Annual Report 2020-2021

Legislative Council
Parliament of Tasmania

THIRTY SECOND ANNUAL REPORT TO 30 JUNE 2021

Presented to both Houses of Parliament

Legislative Council of Tasmania
Parliament House
Hobart Tas 7000

ACCESS TO SERVICES

OFFICE HOLDERS

PRESIDENT

The Honourable Craig Farrell MLC
Telephone: (03) 6212 2343
Email: craig.farrell@parliament.tas.gov.au

DEPUTY PRESIDENT AND CHAIR OF COMMITTEES

The Honourable Ruth Forrest MLC
Telephone: (03) 6212 2317
Email: ruth.forrest@parliament.tas.gov.au

EXECUTIVE OFFICERS

CLERK OF THE COUNCIL

Mr David T. Pearce
Telephone: (03) 6212 2331
Email: david.pearce@parliament.tas.gov.au

DEPUTY CLERK

Ms Catherine L. Vickers
Telephone: [03) 6212 2333
Email: catherine.vickers@parliament.tas.gov.au

CLERK-ASSISTANT & USHER OF THE BLACK ROD

Mr Tim A. Mills
Telephone: (03) 6212 2250
Email: tim.mills@parliament.tas.gov.au

DIRECTOR – CORPORATE SERVICES

Mrs Nicole Muller
Telephone: (03) 6212 2302
Email: nicole.muller@parliament.tas.gov.au

ENQUIRIES

GENERAL

Telephone : (03) 6212 2300
Email: council@parliament.tas.gov.au

WEBSITE

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

CONTENTS

PUBLIC AWARENESS

The Chamber

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 consist of secondary and primary school groups. Other visitors include individuals and community groups representing a variety of ages, interests and organisations.

The majority of groups and other visitors who visit the Parliament do so when the Houses are 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 parliamentary officers. 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 have a unique opportunity to view proceedings in the Chamber as they happen.

The fine work undertaken by Kimbra McCormack and her team in the House of Assembly Education Office is acknowledged and appreciated by Members and staff in the Legislative Council.

The COVID-19 pandemic had an impact on the ability of the public to enter the Parliament House building during the early part of the reporting year. However, as restrictions eased access to visitors was again authorised.

Office Hours

The Legislative Council 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 11.00 am on Tuesday, Wednesday and Thursday during scheduled sitting weeks.

Tuesday is reserved for non-government and private members' business. Wednesday and Thursday are set aside for government business predominantly the debated passage of government Bills.

In general visitors may attend the sittings at any time and observe proceedings from the public gallery. As at 30 June 2021 COVID-19 restrictions which were previously in place were lifted allowing visitors to attend in the public gallery.

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. Interestingly, however as at 30 June 2021 the makeup of the Council consisted of six independent, five ALP and four Liberal Members.

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.

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 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.

The Electoral Boundaries have changed since that time in accordance with the provisions of the Legislative Council Electoral Boundaries Act 1995. This Act requires a review of the electoral boundaries every nine years with a view to maintaining a statistically balanced number of electors across all electoral divisions. The last redistribution was conducted during 2016-17.

A Constituent part of the Parliament

The Legislative Council, together with the House of Assembly and Her 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, which enables the Legislative Council to have all 15 Members available for the Budget debate and Estimates Committee scrutiny.

Due to the COVID-19 pandemic the May 2020 Legislative Council elections were deferred on public heath advice. These elections were conducted on Saturday, 1 August 2020 for the two Divisions of Huon and Rosevears.

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 Act was about protecting the public interest and to enhance public confidence in government and the Parliament. The introduction by the Government of the Parliamentary (Disclosure of Interests) Amendment Bill 2017 (Bill No. 30 of 2017) recognised that

the Act had been in force for over 20 years and that some modernisation of the legislation was necessary to reflect contemporary community expectations with greater levels of scrutiny being placed on government and the Parliament. The amendment Bill contained provisions to provide greater clarity to Members on what is required to be disclosed, and to enable the community to better access information about Members' interests.

The amendment Bill made a series of significant changes to the Act:

- A requirement to disclose interests held by spouses and partners;
- A requirement to publish registers online in addition to the hard copy held in the Parliament;
- A broadened definition of 'gift' to include all items of personal property and real property as well as financial or other benefits; and
- The inclusion of two exemptions to the penalty of being held in contempt of Parliament if Members do not comply with the requirements of the Act, firstly a Member will not be guilty of contempt if they fail to disclose information in relation to a spouse as long as all reasonable attempts have been made to obtain information, or if a Member could not reasonably be expected to be aware of the information and secondly a Member will not be guilty of contempt if a return is lodged in good faith and complies with the Act at the time it is lodged.

The amendment Bill was passed by the Legislative Council with amendment on 24 August 2017 and received the Royal Assent on 16 October 2017. Regulations made under the amendment Act provided, among other things, for document security properties to be applied to Members' returns ensuring returns are published as a scanned PDF document, with a watermark applied across the document to authenticate the information.

On Thursday, 29 October 2020, in accordance with Sections 19 and 20 of the Parliamentary (Disclosure of Interests) Act 1996 Disclosure Returns for Members representing 14 Legislative Council electoral divisions for 2019-20 were Tabled including the Annual Return for the former Member for Huon, Robert Armstrong. The Register of Annual Returns also included the Primary Return for the newly elected Member for Rosevears, the Honourable Jo Palmer. On Thursday, 19 November 2020 the Primary Return for the newly elected Member for Huon, Dr Bastian Seidel was Tabled. All Disclosure of Interest Returns once Tabled are published on the Parliament's website.

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

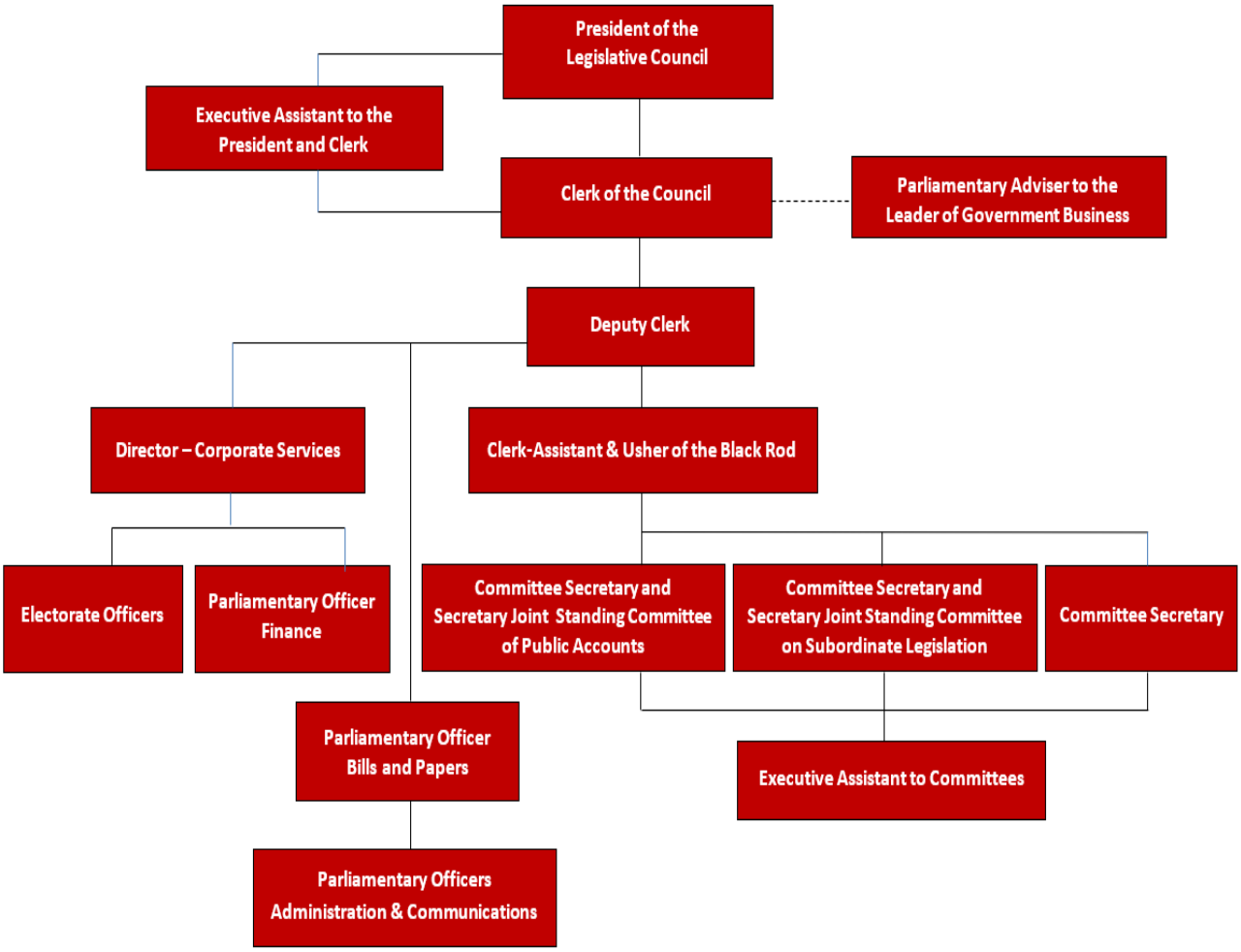
To ensure optimal use of our human, financial and physical resources.

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

Figure 1. Legislative Council Organisational Chart as at 30 June 2021



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 Legislative Council 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:

Table 1: 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 procedure; • preparation of documentation for use in the House; • production of the records of proceedings of the House and its committees.
Administrative and support services
• 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 staff and advice 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 Her 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; and
- resource allocation and utilization.

Major Documents

Annual Report

The annual report on the activities of the Legislative Council is compiled and presented to the both Houses of Parliament.

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 being the Journals of the House.

The Legislative Council Brochure

An information and souvenir booklet providing a brief history and other relevant procedural information for visitors to the Council.

The Black Rod

A souvenir fold-out pamphlet outlining the history of the Black Rod and the position of Usher of the Black Rod.

Standing Orders of the Legislative Council

The standing rules and orders of procedure for the operation of the Council and its committees. 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.

Guide for Newly Elected Members

A guide containing basic information about the essential features of procedure and practice in the Legislative Council.

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 Committees.

Leaflet

Making a Submission to a Parliamentary Committee.

Committee Hearings

Information for Witnesses.

Estimates Committees

Committee Manual

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
- Integrity Commission Act 2009
- Promissory Oaths Act 2015

Asset Management

The Department maintains the following inventory and asset register records:

- Members Equipment Register
- General Inventory
  - Legislative Council [furniture and general items]; and
  - Regional Offices [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 reporting 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
- 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 again provided procedural and related advice to the President, Chair of Committees, the Office of the 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 practice.

Executive Assistance and 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 administrative and personal support to enable them to adequately discharge their responsibilities. Electorate Officer and Executive Assistant support continues to be assessed on an ongoing basis by the President and Clerk.

Financial Activity

According to law, the Clerk is responsible for the overall effective, efficient and economical financial 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 Act 2016*, the guidance of Treasurer's Instructions together with other statutory provisions, the Clerk of the Council, in respect of the financial year ending on 30 June 2020 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 2020.

The Financial Statements and accompanying Audit Report for the financial year ending on 30 June 2021 form part of this Annual Report.

Summary of Financial Outcomes

An additional $119,000 was approved by the Treasurer from the Public Account for the purpose of providing termination payments related to leave entitlements for a long serving staff member and entitlements of two Electorate Officers following the retirements of the former Members for Rosevears and Windermere.

The additional Reserved-by-Law funding approved by the Treasurer totalled $139,000 to provide for a shortfall in Members' salaries predominantly attributable to the Ministerial salary payable to the Member for Prosser and variation to Parliamentary travel allowances. 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.

Risk Management

The Parliament's Strategic Asset Management Plan (SAMP), along with the Parliament's Internal Audit and Risk Management Committee, identifies the overall risk management strategy. The SAMP requires review. This is work to be scheduled as soon as resources can be allocated.

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. Scheduled 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 continues to be a focus during the reporting period. The final stages of the Parliament Square Development which included the new underground secure car park for Members and staff was commissioned during the reporting period. A range of security issues to make that car park secure were identified and agreed prior to the hand-over.

The COVID-19 pandemic continued to require a range of measures to be followed based on public health advice to minimise the risk of exposure to the virus for the building occupants. The Legislative Council had introduced measures which restricted visitors, guests and the public to the Legislative Council including the Chamber during sittings. Tours and school group visits were also not able to be undertaken following the State of Emergency Declaration. As restrictions eased during the last half of the reporting year visitors, guests and the public were again allowed access and school groups were admitted again from Monday, 31 May 2021.

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 Director, 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 is addressed through the availability and use of personal security devices for staff to activate if necessary. These devices complement the fixed placement duress alarm system. In addition, the Council's COVID safe plan provides direction in terms of measures to minimise COVID exposure risk both in Electorate Offices and at Parliament House.

Installation of reception security barriers and the matter of access and egress in Regional Offices are matters which receive appropriate consideration, particularly when new leases for accommodation are being considered.

School Visits to the Legislative Council

Due to restrictions put in place as a result of the COVID-19 pandemic, school visits to Parliament House were suspended during most of the reporting period. Restrictions were eased on 31 May 2021 and on Tuesday, 29 June 2021 fifteen attendees from the Hutchins School visited the Legislative Council as guests of the Honourable Member for Nelson.

SITTING STATISTICS

Figure 2. Time Spent in 2020-2021: Government Time, Non-Government Time and Briefings

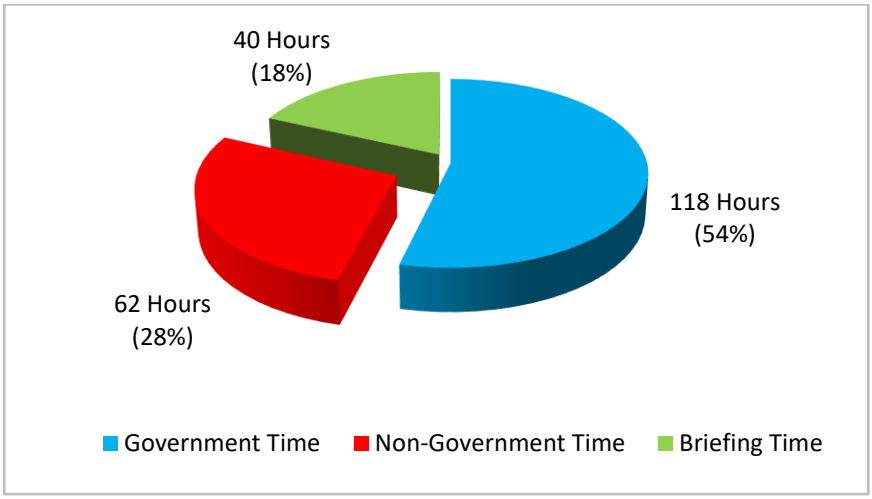


Figure 3. Time Spent During Sitting Days 2020-21: Chamber Work and Briefings

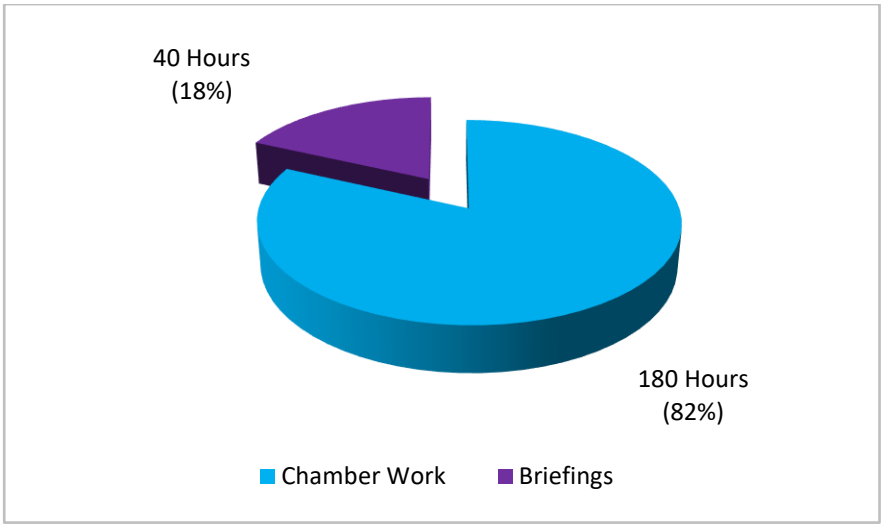


Figure 4. Time Spent in 2020-21: Government and Non-Government Time (total time excluding suspension for meal breaks and briefings)

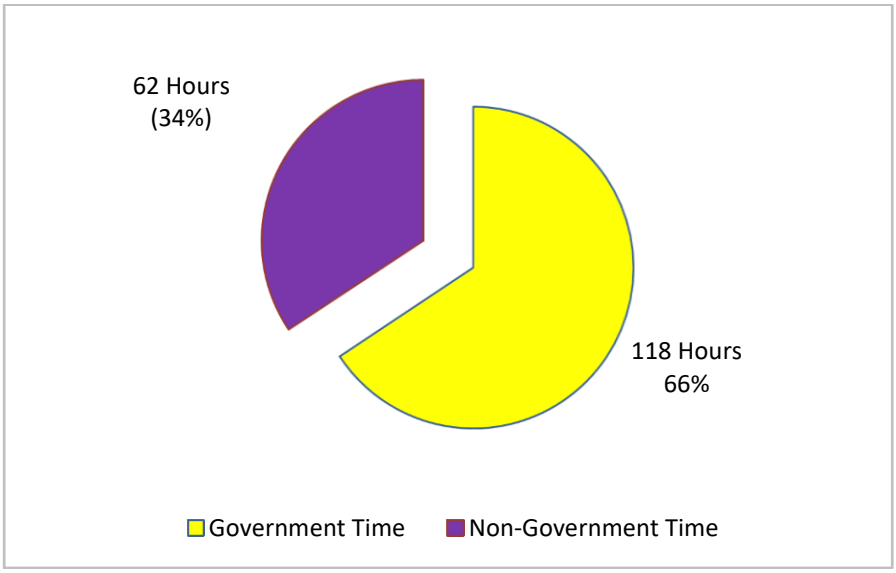


Figure 5. Time Spent During Sitting Days 2016 to 2021

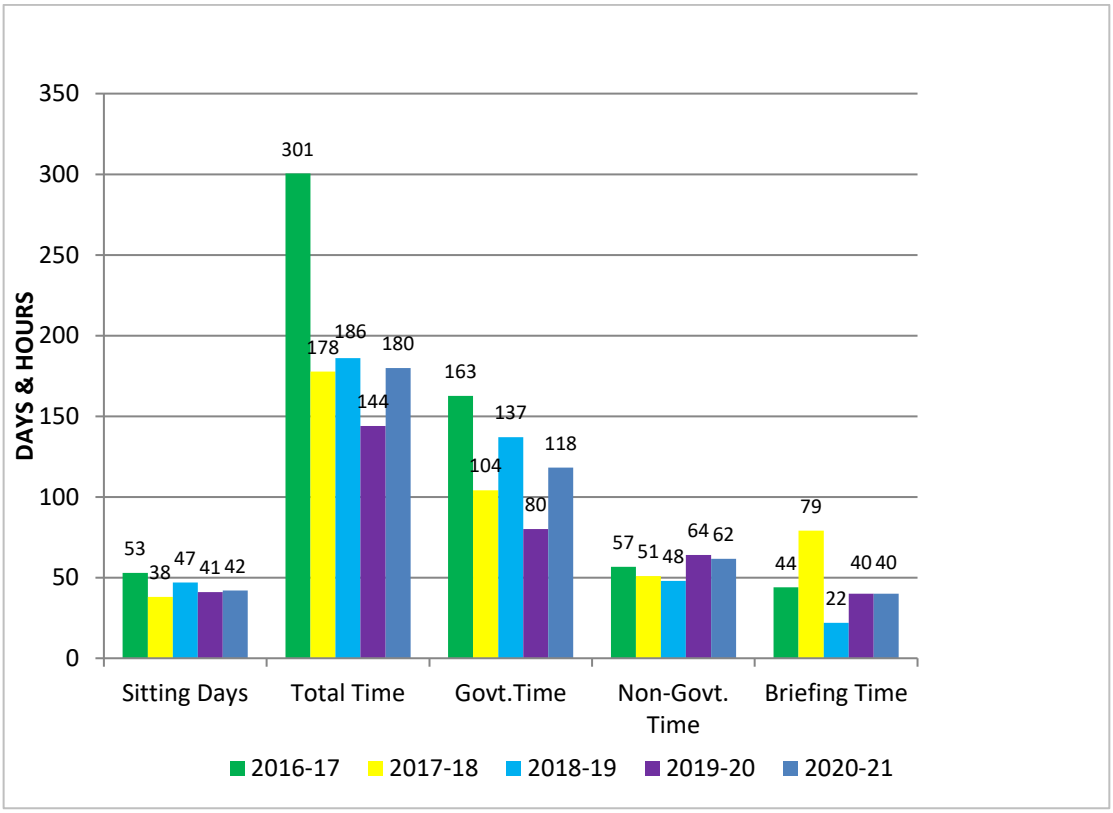


Figure 6. Briefings Comparison 2016 to 2021

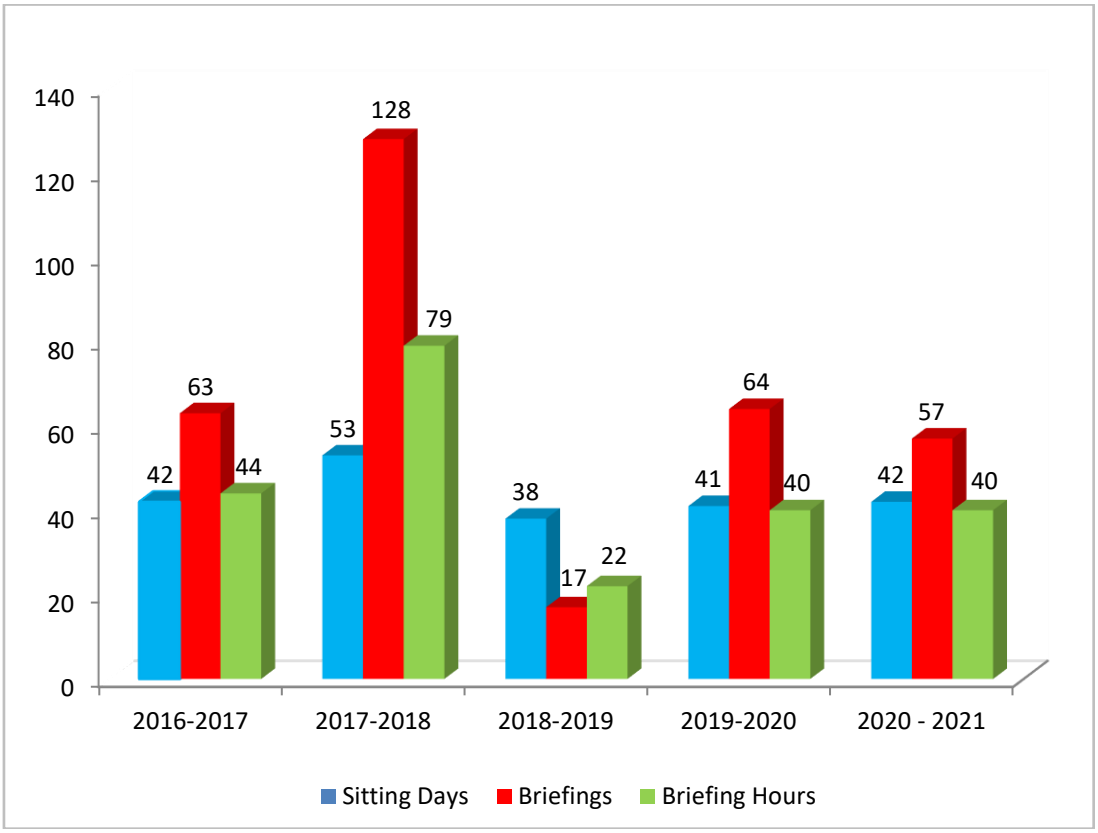


Table 2. Passage of Bills

Bills	1July 2017 to 28 January 2018	1 May 2018 to 30 June 2018	1 July 2018 to 29 November 2018	19 March 2019 to 30 June 2019	1 July 2019 to 30 June 2020	1 July 2020 To 26 March 2021	22 June 2021 to 30 June 2021
Introduced	26	8	43	16	51	29	4
Lapsed	5	0	11	0	0	0	0
Negatived at Second Reading	3	0	0	0	0	2	0
Passed	30	5	35	21	47	35	2
Without Amendment	21	3	28	17	42	26	1
With Amendment	9	2	7	4	5	6	0
Number of Amendments	63	3	21	31	6	217	1

Table 3. Summary of Activities

	Forty-Eighth Parliament First Session 1 July 2016 to 30 June 2017	Forty-Eighth Parliament First Session 1 July 2017 to 30 November 2017 Forty-Ninth Parliament First Session 1 May 2018 to 30 June 2018	Forty-Ninth Parliament First Session 1 July 2018 to 29 Nov 2018 Forty-Ninth Parliament Second Session 19 March 2019 to 30 June 2019	Forty-Ninth Parliament Second Session 1 July 2019 to 30 June 2020	Forty-Ninth Parliament Second Session 1 July 2020 to 26 Mar 2021	Fiftieth Parliament First Session 22 June 2021 to 30 June 2021
Sitting Days[1]	53	39	34	41	35	6
Hours of Sitting[2]	219	155	186	241	157	18
Bills Amended	16	11	11	8	6	0
Bills Passed	58	35	56	47	35	2
Questions on Notice	25	5	7	41	15	3
Petitions	1	2	3	4	5	0
Substantive Motions	32	39	35	25	13	3
Matters of Public Importance	0	0	1	0	0	0
Divisions	43	17	30	17	31	3
Ministerial Statements	1	2	1	0	0	1
Motions for the Disallowance of Regulations	0	0	0	0	0	0

[1] Does not include Estimates Committees meeting days
[2] Does not include Briefing Time

DEPARTMENT OUTPUTS

Summary and Description

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 Legislative Council'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 level of one full-time equivalent employee at Band 4 of the Tasmanian State Service Award.

Table 4. Description of Output Groups 1 and 2

Output Group 1 - Legislative Council Support Services
Output Summary 1.1 - Procedural, administrative and research support and advice to the President and Members. 1.2 - Committee Support Services. **Output 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 Sessional, Standing, Select and Parliamentary Joint Select Committee reports on a variety of subject specific matters agreed to by Resolution of the Council or by Government Administration Sessional Committees by own motion Resolutions; • the continuing statutory obligations of the four 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** • 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 Group 2 - Payments Administered by the Legislative Council
Output Summary 2.1 - Salaries, allowances and entitlements of elected Members of the Legislative Council. **Output 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.* 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.

HOUSE AND RELATED MATTERS

The following sets out several key matters over the reporting period.

Legislative Council Elections

The deferred elections for the electoral Division of Rosevears and Huon were conducted on Saturday, 1 August 2020.

Six candidates contested the Huon election including the incumbent Member, Robert Armstrong. At the conclusion of counting the Australian Labor Party candidate, Dr Bastian Seidel was successful with 12,284 or 57.31% of total votes defeating Robert Armstrong who received 9,152 or 42.69% of the total votes.

In the electoral Division of Rosevears again six candidates contested the election. The sitting Member, the Honourable Kerry Finch did not recontest the election having chosen to retire having been first elected to the Legislative Council in May 2002. At the conclusion of counting the Liberal Party candidate, Jo Palmer, was successful with 11,492 or 50.57% of the total votes narrowly defeating the Independent candidate Janie Finlay, who polled 11,232 or 49.43% of the total vote.

For the first time in its history the elections for two of three Legislative Council divisions, namely Derwent and Windermere, were conducted on Saturday, 1 May 2021 which was the same day that the general election for the House of Assembly was held. A ballot in the third Legislative Council Division of Mersey was not required as the sitting Member, the Honourable Mike Gaffney, was returned unopposed having been first elected in May 2009. Interestingly, the election in the Division of Windermere was contested by five new candidates as the incumbent Member, the Honourable Ivan Dean, did not recontest the election having also chosen to retire having been first elected in May 2003.

Three independent, one Australian Labor Party and one Liberal Party candidate sought election. At the conclusion of counting the Liberal Party's Nick Duigan was successful with 11,400 or 54.14% of the vote defeating the Australian Labor Party's Geoff Lyons with 9,658 or 45.86% of the vote.

Three candidates contested the Division of Derwent election including the incumbent Australian Labor Party Member and President of the Legislative Council, the Honourable Craig Farrell, who was successful at the conclusion of counting with 11,415 or 55.65% of the vote defeating the Liberal Party candidate, Ben Shaw who received 9,098 or 44.35% of the vote. The Honourable Member for Derwent was first elected to the Legislative Council in May 2011.

Following the 1 May Legislative Council elections which saw lower than expected voter turn-out and with reports of some Derwent and Windermere electors attending polling places where Legislative Council ballot papers were not available, the Tasmanian Electoral Commission completed a report on voter participation for these elections. This report was provided to the President of the Legislative Council and all other Honourable Members. It can be found on the website of the Tasmanian Electoral Commission.

Writs for the Return of New Members

Writs for the return of new Members for the electoral Divisions of Rosevears and Huon and certifying to Joanne Lesley Palmer and Bastian Manfred Seidel respectively having been declared elected on 12 August 2020 to serve in the Legislative Council were tabled on Tuesday, 25 August 2020.

The elections for the two Divisions were deferred from the first Saturday in May 2020 as part of the measures to protect Tasmanians against the spread of the coronavirus. Legislation previously passed by both Houses dealt with this measure. The elections for the two Divisions were held on Saturday, 1 August 2020.

The writs for the return of new Members for the electoral Divisions of Mersey, Derwent and Windermere were tabled on Tuesday, 22 June 2021 certifying to Michael Victor Gaffney, Craig Maxwell Farrell and Nicholas John Henry Duigan respectively having chosen to serve in the Legislative Council. The elections for Derwent and Windermere were conducted on Saturday, 1 May 2021. The election for Mersey was not required as the Honourable Michael Gaffney was returned unopposed. The Declaration of the Polls for the Divisions of Derwent and Windermere were conducted on Saturday, 8 May and Wednesday, 12 May 2021 respectively.

The Declaration for the Division of Mersey, given there was not a ballot, was made on election day, 1 May 2021.

COVID-19 Disease Emergency (Miscellaneous Provisions) Amendment (Quarantine Debt Recovery) Bill 2020

The abovementioned Bill was passed by the House of Assembly on 18 August 2020 and read the first time in the Legislative Council on Friday, 21 August 2020. The Bill implemented a model for the charging of hotel quarantine in Tasmania. Mandatory hotel quarantine continues as a key strategy in preventing the importation of COVID-19 into Tasmania. The requirement to enter hotel quarantine is imposed by the exercise of emergency powers under the *Emergency Management Act 2006*.

The amendment Bill proposed to insert a new Section 6A to set out the legislative framework for implementing charging for hotel quarantine. The Bill was passed by the Legislative Council on Thursday, 27 August 2020 and received the Royal Assent on Thursday, 3 September 2020 (Act No. 17 of 2020).

End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30 of 2020)

On Thursday, 27 August 2020 the Honourable Mike Gaffney, Independent Member for Mersey, introduced the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020. The Bill was read the first time and listed for second reading on a future Tuesday in accordance with the Standing Orders. The Bill as introduced consisted of 144 clauses and 157 pages, making it the largest private member's bill ever introduced into the Legislative Council. The Bill's introduction followed many months of work, community forums, statewide consultation, expert input and many briefing sessions. In fact, certain of the Webex briefings on the Bill conducted in August 2020 were recorded and a link provided to a page set up for the Member for Mersey. This enabled all Members to be able to access the briefing sessions if not able to attend.

The principle of the legislation is to offer terminally ill people in the last stages of their illness a choice about the manner and timing of their death. The second reading debate on the Bill commenced on Tuesday, 15 September 2020 with the Honourable Member for Mersey presenting his second reading address which was comprehensive. The second reading debate followed and was adjourned late into the evening until the next private member's business day. On Tuesday, 22 September 2020 the second reading debate was resumed and the Bill was read the second time on that day. The committee stage was ordered for a future Tuesday. On Tuesday, 13 October 2020 the Bill was considered in Committee of the Whole Council. The in-committee consideration continued on Tuesday, 27 October 2020 with the Council continuing to sit after midnight having made in excess of 177 amendments.

With the agreement of the Government the further consideration of the Bill in-committee took place on Thursday, 29 October 2020 with new clauses to the Bill being agreed. The in-committee consideration concluded on the Friday morning, 30 October 2020 with the Bill being reported with amendments and amendment to the Long Title which recognises the agreed new clauses to make provision for the establishment of the Voluntary Assisted Dying Commission as part of the Bill.

The amendments were agreed by the Legislative Council on Tuesday, 10 November 2020 and the Bill was then read the third time on that day.

Having passed the Legislative Council, the Bill was sent to the House of Assembly and requesting its concurrence.

The House of Assembly considered the Bill in early December 2020, reading it a second time with the in-committee consideration taking place in that House in early March 2021. The Bill was agreed to by the House of Assembly on 4 March with a number of additional amendments made. A total of 83 amendments were made together with the addition of three new clauses. On Tuesday, 23 March 2021 the Legislative Council considered the amendments and agreed to them without any changes. The House of Assembly was advised of the Council's agreement by Message on that day.

The Bill was given the Royal Assent by Her Excellency the Governor on Thursday, 22 April 2021 and became Act No. 1 of 2021.

New Staff Appointments

During the reporting year the President appointed two new staff to support the newly elected Members for the Divisions of Huon and Rosevears. The President made the following statements to the Council on Tuesday, 15 September 2020 and Tuesday, 10 November 2020 respectively:

15 September 2020

> "Honourable Members, before proceeding to the business of the day it is with pleasure that I formally and very warmly welcome to the staff of the Legislative Council, Morris Malone.
>
> Morris has been appointed Electorate Officer to the Honourable Member for Huon. Morris holds a Bachelor of Economics from the University of Tasmania. He has extensive experience in the retail industry and customer service, and has also worked in stakeholder engagement and event management. His previous work has provided him with people and organisational skills that will support the Member for Huon in the Member's role. He looks forward to joining the Legislative Council team and supporting the Member in his new role representing the Huon – which comprises Blackmans Bay, the Channel, Huon Valley and Bruny Island.
>
> Morris will be observing proceedings in the Legislative Council today and on behalf of all Members I extend to him a very warm welcome."

10 November 2020

> "Honourable Members, before proceeding to the business of the day it is with pleasure that I formally and very warmly welcome to the staff of the Legislative Council, Laura Moore.
>
> Laura has been appointed Electorate Officer to the Honourable Member for Rosevears. Laura holds a number of business administration qualifications and has broad Executive Administration support experience gained over many years in a fast-paced media environment. Her previous employment provided her with strong administration, social media and secretarial support skills and enabled her to build strong relationships with the local business community, service organisations and community groups. Laura's ability to adapt quickly and to connect

with a broad spectrum of the community will provide great support to the Member for Rosevears in the Member's role. Laura is pleased to join the Legislative Council team and looks forward to supporting the Member in her new role representing Rosevears.

Laura will be observing proceedings in the Legislative Council today and on behalf of all Members I extend to her a very warm welcome."

In addition, the President made an appointment to fill the position of Clerk-Assistant and Usher of the Black Rod.

On 22 June 2021 the President made the following statement:

"Honourable Members I am very pleased to advise the House that on 22 April 2021 I appointed Mr Tim Mills to the position of Clerk-Assistant and Usher of the Black Rod. The appointment followed a selection process with a recommendation made to me. This appointment is a significant one.

Tim has a background in Law having been admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 2004. Tim has worked as a Criminal Lawyer and as Crown Counsel in the Office of the Director of Public Prosecutions. In addition, Tim has undertaken important work in the Office of the Secretary in the Department of Justice including legislation development and providing other strategic advice.

In more recent times Tim has been the Senior Adviser in the Office of the Attorney-General and prior to being appointed Clerk-Assistant was the Assistant Director (Administration of Justice) in the Office of the Secretary, Department of Justice.

On behalf of all Members I wish Tim well as he embarks on his new role with our confidence and support."

Motion of Condolence – The Late Anthony William Fletcher

On Thursday, 17 September 2020 the following Motion of Condolence was moved by the Honourable Ruth Forrest and unanimously supported with Members standing for a minute's silence in their places:

"That this Council expresses its profound regret at the death on 27 August 2020 of Anthony William Fletcher, who served in the Legislative Council as a Member from 1981 in the electorate which was known as Russell and from 1999 – 2005 in the electorate of Murchison, and served as Leader for the Government in the Legislative Council from 1986 to 1989 and again from 1996 to 1998, and places on record its sincere appreciation of his great service to this State, and further, that the Council humbly and respectfully tenders to his family its deepest sympathy in their bereavement."

Anthony William Fletcher, known as Tony served the people of his electorate on the North West Coast with distinction for four terms. He was a much admired and respected teacher, sportsman, football coach, businessman and Member of Parliament.

As is usual practice the Resolution accompanied by the Hansard record of contributions made by other Honourable Members was forwarded to the family of the late Anthony William Fletcher.

Aboriginal Flag

On Wednesday, 11 November 2020 the House of Assembly agreed to the following Motion—

That the House:

(1) Notes the theme for NAIDOC Week 2020 is "always ways, always will be."
(2) Recognises that First Nations people have occupied and cared for this continent for over 65,000 years – the oldest continuing culture in the world.
(3) Further recognises that European invasion saw brutally violent and systematic atrocities inflicted on Aboriginal Tasmanians.
(4) Acknowledges these atrocities have been followed by decades of dispossession and oppression – much of it perpetrated or condoned by governments, both State and Federal.
(5) Further acknowledges that, despite this tragic recent history and enduring injustice, the palawa/pakana people and their culture remains strong.
(6) Understands that lutruwita/Tasmania is still, and will always be, Aboriginal land.
(7) Further understands that all people but particularly elected representatives, have a responsibility to recognise and respect this fact.
(8) Further notes the Tasmanian Parliament does not currently recognise this fact at the most basic level – by flying the Aboriginal flag throughout the year.
(9) Calls for the Aboriginal flag to be flown over Parliament House whenever the Tasmanian State Flag is raised.

The then Speaker of the House communicated by letter addressed to the President that part of the Resolution calling for the Aboriginal Flag to be flown over Parliament House whenever the Tasmanian State Flag is raised and indicating her support.

On Tuesday, 17 November 2020 the President advised the Council of the outcome of his communication with all Honourable Members concerning the flying of the Aboriginal Flag which was positive in support. The President further indicated to the Council that he had communicated to the Speaker the Council's concurrence that the Aboriginal Flag be flown over Parliament House whenever the State Flag is raised.

Budget and Estimates Committees

Due to the ongoing COVID situation the timing of the state budget was delayed to the last half of the 2020 calendar year. It was scheduled to be delivered on 4 June 2020. The budget was introduced into the House of Assembly on Thursday 12 November 2020. With the budget being scheduled for later in the year it was necessary for Supply Bills to be passed prior to the commencement of the 2020-21 financial year to allow for the continuation of government services and services of the Parliament and Statutory Offices to continue until the budget has been passed. The two Supply Bills were given the Royal Assent on Monday, 6 April 2020. The 2020-21 'Take Note' budget debate was agreed on 19 November 2020. Estimates Committees met during the week commencing Monday, 23 November 2020 and their reports were presented to the Legislative Council on Friday, 4 December and Tuesday, 8 December 2020 respectively.

As part of the Parliament's COVID strategy Hansard transcripts were provided by the Editor of Debates and her team to all Members electronically in parts during the day. This changed process was well received by Members.

The two Appropriation Bills were agreed and read the third time on Thursday, 10 December 2020 and received the Royal Assent on 17 December 2020.

Parliamentary Service Awards

Due to COVID restrictions Parliamentary Service Awards were presented to eligible long serving parliamentary staff in a low-key ceremony conducted in December 2020. Presiding Officers, Clerks and award recipients only were in attendance. Nonetheless recipients were appreciative that a formal presentation was made.

The Awards recognise those employees across both Houses and the Joint Services areas who have 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 are 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 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 Tasmanian Parliament follows other Australian parliamentary jurisdictions who have in place similar award schemes.

The certificates of service which are presented are 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.

Bills Negatived at Second Reading

Bill No. 45 of 2018 Public Health Amendment (Prevention of the Sale of Smoking Products to Under-age Persons)

This Private Member's Bill introduced by the Honourable Ivan Dean was further debated in the Legislative Council on Tuesday, 23 March 2021. The Bill sought to amend major Tasmanian legislation namely the *Public Health Act 1997* for the purpose of raising the minimum legal age to 21 for people to whom tobacco and other smoking products can be sold. Referral of the Bill to a Select Committee of the Legislative Council had previously been not supported.

At the conclusion of the second reading debate the Council divided on the question "That the Bill be now read the second time". The result of the division was ayes 3 and noes 11. The question therefore passed in the negative.

Two further Bills were negatived at Second Reading:

Bill No. 54 of 2019 Workplaces (Protection from Protesters) Amendment; and
Bill No. 57 of 2019 Justice Legislation (Mandatory Sentencing)

Message presented to Her Excellency the Governor

The following Message relating to the Death of the Duke of Edinburgh was presented by the Joint Presiding Officers to Her Excellency the Governor at Government House on Monday, 12 April 2021:

TO HER MOST GRACIOUS MAJESTY, THE QUEEN:

MOST GRACIOUS SOVEREIGN,

On behalf of the Members of the Parliament of Tasmania, we, the President of the Legislative Council and the Speaker of the House of Assembly, desire to express to Your Majesty, the deep sorrow with which we have received the news of the lamented death of His Royal Highness The Prince Philip, Duke of Edinburgh, whose long life, leadership, and devoted support of Your Majesty, endeared him to Your Majesty's subjects in Tasmania, and in all parts of the Commonwealth of nations.

We desire to convey to Your Majesty, and all other Members of the Royal Family, our deepest sympathy in your bereavement.

Hon. C. M. Farrell
President of the Legislative Council

Hon. Sue Hickey
Speaker of the House of Assembly

RESPONSE FROM HER EXCELLENCY THE GOVERNOR

Mr President and Honourable Members

On behalf of Her Majesty the Queen

I thank you for your message.

12 April 2021 *Governor*

Opening of Parliament and the Election of President

By Proclamation of Her Excellency the Governor the Parliament was prorogued effective from 10.45 am on Friday, 26 March 2021. By a further proclamation of Her Excellency the Governor on Friday, 26 March 2021 the House of Assembly was dissolved effective from 10.46 am in order for an election for that House to be held on Saturday, 1 May 2021.

In accordance with the provisions of the *Constitution Act 1934* the Legislative Council cannot be dissolved.

The House of Assembly election date of 1 May 2021 coincided with the periodic elections for the Legislative Council Divisions of Derwent, Mersey and Windermere. This had not ever previously occurred. The general election for the House of Assembly on 1 May saw the return of a Peter Gutwein majority Liberal Government with the Opening of the First Session of the Fiftieth Parliament being conducted in the Legislative Council Chamber on Tuesday, 22 June firstly by Her Excellency's Commissioners at 11.00 am followed by the attendance of the new Governor of Tasmania, Her Excellency the Honourable Barbara Baker who addressed the Members of both Houses and invited guests including Supreme Court Judges.

On that same day an election was held for the office of President of the Legislative Council. Having been returned on 1 May 2021 as the Member for Derwent, the Honourable Craig Farrell was once again elected President having held that office prior to the expiration of his elected term as the Member for Derwent.

In accordance with Standing Orders the President, accompanied by other Honourable Members, presented himself, later that day, to Her Excellency the Governor to notify her of his election as President.

Address-In-Reply

Following the speech delivered by Her Excellency the Governor on the Opening of the Fiftieth Parliament it is customary for the President to report the speech of Her Excellency to the Council and for an Address-in-Reply motion to be moved. Again, it is customary in the Legislative Council for the Address-in-Reply to be moved and seconded by two Honourable Members who face a periodic election in the year following. On this occasion it was the Honourable Member for Elwick, Josh Willie, who was the mover and the Honourable Member for McIntyre, Tania Rattray, who was the seconder of the motion.

The Address-in-Reply motion takes the following form—

> That the following Address be presented to Her Excellency the Governor in reply to Her Excellency's Speech:
>
> To Her Excellency the HONOURABLE BARBARA BAKER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.
>
> MAY IT PLEASE YOUR EXCELLENCY—
>
> We, Her Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Tasmania, in Parliament assembled, desire to thank Your Excellency for the Speech which you have been pleased to address to both Houses of Parliament.
>
> We desire to record our continued loyalty to the throne and Person of Her Majesty Queen Elizabeth the Second and at the same time to assure Your Excellency that the measures which will be laid before us during the Session will receive our careful consideration.

The Address-in-Reply debate takes precedence over all but formal business unless otherwise ordered. Members are free to speak on any matter, not just those matters mentioned in the speech and as such the debate is known by what is termed a 'Grievance Debate'.

The debate concluded and the motion was agreed on Thursday, 24 June 2021. The President accompanied by the mover and seconder of the motion and other Honourable Members presented the Address to Her Excellency at Government House in a brief formal ceremony on Thursday, 1 July 2021.

Re-establishment of Government Administration Committees A and B

Following the Opening of Parliament on Tuesday, 22 June 2021 the Legislative Council again resolved to re-establish two Government Administration Sessional Committees in the following terms:

1. SESSIONAL COMMITTEE A ON GOVERNMENT ADMINISTRATION

    1.1 The Sessional Committee A on Government Administration is re-established.

    1.2 The Committee consists of not less than 5 members.

1.3 The functions of the Committee are 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 for which the following Ministers are responsible —

I. Premier
II. Treasurer
III. Minister for Climate Change
IV. Minister for Tourism
V. Deputy Premier
VI. Minister for Health
VII. Minister for Advanced Manufacturing and Defence Industries
VIII. Minister for Mental Health and Wellbeing
IX. Minister for Community Services and Development
X. Minister for Science and Technology
XI. Minister for Infrastructure and Transport
XII. Minister for Finance
XIII. Minister for State Development, Construction and Housing
XIV. Minister for Aboriginal Affairs
XV. Minister for State Growth
XVI. Minister for Heritage
XVII. Minister for Local Government and Planning
XVIII. Minister for Environment

(c) The administration, processes, practices and conduct of any other entity including those entities in which local government has an interest.

1.4 And that –

Mr *Duigan;*
Ms *Forrest;*
Mr *Gaffney*;
Ms *Lovell*;
Dr *Seidel*; and
Ms *Webb*;

be appointed to serve on the said Committee.

2. SESSIONAL COMMITTEE B ON GOVERNMENT ADMINISTRATION

2.1 The Sessional Committee B on Government Administration is re-established.

2.2 The Committee consists of not less than 5 members.

2.3 The functions of the Committee are 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 for which the following Ministers are responsible —

I. Minister for Education
II. Minister for Skills, Training and Workforce Growth
III. Minister for Children and Youth
IV. Minister for Hospitality and Events
V. Minister for Disability Services

VI. Attorney-General
VII. Minister for Justice
VIII. Minister for Corrections
IX. Minister for the Arts
X. Minister for Workplace Safety and Consumer Affairs
XI. Minister for Primary Industries and Water
XII. Minister for Resources
XIII. Minister for Trade
XIV. Minister for Veterans' Affairs
XV. Minister for Energy and Emissions Reduction
XVI. Minister for Sport and Recreation
XVII. Minister for Racing
XVIII. Minister for Women
XIX. Minister for Small Business
XX. Minister for Parks
XXI. Minister for Police, Fire and Emergency Management
XXII. Minister for the Prevention of Family Violence

(c) The administration, processes, practices and conduct of any other entity including those entities in which local government has an interest.

2.4 And that —

Ms *Armitage*;
Ms *Palmer*;
Ms *Rattray*;
Ms *Siejka*;
Mr *Valentine*; and
Mr *Willie*

be appointed to serve on the said Committee.

The Legislative Council also agreed to 32 Sessional Orders which govern the operation of the two Government Administration Sessional Committees and which orders were in place in the last session of the Forty-Ninth Parliament.

Attendance at Question Time in the House of Assembly by Minister who is a Member of the Legislative Council

Following the Opening of the Fiftieth Parliament a message was received from the House of Assembly dated 22 June 2021 as follows:

"Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein—

Resolved, That pursuant to the provisions of the House of Assembly Standing Order 50, a Message be transmitted to the Legislative Council, requesting that the Legislative Council give leave for any Member of the Legislative Council who is a Minister of the Crown to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

House of Assembly, 22 June 2021 MARK SHELTON, *Speaker"*

The message was immediately taken into consideration by order of the Council and resolved as follows:

> "That leave be granted to Members of the Legislative Council who are Ministers of the Crown to attend the House of Assembly, if they think fit, so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly. (Mrs *Hiscutt*)"

A Message was ordered to be transmitted to the House of Assembly acquainting the House accordingly.

The Message took the following form:

"Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council desires to inform the House of Assembly that it agrees to the request of the Assembly in its Message dated 22 June 2021 and has granted leave to Members of the Legislative Council who are Ministers of the Crown to attend the House of Assembly if they think fit so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

Legislative Council, 22 June 2021 C.M. FARRELL, *President"*

It was on Wednesday, 19 May 2021 following the House of Assembly General Election that Her Excellency the Governor appointed the Honourable Jane Howlett MLC, Member for Prosser in the Legislative Council, as Minister for Sport and Recreation, Minister for Racing, Minister for Small Business and Minister for Women.

Joint Select Committee Proposal – Conduct of 2021 State and Legislative Council Elections

On Tuesday, 29 June 2021 the Legislative Council on division 8 ayes and 3 noes with the Honourable Members for Rumney and Prosser being paired, supported a motion moved by the Honourable Member for Nelson, Meg Webb in the following terms:

That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon –

(1) All aspects of the conduct of the 2021 state election and 2021 Legislative Council elections and matters related thereto; and
(2) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

A message was forwarded to the House of Assembly acquainting that House of the Council's resolution and requesting its concurrence. The matter has not yet been brought on for debate in that House.

Public Interest Disclosures Act 2002

It is a requirement for the Legislative Council to comply with the reporting requirements of s.86 of the above Act. Notwithstanding that the Legislative Council did not receive any disclosures or referred public interest disclosures or determined, referred or investigated any public interest

disclosures it is still mandatory to list the reporting categories detailed hereunder. The Ombudsman approved revised public interest disclosure procedures in March 2021. The procedures are accessible on the Parliament's internet.

Table 5. Public Interest Disclosures Act 2002 Reporting Categories

(a) Information as to how persons may obtain or access copies of the current procedures established by the public body under the Act.	None
(b) The number and types of disclosures made to the relevant public body during the year and the number of disclosures determined to be a public interest disclosure.	None
(c) The number of disclosures determined by the relevant public body to be public interest disclosures that it investigated during the year.	None
(d) The number and types of disclosed matters referred to the public body during the year by the Ombudsman.	None
(e) The number and types of disclosed matters referred during the year by the public body to the Ombudsman to investigate.	None
(f) The number and types of investigations of disclosed matters taken over by the Ombudsman from the public body during the year.	None
(g) The number and types of disclosed matters that the relevant public body has declined to investigate during the year.	None
(h) The number and type of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation.	None
(i) Any recommendations made by the Ombudsman that relate to the relevant public body.	None

Government Briefings

Although not unique to the Legislative Council, 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 Legislative Council, which has always had until recently 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 for Government and Members to deal with complex or contentious issues.

Members are briefed by the various parties involved or interested in the issue; generally, this will include Government departments, lobby groups and sometimes private individuals. By this method Members can obtain information and clarification more quickly than could normally occur in the Chamber. Although briefings have their advantages such as 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 outside of the Chamber and as a rule are 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 or other matter to be undertaken prior to, or even during, consideration of a Bill or matter. Briefings can take up a significant portion of a sitting day. Briefings, although not compulsory, are well attended by Members. Briefing times are kept and presented as part of the Council's 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.

By Resolution of the Council or by approval of the President and Clerk briefing sessions may be recorded and a transcript provided to all Honourable Members. Details of briefings conducted are as follows:

Table 6. Legislative Council Briefings 2020-2021

Briefings 2020 - 2021		
1	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	25/08/2020
2	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	25/08/2020
3	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	25/08/2020
4	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	25/08/2020
5	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	25/08/2020
6	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	26/08/2020
7	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	26/08/2020
8	COVID-19 Disease Emergency (Miscellaneous Provisions) Amendment (Quarantine Debt Recovery) Bill 2020 (No. 29)	26/08/2020
9	Major Infrastructure Development Approvals (NW Upgrades Project) Order 2020	26/08/2020
10	Police Offences Amendment (Repeal of Begging) Bill 2019 (No. 49)	26/08/2020
11	Police Offences Amendment (Repeal of Begging) Bill 2019 (No. 49)	27/08/2020
12	End of Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	27/08/2020
13	Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (No. 26)	1/09/2020
14	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	2/09/2020
15	Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (No. 26)	9/09/2020
16	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	15/09/2020
17	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	16/09/2020
18	Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 (No. 26)	16/09/2020
19	Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45)	17/09/2020
20	Police Offences Amendment (Repeal of Begging) Bill 2019 (No. 49)	17/09/2020
21	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	22/09/2020
22	Corrections Amendment (Electronic Monitoring) Bill 2020 (No. 27)	23/09/2020
23	Cat Management Amendment Bill 2019 (No. 55)	23/09/2020
24	Tasmanian Community Fund	24/09/2020
25	Pharmacists: Covid-19 and medicines safety	24/09/2020
26	Cat Management Amendment Bill 2019 (No. 55)	24/09/2020
27	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	30/09/2020
28	Tasmanian Civil and Administrative Tribunal Bill 2020 (No. 25)	14/10/2020
29	Evidence (Children and Special Witnesses) Amendment Bill 2020 (No. 31)	14/10/2020
30	Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020 (No. 35)	14/10/2020

Briefings 2020 - 2021		
31	On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020 (No. 34)	15/10/2020
32	Neighbourhood Disputes About Plants Amendment Bill 2019 (No. 35)	15/10/2020
33	Residential Tenancy Amendment (COVID-19) Bill 2020 (No. 37)	28/10/2020
34	Architects Amendment Bill 2020 (No. 6)	28/10/2020
35	Building and Construction (Regulatory Reform Amendments) Bill (No. 2) 2020 (No.39)	28/10/2020
36	Teachers Registration Amendment Bill 2019 (No. 50)	29/10/2020
37	Vehicle and Traffic Amendment (Road Vehicle Standards) Bill 2020 (No. 8)	29/10/2020
38	State Service Amendment (Validation) Bill 2019 (No. 52)	29/10/2020
39	Dangerous Criminals and High Risk Offenders Bill 2020 (No. 28)	11/11/2020
40	Non-fatal strangulation and Domestic Violence in Tasmania	12/11/2020
41	Mines Work Health and Safety (Supplementary Requirements) Amendment Bill 2019 (No. 48)	12/11/2020
42	Property Agents and Land Transactions Amendment Bill 2019 (No. 53)	12/11/2020
43	Electricity, Water and Sewerage Pricing (Miscellaneous Amendments) Bill 2020 (No. 40)	18/11/2020
44	Energy Co-ordination and Planning Amendment (Tasmanian Renewable Energy Target) Bill 2020 (No. 43)	18/11/2020
45	Gas Industry Amendment Bill 2020 (No. 32)	18/11/2020
46	Bush fire preparedness	19/11/2020
47	Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Amendment Bill 2020 (No. 48)	9/12/2020
48	Brickmakers Point Landslip Bill 2020 (No. 15)	9/12/2020
49	Justice Legislation (Mandatory Sentencing) Bill 2019 (No. 57)	10/12/2020
50	End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 (No. 30)	23/03/2021
51	Workplaces (Protection from Protestors) Amendment Bill 2019 (No. 54)	24/03/2021
52	Justice Miscellaneous (Commissions of Inquiry) Bill 2021 (No. 6)	24/03/2021
53	Container refund scheme	25/03/2021
54	Stroke Foundation	23/06/2021
55	Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2021 (No. 13)	24/06/2021
56	Treasury Miscellaneous (Cost of Living and Affordable Housing Support) Bill 2021 (No. 12)	29/06/2021
57	Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2021 (No. 13)	30/06/2021

Retirement of two long serving Members

During the reporting year the Legislative Council's two longest serving current Members, Kerry Finch and Ivan Dean, chose not to recontest respective periodic elections in the Divisions of Rosevears and Windermere, and retire from the service of the Legislative Council.

Kerry Finch was first elected in May 2002 and served the people of Rosevears for a period in excess of 18 years prior to his retirement in August 2020. Ivan Dean was first elected in May 2003 and also served the people of Windermere for a period of 18 years prior to his decision also not to recontest the election for the Division of Windermere in May 2021.

Both Members served the Parliament, the people of Tasmania and the people of their respective electorates with great distinction.

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 the Annual Report.

For the reporting period there were no approvals given by the President for the engagement of a family member in any Legislative Council Electorate Office.

DEPARTMENT STAFF

New Staff Appointments

During the year the following staff were appointed:

Mr Morris Malone	-	Electorate Officer to the Honourable Member for Huon
Ms Laura Moore	-	Electorate Officer to the Honourable Member for Rosevears
Mr Tim Mills	-	Clerk-Assistant and Usher of the Black Rod

Industrial Agreement

The current Legislative Council Staff Industrial Agreement was first agreed between the parties and filed with the Tasmanian Industrial Commission in March 2009.

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 Industrial Agreement 2009, has been operative from the first full pay period on or after 5 March 2009 and still remains in force until varied between the parties to the Agreement.

Superannuation Schemes

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

Table 7. Legislative Council Staff Superannuation Funds

Superannuation Schemes	Number of employees for whom employer superannuation contributions are made (as at 30 June 2021)
RBF defined benefit scheme	7
Tasmanian Accumulation Scheme (TAS)	14
Other complying superannuation schemes	10
Total	**31**

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 attends these seminars whenever possible. The 2021 seminar was cancelled due to the pandemic.

The Legislative Council is also able to nominate officers to undertake the Parliamentary Law, Practice and Procedure Program (PLPPP). The course is conducted with the participation of ANZACATT. This program provides an overview of the constitutional and legal frameworks underpinning Australia and New Zealand's parliamentary systems, as well as practical knowledge of parliamentary law and practice. The 2020 course was conducted remotely due to COVID-19. The Legislative Council elected not to nominate any candidates for this course. The Legislative Council's nominee for the 2021 course is Ms Julie Thompson. Ms Thompson is a Committee Secretary in the Council's Committee Secretariat.

The fourteenth annual meeting of Electorate Officers, Executive Assistants and other Legislative Council officers was held in Hobart in December 2020.

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.

Workplace Health and Safety

Workplace 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.

Elements of Workplace Health and Safety have been addressed through:

- the maintenance of plant and equipment through a single maintenance contract;
- the progressive removal and upgrading of engineering services throughout the building complex as part of the continuing works program on site;
- the introduction of an Employee Assistance Program; and
- work station ergonomic assessments.

Additional Workplace Health and Safety issues such as work practices, including the mental health of our staff and the provision of ergonomically designed facilities remain a focus.

The working conditions of elected Members and officers in the Legislative Council Chamber continues to be a priority.

Works have now been completed on the refurbishment project within the Chamber which provides an improved working environment and addresses disability access, workplace amenity and health and safety requirements.

Electorate Offices

The Legislative Council is responsible for the electorate offices of Members. The offices are located in various areas of the State and are staffed by electorate officers appointed by the President in accordance with the provisions of the *Parliamentary Privilege Act 1898*. Electorate Officers play a vital role in the support of Members of the Legislative Council and the constituents who they represent across the fifteen electoral divisions.

In terms of electorate office staff, the 15 Legislative Council Members have funding available equivalent to the cost of one full-time equivalent (FTE) employee at Band 4 of the Tasmanian State Service Award – General Stream.

The Leader of the Government has staff support in the Parliament House Office provided by a full-time permanent staff member of the Legislative Council. Support of a full-time permanent staff member of the Legislative Council in the Montgomery electorate office in Ulverstone is also provided.

The main electorate office overhead costs continue to be funded from provisions made available in the budget of Legislature-General.

The Legislative Council's budget is required to meet other electorate office costs. These include communications, equipment for staff, the provision of other office equipment, stationery and other sundry items. The Legislative Council also meets the cost of temporary staff required to support the office during times when staff members are on leave.

The Members for Hobart and Huon currently have an electorate office based at Parliament House.

The Members for Launceston, Windermere and Rosevears are all located on the Ground Floor of the Henty House building in Launceston. The remaining nine Members of the Legislative Council have individual offices located in their electorates. Offices are located in Devonport, Wynyard, Scottsdale, Moonah, New Norfolk, Bellerive, Rokeby, Sorell and Kingston.

Electorate offices continue to operate very successfully in the Legislative Council. The electorate offices have increased the profile of Members and awareness of the role of the Legislative Council. Constituents continue to express appreciation that their elected representatives in the Legislative Council are located within the electorate and are accessible.

Constituents are increasingly aware of the service and support being provided by Legislative Council electorate officers. Our electorate officers have treated all constituents and others entering the offices with the utmost respect and courtesy. It is expected that the activity level and resource requirements will not reduce.

A key role of Electorate Officers is assisting constituents with accurate information and support related to access to services with a particular emphasis on information related to the COVID-19 pandemic throughout 2019 -2021.

The issues and areas of interest dealt with within the Electorate Offices vary greatly however common work and themes again include:

- Assisting constituents with completion of paperwork;
- Seeking community feedback through newsletter and survey mailouts;
- Liaising with State and Federal Ministerial Offices and local councils;
- Supporting local schools, community groups and businesses;

- Assisting constituents with local government issues, including:
    - Road and footpath maintenance issues;
    - Planning processes;
    - Community consultation issues.
- Assisting constituents with service provider issues, including:
    - Telstra;
    - Aurora and Tas Networks;
    - Tas Water;
    - Metro Tasmania;
    - NBN;
    - NDIS.

Matters of concern raised within Electorate offices include:

- COVID-19;
- Housing;
- Social Security;
- Public and private land amenity;
- Building and development;
- Vegetation;
- Road safety;
- Health care;
- Education;
- Corrections;
- Infrastructure;
- Child safety;
- Age Care;
- Transport;
- Immigration;
- Legislative issues; and
- Climate Change.

In addition to working with constituents, Electorate Officers support Members in a range of parliamentary work from researching issues, writing speeches, organising the MLC's parliamentary papers and ensuring the MLC is prepared for Chamber and committee work.

The Legislative Council's electorate officers are a highly skilled and professional group of parliamentary employees who not only support elected Members in the discharge of their constitutional and parliamentary responsibilities but also provide important and valuable assistance to many people in the community.

Meeting of Legislative Council Electorate Officers and Staff

The annual meeting of Electorate Officers and other Legislative Council Staff was held in Hobart on Tuesday, 1 and Wednesday, 2 December 2020.

The meeting of Legislative Council Electorate Officers and Staff provides an opportunity for staff from regional offices around the State to meet with colleagues based at Parliament House to discuss a range of matters associated with their work in supporting the elected Members of the Legislative Council and the work of the Legislative Council generally as a constituent part of the Parliament. The meeting was organised by the Deputy Clerk and the Director – Corporate

Services. It was again well attended and included a training course on day one and a number of briefings on the second day.

The training was provided by Preferred Training Networks on how to deal with unwelcome behaviours.

Lola Cowle, CEO of the Tasmanian Community Fund and Sarah Bolt, the Tasmanian Anti-Discrimination Commissioner each provided an overview of their roles and functions.

Bonnie Phillips, Electorate Officer to the Member for Mersey provided a presentation of her experience in supporting the Member in the passage of the End-of-life choices (Voluntary Assisted Dying) Bill 2020.

The next meeting will be held in Hobart in December 2021.

COMMITTEES

Overview

The main types of committees are:

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

There are at present four Standing Committees of both Houses established by Statute. These Committees are the Public Works Committee, the Subordinate Legislation Committee, the Public Accounts Committee and the Integrity Committee.

Two Joint Standing Sessional Committees are set up under the Standing Orders of both Houses. These 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.

The Legislative Council also has two Sessional Committees set up at the beginning of each Session 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 or State-owned Company; and
(c) The administration, processes, practices and conduct of any other entity including those entities in which local government has an interest.

Ministerial portfolio allocations for each Sessional Committee have changed from time to time in response to changes to Government Ministries.

The Legislative Council also 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.

STANDING COMMITTEES: STATUTORY IN NATURE

Public Accounts

The Public Accounts Committee is a Joint Standing Committee of the Tasmanian Parliament established under the *Public Accounts Committee Act 1970.*

The Committee consists of six Members of Parliament, three are Members of the Legislative Council and three Members of the House of Assembly. The Committee is supported by a Legislative Council Committee Secretary.

Section 6 of the *Public Accounts Committee Act 1970* sets out the functions of the Public Accounts Committee. Essentially, the Committees function is to inquire into, consider and report to the Parliament on any matter referred to the Committee by either House relating to the management, administration or use of public sector finances. The Committee may inquire into and report on any matter arising in connection with public sector finances that the Committee considers appropriate.

Public Works

The Public Works Committee is established under the *Public Works Committee Act 1914*. It comprises three Members from the House of Assembly and two Members from the Legislative Council. The Committee is supported by a House of Assembly Committee Secretary.

The functions of the Committee are set out in section 15 of the *Public Works Committee Act 1914*. Its primary function is to report on proposed public works which are estimated to cost in excess of the statutory monetary threshold for construction works and works on road and bridges having regard to public value and expediency of the proposed work.

Subordinate Legislation

The Subordinate Legislation Committee is established under the *Subordinate Legislation Committee Act 1969*. 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 is supported by a Legislative Council Committee Secretary.

The Committee's functions are set out in section 8 of the *Subordinate Legislation Committee Act 1969*. Essentially the Committee examines every regulation to ensure it is made in accordance with power of the principal Act and regulation making processes have been complied with, in that certain matters such as the impact of the regulation on personal rights and liberties and the effects on competition and the economy have been considered in the subordinate legislation making process. Regulation is defined to mean, "regulation, rule, or by-law that is made under an Act and is required by law to be laid before both Houses of Parliament, but does not include rules of court made by the judges, or by a majority of them, under the authority of an Act".

In addition to the scrutiny of regulations, section 7 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* provides that the Subordinate Legislation Committee is responsible for the scrutiny of notices under that Act as if the notices were regulations.

Integrity

The *Integrity Commission Act 2009* establishes the Joint Parliamentary Standing Committee on Integrity consisting of six Members of Parliament, three Members of the House of Assembly and three Members of the Legislative Council. The Committee is supported by a House of Assembly Committee Secretary.

Section 24 of the *Integrity Commission Act 2009* sets out the functions of the Joint Committee. Essentially the Joint Standing Committee on Integrity monitors and reviews the performance of the integrity entities and reports to both Houses on any matters relevant to an integrity entity. An integrity entity is defined to mean, the Integrity Commission, the Ombudsman, the Auditor-General and the Custodial Inspector. The Committee may refer matters to the Integrity Commission and provide advice and guidance, but it cannot undertake its own investigations into complaints that the Integrity Commission is investigating, review decisions about investigations or inquiries or make recommendations about particular investigations or inquiries.

Sessional Committees

Since 2010 the Legislative Council has established two sessional Committees of its Members across a split of government administration portfolios. These Committees were re-established by the

Legislative Council on 22 June 2021 following the prorogation of the Parliament and the dissolution of the House of Assembly for the purposes of the State Election on 1 May 2021.

The Committees established during the previous session remained active until prorogation which occurred on Friday, 26 March 2021.

Government Administration Committee A

The Committee held its first meeting of the reporting period on 23 October 2020. The Committee held seven (7) general meetings.

Committee Membership:
Hon Nick Duigan MLC (from 22 June 2021)
Hon Kerry Finch MLC (to 11 August 2020)
Hon Ruth Forrest MLC (Chair from 24 June 2021)
Hon Mike Gaffney MLC
Hon Sarah Lovell MLC
Hon Dr Bastian Seidel MLC (from 1 August 2020)
Hon Rob Valentine MLC (to 23 June 2021)
Hon Meg Webb MLC (Deputy Chair from 24 June 2021)

The Committee met a total of fifteen (15) times to 30 June 2021 relating to the Committee's inquiries into the Horizontal Fiscal Equalisation System and the Sub-Committee inquiry into FinFish Farming in Tasmania.

Inquiries

The Committee had two ongoing inquiries and established one new inquiry during the reporting period. The details of the inquiries for the current financial year are listed in the table below.

Horizontal Fiscal Equalisation System

The Committee met on 20 November 2018 and resolved to conduct an inquiry into the impact of the Commonwealth Grants Commission horizontal fiscal equalisation system in Tasmania.

Committee Membership:
Hon Kerry Finch MLC (to 11 August 2020)
Hon Ruth Forrest MLC (Chair)
Hon Mike Gaffney MLC
Hon Sarah Lovell MLC
Hon Rob Valentine MLC
Hon Meg Webb MLC

On 24 June 2021, due to the Prorogation of Parliament, the Committee resolved to re-establish the Inquiry to continue under the existing terms of reference.

Committee Membership:
Hon Nick Duigan MLC
Hon Ruth Forrest MLC (Chair)
Hon Mike Gaffney MLC
Hon Sarah Lovell MLC
Hon Dr Bastian Seidel MLC
Hon Meg Webb MLC

During the reporting period a draft report was under consideration by the Committee. The Inquiry was impacted by the COVID-19 pandemic and the Prorogation of Parliament.

The Inquiry was ongoing at the end of the reporting period.

FinFish Farming in Tasmania

The Committee commenced an inquiry by resolution of 19 September 2019 to inquire into the planning, assessment, operation and regulation of finfish farming in Tasmania.

On 26 November 2019, the Committee resolved to discharge Hon Sarah Lovell MLC at her request. In accordance with Sessional Order 5 (30), a Sub-Committee was formed to continue the inquiry under the existing terms of reference.

Committee Membership:	Hon Meg Webb MLC (Inquiry Chair) Hon Ruth Forrest MLC (to 23 March 2021) Hon Kerry Finch MLC (to 21 July 2020) Hon Mike Gaffney MLC Hon Rob Valentine MLC.

On 24 June 2021, due to the Prorogation of Parliament, the Committee resolved to re-establish the Inquiry to continue under the existing terms of reference.

During the reporting period the Committee held eleven (11) meetings. Public and private hearings were held in Hobart on 8 and 9 September, 20 October and 30 November 2020. Eleven (11) groups or individuals provided verbal evidence at these hearings.

The Inquiry was impacted by the COVID-19 pandemic and the Prorogation of Parliament.

A draft report is currently under consideration by the Committee. The Sub-Committee Inquiry is ongoing.

Rural Health Services in Tasmania

The Committee commenced an inquiry by resolution of 21 December 2020 into rural health services in Tasmania, and on 21 January 2021 the Committee resolved to establish a Sub-Committee to conduct the inquiry.

Sub-Committee Membership:	Hon Ruth Forrest MLC (Chair) Hon Mike Gaffney MLC Hon Sarah Lovell MLC Hon Dr Bastian Seidel MLC (Deputy Chair) Hon Rob Valentine MLC (to 26 March 2021) Hon Nick Duigan MLC (from 29 June 2021)

The Committee called for submissions in Tasmania's three daily papers on Saturday, 30 January 2021. Written submissions were due by close of business on Friday, 12 March 2021. The Sub-Committee received 72 formal submissions.

During the reporting period the Committee held four (4) meetings. The Inquiry was impacted by the Prorogation of Parliament.

On 29 June 2021, due to the Prorogation of Parliament, the Committee resolved to re-establish the Inquiry to continue under the existing terms of reference.

The Inquiry is ongoing.

Government Administration Committee B

The Committee held its first meeting of the reporting period on 22 September 2020. The Committee held four (4) general meetings.

Committee Membership:
Hon Robert Armstrong MLC (to 11 August 2020)
Hon Rosemary Armitage MLC
Hon Ivan Dean MLC (Chair) (to 26 March 2021)
Hon Tania Rattray MLC (Chair from 29 June 2021)
Hon Jo Siejka MLC (Deputy Chair from 29 June 2021)
Hon Josh Willie MLC
Hon Rob Valentine MLC (from 29 June 2021)

Inquiry

The Committee established a new inquiry during the reporting period into Disability Services in Tasmania.

Disability Services in Tasmania

The Committee commenced an inquiry by resolution of 27 October 2020 to inquire into Disability Services in Tasmania.

During the reporting period the Committee held two (2) meetings.

The Committee called for submissions in Tasmania's three daily newspapers on Saturday, 30 January 2021. Written submissions were due by close of business on Friday, 9 April 2021. The Sub-Committee received twenty-one (21) formal submissions.

On 29 June 2021, due to the Prorogation of Parliament, the Committee resolved to re-establish a Sub-Committee to continue the inquiry under the existing terms of reference.

Sub-Committee Membership:
Hon Rosemary Armitage MLC
Hon Jo Palmer MLC (Inquiry Deputy Chair)
Hon Tania Rattray MLC
Hon Jo Siejka MLC (Inquiry Chair)
Hon Josh Willie MLC

The Inquiry is ongoing.

The Government Administration Committees also form the Estimates Committees that examine the State Budget and the Government Business Scrutiny Committees that examine the Government Business Enterprises and State-Owned Corporations as detailed below.

Estimates Committees

2021-22 State Budget

The 2020-21 State Budget was deferred until August 2021 due to the State Election called for 1 May 2021.

Government Businesses Scrutiny Committees

On 28 October 2020 the Legislative Council again established two Government Businesses Scrutiny Committees to inquire into Government Businesses on Monday 14 December and Tuesday 15 December 2020 in accordance with the following resolution: -

That the Legislative Council establish two Government Businesses Scrutiny Committees:

And that –

Ms Forrest,
Mr Gaffney,
Ms Lovell,
Dr Seidel,
Mr Valentine and
Ms Webb
be of Committee A

and

Ms Armitage,
Mr Dean,
Ms Palmer,
Ms Rattray,
Ms Siejka, and
Mr Willie
be of Committee B

The following businesses were scrutinised —

- Motor Accidents Insurance Board;
- Tasmanian Public Finance Corporation;
- Aurora Energy Pty Ltd;
- TasWater;
- Port Arthur Historic Site Management Authority;
- Tasracing Pty Ltd;
- Tasmanian Railway Pty Ltd; and
- Metro Tasmania Pty Ltd.

Committee A met on four occasions and Committee B on four occasions.

Select Committees – An Investigatory Function

In addition to the re-establishment of two Government Administration Sessional Committees, 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 cannot be made public until the Committee has reported to

Parliament and tabled the associated documents or the documents have been published to the Parliament of Tasmania website in accordance with a resolution of the Committee.

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 Committees including Select Committees are met through funds appropriated from the Public Account and approved by the Parliament.

Select Committee Inquiries

During the 2020/21 financial year there was activity associated with Select Committees as follows:

Legislative Council Select Committee on Production of Documents

The Legislative Council Select Committee on Production of Documents was established by the Legislative Council on 21 May 2019.

Committee Membership: Hon Ivan Dean MLC (Deputy Chair) (from 16 February 2021)
Hon Ruth Forrest MLC (Chair)
Hon Jane Howlett MLC (Deputy Chair) (to 17 March 2020)
Hon Meg Webb MLC
Hon Josh Willie MLC

The Committee called for submissions in Tasmania's three daily papers on Saturday, 8 June 2019. Submissions closed on 26 July 2019. Seventeen (17) submissions were received.

During the reporting period the Committee held four (4) meetings.

The work of the Committee was predominantly carried out in 2019 and early 2020. The Committee's consideration of the evidence received was interrupted by the COVID-19 pandemic.

The Select Committee tabled its Final Report on 23 March 2021.

Legislative Council Select Committee on Greater Hobart Area Traffic Congestion

The Legislative Council Select Committee on Greater Hobart Area Traffic Congestion was established by the Legislative Council on 13 August 2019.

Committee Membership: Hon Robert Armstrong MLC (Chair to 11 August 2020)
Hon Jo Siejka MLC (leave of absence from 3 February 2020)
Hon Rob Valentine MLC (Chair from 7 October 2020)
Hon Meg Webb MLC

The Committee called for submissions in Tasmania's three daily papers on Saturday, 17 August 2019. Written submissions closed on Friday, 27 September 2019. Fifty (50) submissions were received.

After the Prorogation of Parliament, the Committee resolved to re-establish the Inquiry under the original terms of reference on 6 August 2021.

During the 2020-21 reporting period the Committee held eleven (11) meetings.

The Inquiry is ongoing.

Legislative Council Select Committee on TasWater Operations

The Legislative Council Select Committee on TasWater Operations was established by the Legislative Council on 25 June 2020.

Committee Membership: Hon Ivan Dean MLC (to 26 March 2021)
Hon Sarah Lovell MLC (Deputy Chair)
Hon Jo Palmer MLC
Hon Tania Rattray MLC (Chair)

The Committee called for submissions in Tasmania's three daily papers on Saturday, 1 August 2020. Written submissions closed on Friday, 4 September 2020. Forty (40) submissions were received.

After the Prorogation of Parliament, the Committee resolved to re-establish the Inquiry under the original terms of reference on 6 August 2021.

During the 2020-21 reporting period the Committee held ten (10) meetings.

The Inquiry is ongoing.

Legislative Council Select Committee on Road Safety in Tasmania

The Legislative Council Select Committee on Road Safety in Tasmania was established by the Legislative Council on 29 June 2021.

Committee Membership: Hon Rosemary Armitage MLC (Chair)
Hon Jo Palmer MLC
Hon Tania Rattray MLC
Hon Dr Bastian Seidel MLC (Deputy Chair)

The inquiry is ongoing.

Legislative Council Standing Committees

In addition to these Committees the Legislative Council has two Standing Committees which relate to Privileges and Standing Orders. The role of the Privileges Committee is to examine and report to the Council in relation to breaches of Parliamentary privilege. The Standing Orders Committee is responsible for the Standing Orders and may inquire into and make recommendations as to any changes.

These Committees did not meet during the reporting period.

Committee Secretariat Summary

Table 8. Statistics for Committees 2020-21

Name of Committee	No. Meetings	Hearing Days	No. Submissions	No. Witnesses	Status at 30 June 2021
Estimates Committees					
Estimates Committee A – deferred	N/A	N/A	N/A	N/A	N/A
Estimates Committee B – deferred	N/A	N/A	N/A	N/A	N/A
Government Business Scrutiny Committees					
Government Businesses Scrutiny Committee A *(established 29 Oct 2019 and Report presented 18 Dec 2019)*	4	1	-	-	Concluded
Government Businesses Scrutiny Committee B *(established 29 Oct 2019 and Report presented 18 Dec 2019)*	4	1	-	-	Concluded
Select Committees					
Production of Documents	4	-	17	26	Concluded
AFL in Tasmania	11	5	20	12	Concluded
Greater Hobart Traffic Congestion	7	3	50	18	Ongoing
TasWater Operations	10	5	40	20	Ongoing
Road Safety in Tasmania	0	0	0	0	Ongoing
Sessional Committees					
Government Administration Committee A	7	-	-	-	
Horizontal Fiscal Equalisation	-	-	4	3	Ongoing
Fin Fish Farming in Tasmania	11	4	227	11	Ongoing
Rural Health Services in Tasmania	4	-	72	-	Ongoing
Government Administration Committee B	4	-	-	-	
Disability Services in Tasmania	2	-	21	-	Ongoing

APPENDIX 1

Official Visitors to the Legislative Council

Table 9. Official Visitors to the Legislative Council

Monday, 7 December 2020	His Excellency Mr Paul Gulleik Larsen Ambassador of Norway
Monday, 15 February 2021	His Excellency Mr Jeong-Sik Kang Ambassador of the Republic of Korea
Tuesday, 23 March 2021	Her Excellency Mrs Vicki Treadell CMG MVO, High Commissioner, United Kingdom
Monday, 12 April 2021	Ms Joy Burch MLA, Speaker of the Legislative Assembly Australian Capital Territory Mr Tom Duncan, Clerk of the Legislative Assembly Australian Capital Territory
Tuesday, 18 May 2021	His Excellency Dr Thomas Fitschen Ambassador of Germany
Monday, 7 June 2021	His Excellency Mr Shingo Yamagami Ambassador of Japan

APPENDIX 2

Members of the Legislative Council

Table 10. Members of the Legislative Council as at 30 June 2021

Member	Electorate Division	Party
Armitage, Hon Rosemary Lois *Third Deputy Chair of Committees*	Launceston	Independent
Duigan, Hon Nicholas John Henry	Windermere	Liberal Party
Farrell, Hon Craig Maxwell *President*	Derwent	Australian Labor Party
Forrest, Hon Ruth Jane *Deputy President and Chair of Committees*	Murchison	Independent
Gaffney, Hon Michael Victor	Mersey	Independent
Hiscutt, Hon Leonie Anne *Leader of the Government in the Legislative Council*	Montgomery	Liberal Party
Howlett, Hon Jane Colleen *Deputy Leader of the Government in the Legislative Council* *Minister for Sport and Recreation* *Minister for Racing* *Minister for Small Business* *Minister for Women*	Prosser	Liberal Party
Lovell, Hon Sarah Elizabeth	Rumney	Australian Labor Party
Palmer, Hon Joanne Lesley *Deputy Leader of the Government in the Legislative Council*	Rosevears	Liberal Party
Rattray, Hon Tania Verene *Deputy Chair of Committees*	McIntyre	Independent
Seidel, Hon Dr Bastian Manfred	Huon	Australian Labor Party
Siejka, Hon Joanna Claire	Pembroke	Australian Labor Party
Valentine, Hon Robert Henry Francis *Second Deputy Chair of Committees*	Hobart	Independent
Webb, Hon Megan Therese	Nelson	Independent
Willie, Hon Joshua Barton	Elwick	Australian Labor Party

APPENDIX 3

Staff of the Legislative Council

Table 11. Staff of the Legislative Council as at 30 June 2021

Full-Time Equivalent Employees: 27 as at 30/6/2021	
Clerk of the Council	Mr David Pearce
Deputy Clerk	Ms Catherine Vickers
Clerk-Assistant & Usher of the Black Rod	Mr Tim Mills
Executive Assistant to the President and Clerk	Mrs Sandra Phillips
Director – Corporate Services	Mrs Nicole Muller
Committee Secretaries	Ms Natasha Exel Mrs Jenny Mannering Miss Julie Thompson
Parliamentary Officer – Bills and Papers	Mr Mark Baily
Parliamentary Officer - Finance	Mr Craig Thorp
Executive Assistant	Ms Allison Waddington
Parliamentary Adviser to the Leader of the Government	Ms Mandy Jenkins
Electorate Officers	Mr Griffin Blizzard Ms Annette Branch Ms Debbie Cleaver Ms Elli Coleman Ms Genevieve Cooley Mr Jonathon Heather Ms Justin Meeker Ms Lucinda McNeil Mr Morris Malone Ms Melissa Partridge Ms Bonnie Phillips Ms Laura Moore Ms Karen Shirley Ms Yvonne Stone Ms Meghan Windram
Administration and Communications Officers	Mrs Mandy Lowrie Mrs Robyn Everist

APPENDIX 4

Financial Statements

Financial Report of the Legislative Council for the period ending on 30 June 2021 including the Independent Audit Report.

Independent Auditor's Report

To the Members of Parliament

Legislative Council

Report on the Audit of the Financial Statements

Opinion

I have audited the financial statements of the Legislative Council (the Council), which comprises the statement of financial position as at 30 June 2021 and statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies, other explanatory notes and the statement of certification by the Clerk of the Council (the Clerk).

In my opinion, the accompanying financial statements:

(a) present fairly, in all material respects, the Council's financial position as at 30 June 2021 and its financial performance and its cash flows for the year then ended

(b) are in accordance with the *Financial Management Act 2016* and Australian Accounting Standards.

Basis for Opinion

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the financial statements in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

1

My audit is not designed to provide assurance on the accuracy and appropriateness of the budget information in the Council's financial statements.

Responsibilities of the Clerk for the Financial Statements

The Clerk is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, and the financial reporting requirements of Section 42 (1) of the *Financial Management Act 2016*. This responsibility includes such internal control as determined necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Clerk is responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Council is to be dissolved by an Act of Parliament, or the Clerk intends to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Clerk.
- Conclude on the appropriateness of the Clerk's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Council's ability to continue as a going concern. If I conclude that a material

uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusion is based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Council to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Clerk regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Rod Whitehead
Auditor-General
Tasmanian Audit Office

20 October 2021
Hobart

3

Table of Contents

Statement of Certification

The accompanying Financial Statements of the Legislative Council are in agreement with the relevant accounts and records and have been prepared in compliance with the Treasurer's Instructions issued under the provisions of the *Financial Management Act 2016* to present fairly the financial transactions for the year ended 30 June 2021 and the financial position as at the end of the year.

At the date of signing, I am not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.

David Pearce

Clerk

19 October 2021

Statement of Comprehensive Income for the year ended 30 June 2021

	Notes	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
Income from continuing operations				
Revenue from Government				
Appropriation revenue – operating	3.1	7,378	7,557	7,402
Total revenue from continuing operations		**7,378**	**7,557**	**7,402**
Expenses from continuing operations				
Employee benefits	4.1	6,499	6,873	6925
Depreciation and amortisation	4.2	3	63	56
Supplies and consumables	4.3	891	616	590
Total expenses from continuing operations		**7,393**	**7,552**	**7,571**
Net result from continuing operations		**(15)**	**5**	**(169)**
Other Comprehensive Income				
Change in Asset Revaluation Reserve		-	-	84
Total Comprehensive Result		**(15)**	**5**	**(85)**

This Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 2.1 of the accompanying notes.

Statement of Financial Position as at 30 June 2021

	Notes	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
Assets				
Financial assets				
Cash and cash equivalents	9.1	-	-	-
Receivables	5.1	7	17	4
Non-financial assets				
Plant and equipment	5.2	2,374	2,366	2,419
Total assets		**2,381**	**2,383**	**2,423**
Liabilities				
Payables	6.1	62	75	108
Employee benefit liabilities	6.2	609	887	899
Total liabilities		**671**	**962**	**1,007**
Net assets (liabilities)		**1,710**	**1,421**	**1,416**
Equity				
Reserves	8.1	764	848	848
Accumulated funds		946	573	568
Total equity		**1,710**	**1,421**	**1,416**

This Statement of Financial Position should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 2.2 of the accompanying notes.

Statement of Cash Flows for the year ended 30 June 2021

	Notes	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities				
Cash inflows				
Appropriation receipts - operating		7,378	7,557	7,402
GST receipts		70	70	67
Total cash inflows		**7,448**	**7,627**	**7,469**
Cash outflows				
Employee benefits		(6,487)	(6,899)	(6,586)
GST Payments		(70)	(70)	(67)
Supplies and consumables		(891)	(648)	(737)
Total cash outflows		**(7,448)**	**(7,617)**	**(7,390)**
Net cash from (used by) operating activities	9.2	**-**	**10**	**79**
Cash flows from investing activities				
Cash outflows				
Payments for acquisition of non-financial assets		-	**(10)**	**(79)**
Total cash outflows		**-**	**(10)**	**(79)**
Net cash from (used by) investing activities		**-**	**(10)**	**(79)**
Net increase / (decrease) in cash and cash equivalents held		**-**	**-**	**-**
Cash and cash equivalents at the beginning of the reporting period		**-**	**-**	**-**
Cash and cash equivalents at the end of the reporting period	9.1	**-**	**-**	**-**

This Statement of Cash Flows should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 2.3 of the accompanying notes.

Statement of Changes in Equity for the year ended 30 June 2021

	Reserves $'000	Accumulated Funds $'000	Total Equity $'000
Balance as at 1 July 2020	**848**	**568**	**1,416**
Total comprehensive result	-	5	5
Balance as at 30 June 2021	**848**	**573**	**1,421**

	Reserves $'000	Accumulated Funds $'000	Total Equity $'000
Balance as at 1 July 2019	**764**	**737**	**1,501**
Total comprehensive result	84	(169)	(85)
Balance as at 30 June 2020	**848**	**568**	**1,416**

This Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Notes to and forming part of the Financial Statements for the year ended 30 June 2021

Note 1 Council Output Schedules

1.1 Output Group Information

Comparative information has not been restated for external administrative restructures.

Budget information refers to original estimates and has not been subject to audit.

Output Group 1 – Legislative Council Support Services

	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
Income from continuing operations			
Revenue from appropriation	4,191	4,239	4,118
Total revenue from continuing operations	**4,191**	**4,239**	**4,118**
Expenses from continuing operations			
Employee benefits	2,926	3,339	3,434
Depreciation and amortisation	3	63	56
Communications	-	98	88
Travel	-	81	77
Information technology	-	51	52
Other expenses	891	386	372
Total expenses from continuing operations	**3,820**	**4,018**	**4,079**
Net result	**371**	**221**	**39**
Expense by output			
Legislative Council Support Services	3,820	4,018	4,079
Total	**3,820**	**4,018**	**4,079**
Net Assets			
Total assets deployed for Legislative Council Support Services		2,383	2,423
Total liabilities incurred for Legislative Council Support Services		(962)	(1,007)
Net assets deployed for Legislative Council Support Services		**1,421**	**1,416**

Output Group 2 – Payments administered by the Legislative Council

	2020 Budget $'000	2021 Actual $'000	2020 Actual $'000
Income from continuing operations			
Revenue from appropriation	3,187	3,318	3,284
Total revenue from continuing operations	**3,187**	**3,318**	**3,284**
Expenses from continuing operations			
Travel and Communication	386	216	208
Parliamentary salaries and allowances	2,994	3,177	3,129
Parliamentary travelling allowances	153	122	133
Parliamentary Committee fees and allowances	10	19	22
Total expenses from continuing operations	**3,543**	**3,534**	**3,492**
Net result	**(356)**	**(216)**	**(208)**
Expense by output			
Payments Administered by the Legislative Council	3,543	3,534	3,492
Total	**3,543**	**3,534**	**3,492**

1.2 Reconciliation of Total Output Groups Comprehensive Result to Statement of Comprehensive Income

	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
Total comprehensive result of Output Groups	**(15)**	**5**	**(169)**
Change in Asset Revaluation Reserve	-	-	84
Comprehensive result	**(15)**	**5**	**(85)**

1.3 Reconciliation of Total Output Groups Net Assets to Statement of Financial Position

	2021 Actual $'000	2020 Actual $'000
Total net assets deployed for Output Groups	**1,421**	**1,416**
Net Assets	**1,421**	**1,416**

Note 2 Explanations of Material Variances between Budget and Actual Outcomes

Budget information refers to original estimates as disclosed in the 2020-21 Budget Papers and is not subject to audit.

Variances are considered material where the variance exceeds 10 per cent of Budget estimate and $10,000.

2.1 Statement of Comprehensive Income

	Note	Budget $'000	Actual $'000	Variance $'000	Variance %
Depreciation	(a)	3	63	(60)	(2000)
Supplies and Consumables	(b)	891	615	276	31

Notes to Statement of Comprehensive Income variances

(a) The increase in depreciation is due a higher than budgeted value of depreciating assets due to the completion of the Chamber redevelopment in 2019.
(b) The decrease in supplies and consumables is due to the efficiency of operation of the Council.

2.2 Statement of Financial Position

Budget estimates for the 2020-21 Statement of Financial Position were compiled prior to the completion of the actual outcomes for 2020-21. As a result, the actual variance from the Original Budget estimate will be impacted by the difference between estimated and actual opening balances for 2020-21. The following variance analysis therefore includes major movements between the 30 June 2020 and 30 June 2021 actual balances.

	Note	Budget $'000	2021 Actual $'000	2020 Actual $'000	Budget Variance $'000	Actual Variance %
Receivables	(a)	7	17	4	(10)	(143)
Payables	(b)	62	75	108	(13)	(21)
Employee benefits liabilities	(c)	609	887	899	(278)	(46)

Notes to Statement of Financial Position variances

(a) The increase in receivables is due to unexpected late payments.

(b) The increase in payables is due to higher than expected outstanding invoices at end of the financial year.

(c) The increase in employee benefits liabilities is due to high leave balances and increases in salaries under the Public Sector Wages Union Agreement 2019.

2.3 Statement of Cash Flows

	Note	Budget $'000	Actual $'000	Variance $'000	Variance %
Supplies and Consumables	(a)	891	648	243	27

Notes to Statement of Cash Flows

(a) The decrease in supplies and consumables is due to the efficiency of operation of the Council.

Note 3 Revenue

Income is recognised in the Statement of Comprehensive Income when an increase in future economic benefit related to an increase in an asset or a decrease of a liability has arisen that can be measured reliably.

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities,* dependent on whether there is a contract with a customer defined by AASB 15.

3.1 Revenue from Government

Appropriations, whether operating or capital, are recognised as revenues in the period in which the Council gains control of the appropriated funds as they do not contain enforceable and sufficiently specific obligations as defined in AASB 15. Except for any amounts identified as carried forward, control arises in the period of appropriation.

Revenue from Government includes revenue from appropriations, unexpended appropriations rolled over under section 23 of the *Financial Management Act 2016* and Items Reserved by Law.

Section 23 of the Financial Management Act allows for an unexpended appropriation at the end of the financial year, as determined by the Treasurer, to be issued and applied from the Public Account in the following financial year. The amount determined by the Treasurer must not exceed five per cent of an Agency's appropriation for the financial year. Rollover of unexpended appropriations under section 23 will be disclosed under the Financial Management Act for the first time in 2020-21.

The Budget information is based on original estimates and has not been subject to audit.

	2021 Budget $'000	2021 Actual $'000	2020 Actual $'000
Continuing operations			
Appropriation revenue – operating			
Current year	4,191	4,239	4,119
Items Reserved by Law			
R003 Parliamentary Salaries and Allowances (*Parliamentary Salaries, Superannuation and Allowances Act 2012 (No. 18 of 2012)*	2,994	3,177	3,139
R004 Travelling Allowances (*Parliamentary Salaries, Superannuation and Allowances Act 2012 (No. 18 of 2012))*	153	122	108
R005 Members' Committee Fees and Allowances (*Parliamentary Salaries, Superannuation and Allowances Act 2012 (No. 18 of 2012))*	40	19	36
Total revenue from Government from continuing operations	**7,378**	**7,557**	**7,402**
Total revenue from Government	**7,378**	**7,557**	**7,402**

Note 4 Expenses

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

4.1 Employee benefits

Employee benefits include, where applicable, entitlements to wages and salaries, annual leave, sick leave, long service leave, superannuation and any other post-employment benefits.

(a) Employee expenses

	2021 $'000	2020 $'000
Wages and salaries	5,829	5,853
Annual leave	257	285
Long service leave	77	139
Fringe benefits tax	173	112
Superannuation – defined contribution scheme	461	462
Superannuation – defined benefit scheme	76	74
Total	**6,873**	**6,925**

Superannuation expenses relating to defined benefit schemes relate to payments into the Public Account. The amount of the payment is based on an employer contribution rate determined by the Treasurer, on the advice of the State Actuary. The current employer contribution is 12.95 per cent (2020: 12.95 per cent) of salary.

Superannuation expenses relating to defined contribution schemes are paid directly to superannuation funds at a rate of 9.5 per cent (2020: 9.5 per cent) of salary. In addition, departments are also required to pay into the Public Account a "gap" payment equivalent to 3.45 per cent (2020: 3.45 per cent) of salary in respect of employees who are members of contribution schemes.

(b) Remuneration of Key management personnel

2021	Short-term benefits		Long-term benefits			
	Salary	Other Benefits	Superannuation	Other Benefits and Long-service Leave	Termination Benefits	Total
	$'000	$'000	$'000	$'000	$'000	$'000
Key management personnel						
Clerk – David Pearce	270	13	35	7	-	325
Deputy Clerk – Catherine Vickers	200	21	28	5	-	254
Total	**470**	**34**	**63**	**12**	**-**	**579**

2020	Short-term benefits		Long-term benefits			
	Salary	Other Benefits	Superannuation	Other Benefits and Long-service Leave	Termination Benefits	Total
	$'000	$'000	$'000	$'000	$'000	$'000
Key management personnel						
Clerk – David Pearce	265	17	34	(2)	-	314
Deputy Clerk – Catherine Vickers	211	18	27	-	-	256
Total	**476**	**35**	**61**	**(2)**	**-**	**570**

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

Remuneration during 2020-21 for key personnel is set by the *Parliamentary Privilege Act 1898*. Remuneration and other terms of employment are specified in employment contracts. Remuneration includes salary, motor vehicle and other non-monetary benefits. Long-term employee expenses include long service leave and superannuation obligations.

Acting Arrangements

When members of key management personnel are unable to fulfil their duties, consideration is given to appoint other members of senior staff to their position during their period of absence. Individuals are considered members of key management personnel when acting arrangements are for more than a period of one month.

(c) Related party transactions

In accordance with AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors, related party transactions are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor. The Clerk is required to determine the materiality of any related party transactions.

The Clerk is also required to determine if additional action is required to ensure compliance with the disclosure requirements of AASB 124, including identification of related parties, identification of related party transactions and the adequacy of these disclosures.

There are no related party transactions requiring disclosure.

4.2 Depreciation and amortisation

All applicable Non-financial assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their service potential.

Key estimate and judgement

Depreciation is provided for on a straight line basis, using rates which are reviewed annually.

All intangible assets having a limited useful life are systematically amortised over their useful lives reflecting the pattern in which the asset's future economic benefits are expected to be consumed by the Council.

(a) Depreciation

	Major depreciation Period	2021 $'000	2020 $'000
Furniture and fittings	10 years	33	34
Computer equipment	3 years	8	5
Total		**41**	**39**

(b) Amortisation

	Major amortisation rate	2021 $'000	2020 $'000
Leasehold improvements	10 years	22	17
Total		**22**	**17**
Total depreciation and amortisation		**63**	**56**

4.3 Supplies and consumables

	2021 $'000	2020 $'000
Audit fees – financial audit	18	17
Lease expense	21	21
Communications	98	88
Information technology	51	52
Travel and transport	81	77
Regional office support	84	73
Resource Support	107	87
Committee expenses	7	6
Consultancy	69	56
Meal allowance	17	12
Maintenance	-	1
Uniforms	5	8
Stationery	5	5
Other supplies and consumables	52	87
Total	**615**	**590**

Audit fees paid or payable to the Tasmanian Audit Office for the audit of the Council's financial statements were $18,150 (2019-20, $16,730).

Note 5 Assets

Assets are recognised in the Statement of Financial Position when it is probable that the future economic benefits will flow to the Council and the asset has a cost or value that can be measured reliably.

5.1 Receivables

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Receivables are held with the objective to collect the contractual cash flows and are subsequently measured at amortised cost using the effective interest method. Any subsequent changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process. An allowance for expected credit losses is recognised for all debt financial assets not held at fair value through profit and loss. The expected credit loss is based on the difference between the

contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate.

For trade receivables, a simplified approach in calculating expected credit losses is applied, with a loss allowance based on lifetime expected credit losses recognised at each reporting date. The Council has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward-looking factors specific to the receivable.

	2021 $'000	2020 $'000
Total	17	4
Settled within 12 months	17	4
Total	**17**	**4**

5.2 Plant and equipment

(i) *Valuation basis*

Heritage assets comprising antique furniture, artworks and artefacts are recorded at fair value. All other Non-current physical assets, including work in progress, are recorded at historic cost less accumulated depreciation and accumulated impairment losses. All assets within a class of assets are measured on the same basis.

Cost includes expenditure that is directly attributable to the acquisition of the asset. Purchased software that is integral to the functionality of the related equipment is capitalised as part of that equipment.

When parts of an item of plant and equipment have different useful lives, they are accounted for as separate items (major components) of plant and equipment.

Fair value is based on the highest and best use of the asset. Unless there is an explicit Government policy to the contrary, the highest and best use of an asset is the current purpose for which the asset is being used or build occupied.

(ii) *Subsequent Costs*

The cost of replacing part of an item of plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Council and its costs can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of day to day servicing of plant and equipment are recognised in profit or loss as incurred.

(iii) *Asset recognition threshold*

The asset capitalisation threshold adopted by the Council is $5,000. Assets valued at less than $5,000 are charged to the Statement of Comprehensive Income in the year of purchase (other than where they form part of a group of similar items which are material in total). Antique furniture and artworks and artefacts are treated as discrete groups of assets and all items in these groups are recorded as non-current assets.

(iv) Revaluations

The Council has adopted a revaluation threshold of $5,000.

Assets are grouped on the basis of having a similar nature or function in the operations of the Council.

Assets are revalued with sufficient regularity to ensure they reflect fair value at balance date. Revaluations are shown on a fair value, five year basis.

(v) *Assets in respect of leases where the Council is the lessor*

The Council leases motor vehicles under operating leases with rental payments payable monthly. Lease payments include lease and operating costs.

(a) Carrying amount

	2021 $'000	2020 $'000
Antique furniture		
At fair value	1,202	1,202
Total	**1,202**	**1,202**
Artworks and Artefacts		
At fair value	550	550
Total	**550**	**550**
Leasehold improvements		
At cost	134	134
Less: Accumulated amortisation	(75)	(53)
Total	**59**	**81**
Furniture and Fittings		
At cost	724	724
Less: Accumulated depreciation	(176)	(143)
Total	**548**	**581**
Computer equipment		
At cost	88	100
Less: Accumulated depreciation	(81)	(95)
Total	**7**	**5**
Total plant and equipment	**2,366**	**2,419**

Antique Furniture was independently re-valued on 30 June 2020 by Mr A F Colman, Approved Government Valuer. Artworks and Artefacts were independently re-valued at 30 June 2020 by Mr W N Hurst, Fine Art Consultant. Valuations were based on a replacement value. The revaluation movements are reflected in the comprehensive result and asset revaluation reserve.

(b) Reconciliation of movements

Reconciliations of the carrying amounts of each class of plant and equipment at the beginning and end of the current and previous financial year are set out below. Carrying value means the net amount after deducting accumulated depreciation and accumulated impairment losses.

2021	Antique Furniture Level 3	Artwork and Artefacts Level 3	Leasehold improvements	Furniture and Fittings	Computer Equipment	Total
	$'000	$'000	$'000	$'000	$'000	$'000
Carrying value at 1 July 2020	**1,202**	**550**	**81**	**581**	**5**	**2,419**
Gains/losses recognised in other comprehensive income						
Additions	-	-		-	10	10
Depreciation and amortisation	-	-	(22)	(33)	(8)	(63)
Carrying value at 30 June	**1,202**	**550**	**59**	**548**	**7**	**2,366**

2020	Antique Furniture Level 3	Artwork and Artefacts Level 3	Leasehold improvements	Furniture and Fittings	Computer Equipment	Total
	$'000	$'000	$'000	$'000	$'000	$'000
Carrying value at 1 July 2019	**1,180**	**488**	**19**	**615**	**10**	**2,312**
Gains/losses recognised in other comprehensive income						
Additions	-	-	79	-	-	79
Revaluation increments (Decrements)	22	62	-	-	-	84
Depreciation and amortisation	-	-	(17)	(34)	(5)	(56)
Carrying value at 30 June	**1,202**	**550**	**81**	**581**	**5**	**2,419**

(c) Level 3 significant valuation inputs and relationship to fair value

Description	Fair value at 30 June	Significant unobservable inputs used in valuation	Possible alternative values for level 3 inputs	Sensitivity of fair value to changes in level 3 inputs
	$'000			
Antique Furniture	1,202	A – Rarity of asset B – Age of asset C – Condition of asset	Valuing antique furniture is an inexact science and it is not likely, that alternative values, applying other inputs would result in materially different values.	Not applicable
Artwork and Artefacts	550	A – Rarity of asset B – Age of asset C – Condition of asset	Valuing artwork and artefacts is an inexact science and it is not likely, that alternative values, applying other inputs would result in materially different values.	Not applicable

5.3 Right-of-use-assets

AASB 16 requires the Council to recognise a right-of-use asset, where it has control of the underlying asset over the lease term. A right-of-use asset is measured at the present value of initial lease liability, adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The Council has elected not to recognise right-of-use assets and lease liabilities arising from short-term leases, rental arrangements for which Finance-General has substantive substitution rights over the assets and leases for which the underlying asset is of low-value. Substantive substitution rights relate primarily to office accommodation. An asset is considered low-value when it is expected to cost less than $10 000.

Right-of-use assets are depreciated over the shorter of the assets useful life and the term of the lease. Where the Department obtains ownership of the underlying leased asset or if the cost of the right-of-use asset reflects that the Council will exercise a purchase option, the Council depreciates the right-of-use asset overs its useful life.

Note 6 Liabilities

Liabilities are recognised in the Statement of Financial Position when it is probable that an outflow of resources embodying economic benefits will result from the settlement of a present obligation and the amount at which the settlement will take place can be measured reliably.

6.1 Payables

Payables, including goods received and services incurred but not yet invoiced, are recognised at amortised cost, which due to the short settlement period, equates to face value, when the Council becomes obliged to make future payments as a result of a purchase of assets and services.

	2021 $'000	2020 $'000
Creditors	42	28
Accrued Expenses	33	80
Total	**75**	**108**
Settled within 12 months	75	108
Total	**75**	**108**

6.2 Lease Liabilities

A lease liability is measured at the present value of the lease payments that are not paid at that date. The discount rate used to calculate the present value of the lease liability is the rate implicit in the lease. Where the implicit rate is not known and cannot be determined the Tascorp indicative lending rate including the relevant administration margin is used.

The Council has elected not to recognise right-of-use assets and lease liabilities arising from short-term leases, rental arrangements for which Department of Treasury and Finance has substantive substitution rights over the assets and leases for which the underlying asset is of low-value. Substantive substitution rights relate primarily to office accommodation. An asset is considered low-value when it is expected to cost less than $10 000.

6.3 Employee benefit liabilities

Key estimate and judgement

Liabilities for wages and salaries and annual leave are recognised when an employee becomes entitled to receive a benefit. Those liabilities expected to be realised within 12 months are measured as the amount expected to be paid. Other employee entitlements are measured as the present value of the benefit at 30 June, where the impact of discounting is material, and at the amount expected to be paid if discounting is not material.

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date.

	2021 $'000	2020 $'000
Accrued salaries	66	50
Annual leave	278	305
Long service leave	543	544
Total	**887**	**899**
Expected to settle wholly within 12 months	439	446
Expected to settle wholly after 12 months	448	453
Total	**887**	**899**

6.4 Superannuation

(i) Defined contribution plans

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts. Obligations for contributions to defined contribution plans are recognised as an expense when they fall due.

(ii) Defined benefit plans

A defined benefit plan is a post-employment benefit plan other than a defined contribution plan.

Key estimate and judgement

The Council does not recognise a liability for the accruing superannuation benefits to Council employees. This liability is held centrally and is recognised with the Finance-General Division of the Department of Treasury and Finance.

Note 7 Commitments and Contingencies

7.1 Schedule of Commitments

Commitments represent those contractual arrangements entered by the Council that are not reflected in the Statement of Financial Position.

Leases are recognised as right-of-use assets and lease liabilities in the Statement of Financial Position, excluding short term leases and leases for which the underlying asset is of low value, which are recognised as an expense in the Statement of Comprehensive Income.

	2021 $'000	2020 $'000
By type		
Other commitments		
Photocopiers	48	50
Motor vehicles	165	199
Total other commitments	**213**	**249**
By maturity		
Operating lease commitments		
One year or less	124	151
From one to five years	89	98
Total operating lease commitments	**213**	**249**
Total	**213**	**249**

7.2 Contingent assets and liabilities

Contingent assets and liabilities are not recognised in the Statement of Financial Position due to uncertainty regarding any possible amount or timing of any possible underlying claim or obligation.

(a) Quantifiable contingencies

A quantifiable contingent asset is any possible asset that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

A quantifiable contingent liability is any possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or any present obligation that arises from past events but is not recognised because it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation. To the extent that any quantifiable contingencies are insured, details provided below are recorded net.

The Legislative Council has no contingent Assets and Liabilities.

Note 8 Reserves

8.1 Reserves

2021	Heritage & Cultural assets $'000	Total $'000
Asset revaluation reserve		
Balance at the beginning of financial year	848	848
Balance at end of financial year	**848**	**848**

2020	Heritage & Cultural assets $'000	Total $'000
Asset revaluation reserve		
Balance at the beginning of financial year	764	764
Revaluation increments/(decrements)	84	84
Balance at end of financial year	**848**	**848**

Note 9 Cash Flow Reconciliation

Cash means notes, coins, any deposits held at call with a bank or financial institution, as well as funds held in the Special Deposits and Trust Fund, being short term of three months or less and highly liquid. Deposits are recognised at amortised cost, being their face value.

9.1 Cash and cash equivalents

Cash and cash equivalents includes the balance of the Specific Purpose Accounts held by the Council, and other cash held, excluding those accounts which are administered or held in a trustee capacity or agency arrangement.

	2021 $'000	2020 $'000
Specific Purpose Account balances		
Legislative Council operating account	-	-
Total	**-**	**-**
Total cash and cash equivalents	**-**	**-**

9.2 Reconciliation of Net Result to Net Cash from Operating Activities

	2021 $'000	2020 $'000
Net result	5	(169)
Depreciation and amortisation	63	56
Decrease (increase) in Receivables	(13)	(1)
Decrease (increase) in Other assets	-	(79)
Increase (decrease) in Employee entitlements	(12)	206
Increase (decrease) in Payables	(33)	(13)
Net cash from (used by) operating activities	**10**	**-**

Note 10 Financial Instruments

10.1 Risk Exposures

(a) Risk management policies

The Council has exposure to the following risks from its use of financial instruments:

- credit risk; and
- liquidity risk.

The Clerk as the accountable authority has overall responsibility for the establishment and oversight of the Council's risk management framework. Risk management policies are established to identify and analyse risks faced by the Council, to set appropriate risk limits and controls, and to monitor risks and adherence to limits.

(b) Credit risk exposures

Credit risk is the risk of financial loss to the Council if a customer or counterparty to a financial instrument fails to meet its contractual obligations.

The carrying amount of financial assets recorded in the Financial Statements, net of any allowances for losses, represents the Council's maximum exposure to credit risk without taking into account any collateral or other security.

The value of receivables as at 30 June is immaterial and with an expected loss rate of 0% the value of receivables is recorded at the gross carrying amount as at balance date.

(c) Liquidity risk

Liquidity risk is the risk that the Council will not be able to meet its financial obligations as they fall due. The Council's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

The Council does not have any significant exposure to liquidity risk.

The following tables detail the undiscounted cash flows payable by the Council by remaining contractual maturity for its financial liabilities. It should be noted that as these are undiscounted, totals may not reconcile to the carrying amounts presented in the Statement of Financial Position:

2021	Maturity analysis for financial liabilities							
	1 Year $'000	2 Years $'000	3 Years $'000	4 Years $'000	5 Years $'000	More than 5 Years $'000	Undiscounted Total $'000	Carrying Amount $'000
Financial liabilities								
Payables	75	-	-	-	-	-	-	75
Total	**75**	-	-	-	-	-	-	**75**

2020	Maturity analysis for financial liabilities							
	1 Year $'000	2 Years $'000	3 Years $'000	4 Years $'000	5 Years $'000	More than 5 Years $'000	Undiscounted Total $'000	Carrying Amount $'000
Financial liabilities								
Payables	108	-	-	-	-	-	-	108
Total	**108**	-	-	-	-	-	-	**108**

10.2 Categories of Financial Assets and Liabilities

	2021 $'000	2020 $'000
Financial assets		
Receivables	17	4
Total	**17**	**4**
Financial Liabilities		
Trade Creditors	75	108
Total	**75**	**108**

Note 11 Events Occurring After Balance Date

There have been no events subsequent to balance date which would have a material effect on the Council's financial statements as at 30 June 2021.

Note 12 Other Significant Accounting Policies and Judgements

12.1 Objectives and Funding

The Legislative Council is the Upper House of the Parliament and functions as a House of Review.

The role of the Members of the Legislative Council is twofold:

- To examine the merits of legislation from alternative perspectives and to authorise expenditure of State monies; and
- To provide a parliamentary check on the Government of the day. In modern time, the Legislative Council has expanded from the base of being a purely legislative body to a House that involves itself with the examination and analysis of actions, decisions and workings of the Executive Government.

The overall objectives of the Legislative Council remain constant over time. Services may increase with parliamentary evolution, but are invariant in the medium term. The major objectives and responsibilities of the Clerk of the Legislative Council are to:

- Support the Legislative Council in its constitutional role;
- To provide an accurate retrieval and assessment system of precedent, law, history and parliamentary method necessary for the effective functioning of the Legislative Council and its Committees;
- Provide effective apolitical support including administrative, research, policy and procedural support and advice to the President of the Legislative Council and other elected Members;
- Ensure the effective custody of documents including journals, records and papers of the Legislative Council, the responsibility of which, in accordance with Standing Orders, is vested in the Clerk of the Legislative Council;
- Ensure the effective functions of Standing, Sessional and Select Committees including the provision of adequate and appropriate resources;
- Accurately prepare and present legislation, once passed through both Houses, to Her Excellency the Governor for the Royal Assent;
- Promote public awareness of the purpose, functions and work of the Legislative Council;
- Maximise the potential of all staff through effective human resource practices; and
- Efficiently manage resources, both financial and human.

The Council is funded by Parliamentary appropriations and Reserved-by Law allocations. The financial statements encompass all funds through which the Council controls resources to carry on its functions.

12.2 Basis of Accounting

The Financial Statements are a general purpose financial report and have been prepared in accordance with:

- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board; and
- The Treasurer's Instructions issued under the provisions of the *Financial Management Act 2016*.

The Financial Statements were signed by the Clerk on 12 August 2021.

Compliance with the Australian Accounting Standards may not result in compliance with International Financial Reporting Standards, as the AAS include requirements and options available to not-for-profit organisations that are inconsistent with IFRS. The Department is considered to be not-for-profit and has adopted some accounting policies under the AAS that do not comply with IFRS.

The Financial Statements have been prepared on an accrual basis and, except where stated, are in accordance with the historical cost convention. The accounting policies are consistent with the previous year except for those changes outlined in Note 12.5.

The Council has made no assumptions concerning the future that may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

12.3 Reporting Entity

The Financial Statements include all the controlled activities of the Council.

12.4 Functional and Presentation Currency

These Financial Statements are presented in Australian dollars, which is the Council's functional currency.

12.5 Changes in Accounting Policies

(a) Impact of new and revised Accounting Standards

In the current year, the Council has adopted all of the new and revised Standards and Interpretations issued by the Accounting Standards Board that are relevant to its operations and effective for the current annual reporting period. These include:

- AASB 1059 Service Concession Arrangements: Grantors – This Standard prescribes the accounting for a service concession arrangement by a grantor that is a public sector entity. Service concession arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

  Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time, the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

  The modified retrospective approach, permitted under AASB 1059, has been adopted, by recognising and measuring service concession assets and related liabilities as the date of initial application of 1 July 2019, with any net adjustments to the amounts of assets and liabilities recognised in accumulated funds at that date.

  There is no financial impact in adopting AASB 1059.

12.6 Comparative Figures

Comparative figures have been adjusted to reflect any changes in accounting policy or the adoption of new standards.

12.7 Rounding

All amounts in the Financial Statements have been rounded to the nearest thousand dollars, unless otherwise stated. As a consequence, rounded figures may not add to totals. Amounts less than $500 are rounded to zero and are indicated by the symbol "...".

12.8 Taxation

The Council is exempt from all forms of taxation except Fringe Benefits Tax and Goods and Services Tax.

12.9 Goods and Services Tax

Revenue, expenses and assets are recognised net of the amount of Goods and Services Tax, except where the GST incurred is not recoverable from the Australian Taxation Office. Receivables and payables are stated inclusive of GST. The net amount recoverable, or payable, to the Australian Taxation Office is recognised as an asset or liability within the Statement of Financial Position.

In the Statement of Cash Flows, the GST component of cash flows arising from operating, investing or financing activities which is recoverable from, or payable to, the Australian Taxation Office is, in accordance with the Australian Accounting Standards, classified as operating cash flows.