ATTACKS IN THE UNITED STATES

On Tuesday 2 October 2001, the Council's first full sitting day of the spring sittings, the House agreed to a Resolution expressing its sincerest condolences to the families and victims following the terrorist attacks on the World Trade Centre, New York, and the Pentagon, Washington DC, on 11 September 2001.

The Motion was unanimously supported. As a mark of respect the House then adjourned without any other business of the House being dealt with.

That the Legislative Council —

Expresses its horror at the barbaric acts of terrorism which have claimed so many lives in the United States of America.

On behalf of the people of Tasmania, express our deepest sorrow and heartfelt sympathy to the families of victims.

Extends condolences in particular to the families and other loved ones of those Australians killed or missing as a result of the attacks.

Condemns terrorism of any kind and reaffirms our commitment to democracy and our determination to defend it.

Supports any Australians who may be called upon to serve their country; and

Encourages all Tasmanians to practice tolerance and to give support to people of all faiths who live in our own community.

The
Resolution

DEPARTMENT STAFF

INDUSTRIAL AGREEMENT

In accordance with the provisions of the Industrial Relations Act 1984 the latest Legislative Council Staff Industrial Agreement was agreed to by the parties (ie the President and the Community and Public Sector Union) and filed with the Tasmanian Industrial Commission during the last half of 2001.

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

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

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

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

The State Service Wages Agreement contains provisions relating to:-

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

The percentage salary increases which form part of the Agreement are as follow: —

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

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

PERSONAL ASSISTANT SUPPORT TO MEMBERS

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

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

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

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

The Premier has agreed however that personal staff support for every Legislative Council Member should be funded to the extent necessary to allow an allocation of no less than 0.6 of a full-time equivalent (FTE). To this end the President has appointed three additional part-time staff during the latter half of the 2001 calendar year.

In addition to those appointments the Council has established a new electorate office for the Division of Rowallan. Electorate Offices for individual MLCs have until recent years been the exception rather than the rule however with submissions from certain Members being accepted as valid by the President, an interim determination has been made whereby an electorate office may be established conditional upon establishment cost funding being available and the Member who is requesting the office being responsible for the majority of costs associated with it.

These costs include the lease expenses and certain other establishment and set-up costs but exclude the provision of staff, sundry office supplies and communication charges.

It is expected that the issue of resources generally for Members will be a matter of ongoing discussion between the President, the Premier and Treasurer.

HOUSE COMMITTEE SECRETARY

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

The Council's Clerk-Assistant held the position of Secretary for the 2001 year.

Rotation of the position took place on Christmas Eve 2001. The responsibility for the day to day management of the Legislature-General [Joint House] Department was transferred for 12 months from the Council's Clerk-Assistant to the House of Assembly.

Standing Order 283 *inter alia* provides —

At the commencement of every Session the Council shall appoint the following Committee —

A Committee of three Members, one of whom shall be the President, to serve on a Joint Committee to be known as the House Committee to control the Parliament House and the grounds appurtenant thereto, with power to regulate and control all matters relating to —

- (i) Catering for Parliament.
- (ii) Allotment of rooms, subject to the approval of the President or Speaker, as the case may be.
- (iii) Repairs, renewals, and alterations to Parliament House.
- (iv) Maintenance and upkeep of the gardens and roadways of 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 each of the said Committee, provided that the quorum of Committee shall not consist exclusively of Members of one House only.

The Committee shall meet within one month after the commencement of every Session when summoned by its Secretary.

SUPERANNUATION SCHEMES

The Table below provides detail of the level of superannuation fund choice being exercised by staff of the Legislative Council —

Superannuation Schemes	Number of employees for whom employer superannuation contributions are made (as at 30 June 2002)
RBF defined benefit scheme	15.6
Tasmanian Accumulation Scheme (TAS)	3.8
Other complying superannuation schemes	Nil
Total	19.4

As indicated in the Table there were no Legislative Council employees who were members of alternative complying superannuation schemes during the period up to 30 June 2002.

DEVELOPMENT AND TRAINING

The benefits available to staff through attendance at specialised courses is recognised and every encouragement is made to allow selected staff the opportunity to attend appropriate courses.

At 30 June 2002 two of the Council's permanent officers were undertaking part-time study at University and TAFE level.

During the financial year other staff attended selected courses.

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

INDUSTRIAL DEMOCRACY

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

OCCUPATIONAL HEALTH AND SAFETY

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

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

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

These surveys have identified the need to —

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

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

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

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

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

PARLIAMENTARY STANDING COMMITTEES: STATUTORY IN NATURE

PUBLIC ACCOUNTS

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

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

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

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

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

PUBLIC WORKS

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

The function of the Committee is to report on every proposed public works which is estimated to cost at least \$2,000,000. The Committee is provided with plans, specifications and other related material from the relevant Department, and may also summon witnesses. It then reports back to the Parliament the results of its enquiries. Public works estimated to cost less than \$2,000,000 may, by Resolution of the Parliament, also be referred to the Committee.

SUBORDINATE LEGISLATION

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

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

The Government Printer sends the Committee copies of all regulations as soon as they have been gazetted. The Local Government Office likewise sends copies of all Municipal By-Laws.

Committee Membership

Legislative Council

Mr Parkinson
Mrs Sue Smith
Mr Squibb (Chairman)

House of Assembly

Mr Ken Bacon
Mr Best
Mr Smith

COMMITTEES

OVERVIEW

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

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

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

Two new Joint Standing Committees were established by Resolution of both Houses in December 2000 and reappointed on 12 March 2002. These Joint Standing Committees are known as the Community Development Committee and the Environment, Resources and Development Committee. Refer to Part 2.2 of the Department's previous Annual Report for the composition, jurisdiction and terms of reference of these two new Standing Committees.

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

JOINT STANDING COMMITTEE ON ENVIRONMENT, RESOURCES AND DEVELOPMENT

This Committee is administered by the Legislative Council. It was established on 5 December 2000 for a two-year period. Due to the prorogation of Parliament on 1 February 2002 the Committee ceased to exist. It was re-established on 12 March 2002. On 21 June 2002 the Committee again ceased to exist due to the dissolution of the House of Assembly prior to the State Election.

The membership of the Committee as at 21 June 2002 was Mr Doug Parkinson MLC (Chairman), Mrs Silvia Smith MLC (Deputy Chair), Mr Greg Hall MLC, Mr Steven Kons MHA, Mr Bryan Green MHA and Mr Matt Smith MHA.

During the year the Committee met on five occasions. It is currently drafting a report on the use of natural gas as a vehicle fuel.

JOINT STANDING COMMITTEE ON COMMUNITY DEVELOPMENT

The Joint Standing Committee on Community Development is administered by officers in the House of Assembly Committee Secretariat. The Committee consists of three Members from each House. At 21 June 2002, the day His Excellency the Governor prorogued the Parliament, the Legislative Council was represented on the Committee by Mr Finch MLC, Ms Ritchie and Ms Thorp MLC.

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

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

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

SELECT COMMITTEES – AN INVESTIGATORY FUNCTION

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

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

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

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

WORK OF JOINT SELECT AND SELECT COMMITTEES

Joint Select Committee on the Working Arrangements of the Parliament

The Committee was established by Resolution of the House of Assembly and Legislative Council on 7 October 1998. The Committee ceased to exist due to the prorogation of Parliament on 1 February 2002. It was re-established at the commencement of the new Session on 12 March 2002. Again on 21 June 2002, the Committee ceased to exist due to the dissolution of the House of Assembly prior to the State Election.

The membership of the Committee as at 21 June 2002 was Mr Michael Aird MLC (Chair), Mr Don Wing MLC, Mrs Sue Smith MLC, Mr Paul Lennon MHA, Mr Peter Patmore MHA and Mr Michael Hodgman MHA.

During the reporting year the Committee met on one occasion. The Committee is however currently considering a draft report on Committee Meeting Times.

Legislative Council Select Committee on Bass Strait Air Transport

The Committee was established by Resolution of the Legislative Council on 20 March 2001. It ceased to exist due to the prorogation of Parliament on 1 February 2002. It was re-established at the commencement of the new Session on 12 March 2002. Again on 21 June 2002 the Committee ceased to exist due to the dissolution of the House of Assembly prior to the State Election.

The membership of the Committee as at 21 June 2002 was Mr Don Wing MLC (Chairman), Mrs Sue Smith MLC and Mr Paul Harriss MLC.

During the reporting year, the Committee met on 20 occasions. Seven of these meetings involved public hearings.

In the course of its inquiries the Committee travelled to Launceston, Flinders Island, the North West Coast and the mainland to take evidence.

The Committee presented an Interim Report to the Legislative Council on 18 October 2001 on its first term of reference, "Whether the Federal Government should provide funds to reduce the cost impact to passengers travelling across Bass Strait by air".

The Committee is currently considering a draft of its Final Report, which is proposed to be presented to the Legislative Council before the end of the 2002 calendar year.

Legislative Council Select Committee on Impact of Gaming Machines

The Committee was established by Resolution of the Legislative Council on 4 October 2001. It ceased to exist due to the prorogation of Parliament on 1 February 2002. It was re-established at the commencement of the new session on 12 March 2002. Again on 21 June 2002 the Committee ceased to exist due to the dissolution of the House of Assembly prior to the State Election.

The membership of the Committee as at 21 June 2002 was Mrs Silvia Smith MLC (Chairperson), Mrs Sue Smith MLC and Mr Geoff Squibb MLC.

During the reporting year, the Committee met on 18 occasions. Thirteen of these meetings involved public hearings.

The Committee is currently considering a draft of its Final Report, which is proposed to be presented to the Legislative Council before the end of the 2002 calendar year.

Legislative Council Select Committee on International Students in Tasmania

The Committee was established by Resolution of the Legislative Council on 9 October 2001. It ceased to exist due to the prorogation of Parliament on 1 February 2002. It was re-established at the commencement of the new Session on 12 March 2002. Again on 21 June 2002 the Committee ceased to exist due to the dissolution of the House of Assembly prior to the State Election.

The membership of the Committee as at 21 June 2002 was Mr Jim Wilkinson MLC (Chairman), Ms Lin Thorp MLC, Mr Don Wing MLC and Mr Tony Fletcher MLC.

During the reporting year the Committee invited written submissions or requests to present verbal evidence from interested individuals or organisations.

The closing date for receipt of written submissions was 19 April 2002. At that date a total of 38 written submissions were received by the Committee. The Committee met on five occasions to 30 June 2002. It aims to have heard the vast majority of evidence by the end of the current calendar year with a view to having its Report ready for presentation during the autumn Session in 2003.

ESTIMATES COMMITTEES

The Legislative Council again agreed to the establishment of Estimates Committees which could not vote on, but could examine and report upon the proposed expenditures contained in the *Consolidated Fund Appropriation Bill 2002-03*, 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 28 May 2002 contained the following provisions:—

Referral to Estimates Committees	That when debate in the Legislative Council on the Question, “That the budget papers entitled: Budget Overview 2002-03; Budget Summary 2002-03; Operations of Government Departments Volumes 1 and 2 2002-03; Tasmania Together – Agency Performance Plans; The Tasmanian Government Financial System; and the Consolidated Fund Appropriation Bill 2002 be noted”, has concluded, the budget papers be referred to Estimates Committees A and B of the Legislative Council.
Reporting Date	That the Estimates Committees report upon the proposed expenditures contained in the Bill and budget papers by no later than 14 June 2002.
Sitting Times	<p>That each Estimates Committee meets only in accordance with the timetable adopted by the Council or as varied by the Chair. If a Committee is sitting on any day –</p> <ul style="list-style-type: none">• it commences at 9.30 am and is suspended at 12.30 pm, unless otherwise ordered;• it commences at 2.00 pm and is suspended at 5.00 pm, unless otherwise ordered.• it commences at 7.00 pm and is adjourned at 10.00 pm, unless otherwise ordered, if required. Notice must be given to the President by 3.00 pm on the day if a Committee is to meet at 7.00 pm.

Presentation of Reports

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

Membership

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

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

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

The Estimates Committees met during the week commencing Monday, 3 June 2002. The Reports of both Committees were brought up in the House on Friday, 14 June 2002.

APPENDIX A
MEMBERS OF THE LEGISLATIVE COUNCIL
(as at 30 June 2002)

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

APPENDIX B
STAFF OF THE LEGISLATIVE COUNCIL
(as at 30 June 2002)

Clerk of the Council	-	Mr R.J.Scott McKenzie
Deputy Clerk	-	Mr David T. Pearce
Clerk-Assistant and Usher of the Black Rod		Miss Wendy M. Peddle
Second Clerk-Assistant and Clerk of Committees	-	Mrs Sue E. McLeod
Parliamentary Officer: Personnel and Administration	-	Miss Janet A. Chipman
Parliamentary Officer: Finance and Papers	-	Mr Denis J. Millhouse
Parliamentary Officer: Bills and Papers	-	Mr Mark J. Baily
Personal Assistant to the President and Clerk	-	Mrs Janet A. Harrison
Executive Assistant to Members [Henty House]	-	Mrs Tasma J. Howell
Assistants to Members [Henty House]	- -	Mrs Suzanne J. Carracher Ms Kay Poetschka
Assistant to Clerk of Committees	-	Miss Julie Thompson
Assistants to Members	-	Mrs Sandra L. Phillips Ms Allison Waddington Mrs Jill R. Mann Mrs Leanne Holland Mrs Karina Johnstone
Executive Assistants attached to the Office of the Leader and Deputy Leader of the Government	-	Miss Mandy J. Jenkins Ms Debbie A. Cleaver
Parliamentary Attendants	- -	Mr Leigh T. Matthews Mr Craig M. Thorp

FTE's – 19.4

APPENDIX C

SUMMARY OF ACTIVITIES OF THE COUNCIL

	Forty-Third Parliament Second Session 1997	Forty-Third Parliament Third Session 1998	Forty-Fourth Parliament First Session 1998-99	Forty- Fourth Parliament Second Session 2000-01	Forty- Fourth Parliament Third Session up to 30 June 2002
Sitting Days	63	16	57	91	15
Hours of Sitting	406	60	299	577	109
Bills Amended	17	3	22	32	5
Bills Passed	89	31	126	227	29
Questions on Notice	16	3	49	126	13
Petitions	5	-	4	6	-
Substantive Motions	12	9	18	26	13
Urgency Motions	2	1	2	1	1
Divisions	53	-	4	39	5
Ministerial Statements	4	-	1	1	-
Motions for the Disallowance of Regulations	1	-	1	2	-

APPENDIX D

PASSAGE OF BILLS

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

APPENDIX E

OFFICIAL VISITORS TO THE LEGISLATIVE COUNCIL

Ambassador of Chile His Excellency Mr Cristobal G. Valdes and his wife	9 October 2001
Ambassador of Romania Her Excellency Mrs Manuela Vulpe	18 March 2002
Ambassador of Turkey His Excellency Tansu Okandan and Mrs Lemis Okandan (held at Gorge Restaurant, Launceston)	31 May 2002
High Commissioner of the Federal Republic of Nigeria Dr Rufai A.O. Soule	3 June 2002

APPENDIX F

FINANCIAL STATEMENTS

Financial Report of the Legislative Council for the period ending on 30 June 2002 including the Independent Audit Report.