

DEPARTMENT OF THE LEGISLATIVE COUNCIL
ANNUAL REPORT
2008-09



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ANNUAL REPORT

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Annual Report Contact:

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14 October 2009

The Hon Robert Smith MLC
President of the Legislative Council
Parliament House
EAST MELBOURNE 3002

Dear Mr President

I have pleasure in forwarding to you my report to the Legislative Council on the operations of the Department of the Legislative Council for the year ended 30 June 2009.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Wayne Tunnecliffe'.

Wayne Tunnecliffe
Clerk of the Legislative Council

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CLERK'S OVERVIEW

“The highlight of the year was undoubtedly the staging of the 4th regional sitting of the Legislative Council in Lakes Entrance...”

I have pleasure in presenting my report on the operations of the Department of the Legislative Council for 2008-09.

The highlight of the year was undoubtedly the staging of the 4th regional sitting of the Legislative Council in Lakes Entrance on 15 and 16 October 2008. This 2-day sitting, the first regional sitting over more than one day, was the most ambitious exercise yet conducted. Sitting over two days enabled the Council to replicate a normal Wednesday and Thursday sitting with the usual mix of Government and General Business, Question Time, Members' Statements, Statements on Reports and Papers, and the Daily Adjournment Debate. The regional sitting was a resounding success due largely to the work of staff in the Department headed by the Project Team of Matthew Tricarico and Andrea Agosta. The sitting presented a great deal of challenges but due to the hard work of all staff within the Department who were involved in the project, the Legislative Council was portrayed in a very favourable light and the feedback received was very positive.

The sittings of the Council during the year saw the House continue to develop its new role as a House of Review. The sittings were marked by a substantial increase in the time taken for debate on non-government business. There was a considerable increase in the number of motions for the production of documents from the Executive and the year also saw the Standing Committee on Finance and Public Administration, first appointed in April 2008, table its first reports.

Another chapter in the continuing development in the Council's new role came about with the Standing Orders Committee being required by the House to investigate and make recommendations regarding a suitable model for a future Upper House Committee system in Victoria. An interim report has already been tabled and the inquiry was actively continuing at the end of June 2009. It is hoped that the Committee is able to make recommendations which will be adopted by the House later in 2009. The outcome is sure to present many challenges for the Department in the next year or so.

The consultant's report on the review of working conditions in the Council Chamber was presented to the President during the year. It is clear from the review that there is an urgent need to refurbish the Chamber to ensure a greater degree of comfort for its users and also compliance with occupational health and safety requirements. The recommendations of the review were received very positively when

presented to Members in October 2008. It is disappointing that additional funds have not been provided to date to enable the project to proceed. At the end of the reporting period, it was still unclear if the project would proceed, even if in a modified form.

From a procedural point of view it is pleasing to note that work continued actively during the year on the Legislative Council Practice and Procedure Volume. This is a major project which will consolidate the practice, procedure, precedents and history of the Legislative Council into a single volume. The work will take several years to complete. The main development during 2009-10 is expected to be the appointment of an Editorial Committee which will oversee the actual content of the volume.

During the year we continued to closely monitor the work levels of the Council Committee Office arising from the work of the Standing Committee on Finance and Public Administration and the appointment of a new select committee on train services. The Office has a permanent staff of two which has been supplemented on occasions by a third part-time research officer. It is highly likely that additional staff will need to be appointed in the future as the level of Committee activity increases as we move closer to the next State election. Given that no additional funds have been made available to support the Committee Office we are monitoring our expenditure levels very closely with a view to providing additional resources to the Office from within our existing budget.

In closing, I would like to again express my thanks to all staff within the Department both in the areas that support the House itself and the Committees. I am satisfied that the Department provides the highest possible level of resources to its clients, particularly our Members, in spite of a relatively low level of human and financial resources. My gratitude goes to everyone within the Department for their hard work during the year.

Wayne Tunnecliffe

CLERK OF THE LEGISLATIVE COUNCIL



VISION

DEPARTMENTAL GOAL:

To provide quality apolitical, professional, innovative and integrated support services and information to the President, Members of the Legislative Council and other clients, in the interests of Victorians.

DEPARTMENTAL GOALS

In meeting its Vision, the Department of the Legislative Council is guided by seven operational goals. These are:

1. To provide timely and accurate procedural advice to clients and to ensure that the business of the Legislative Council and of the parliamentary committees administered by the Department is conducted in accordance with the law, decisions of the Council, parliamentary practice and established committee policy.
2. To utilise modern and cost-effective technological information systems for the delivery of high level specialist support services to our clients, to implement records management best practices and to provide high quality and timely information services.
3. To promote public awareness and understanding of parliamentary democracy and of the role, functions and processes of the Legislative Council, the Committees and the Parliament generally.
4. To provide the Legislative Council's Members and staff with a safe and healthy working environment, to ensure and enhance the Legislative Council's maintenance and security, and to assist in the management and use of the wider parliamentary precincts.
5. To implement fair and equitable staff management practices which develop the skills base of staff in order to achieve corporate, departmental and committee objectives.
6. To ensure that departmental strategies planning and directions are in accordance with the highest standards of governance and enable an effective system of ongoing improvement.
7. To ensure that departmental financial and resource planning and management is in accordance with the highest standards of compliance and accountability.

BUSINESS OF THE DEPARTMENT

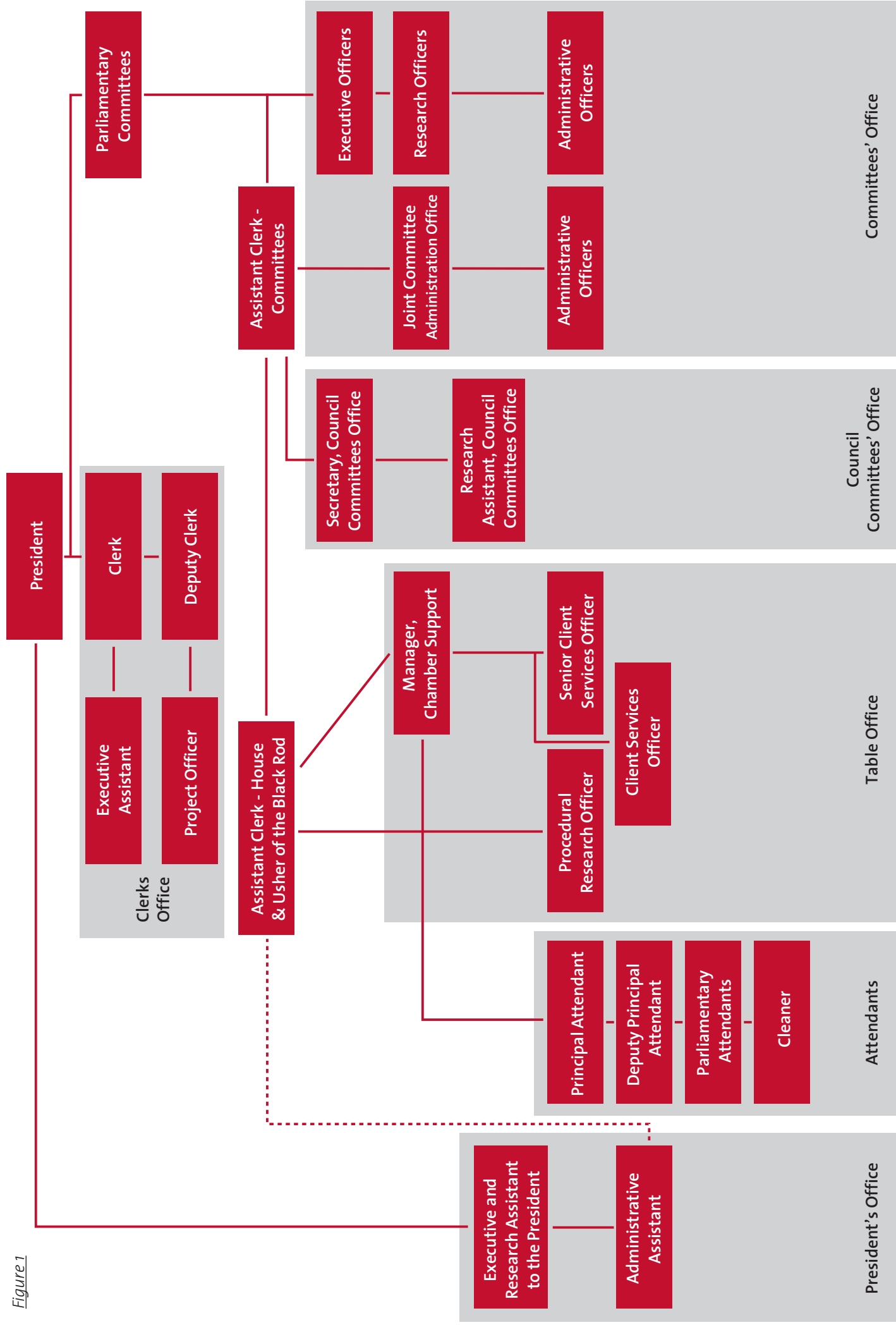
The business of the Department is to:

- provide procedural advice to Members of the Legislative Council;
- process legislation;
- prepare documentation required for sittings of the Legislative Council;
- prepare records of the proceedings of the Legislative Council;
- provide procedural and policy advice to parliamentary committees;
- provide administrative and research assistance, and produce draft reports to parliamentary committees;
- provide information relating to the proceedings of the Council;
- provide operational support to Members of the Legislative Council;
- promote public awareness of the role, functions and processes of the Legislative Council and the Parliament;
- co-ordinate parliamentary events, functions and special visits; and
- provide a secure, safe and healthy workplace.



LEGISLATIVE COUNCIL
ORGANISATION CHART
JUNE 2009

Figure 1





PROCEDURE AND ADVICE

DEPARTMENTAL GOAL:

To provide timely and accurate procedural advice to clients and to ensure that the business of the Legislative Council and of the parliamentary committees administered by the Department is conducted in accordance with the law, decisions of the Council, parliamentary practice and established committee policy.

PROCEDURAL ADVICE

Advice to the President and Members

One of the principal functions of the Department is to provide advice to the President and Members of the Council on matters before the House. The advice is usually given either on an ad hoc, verbal basis or in writing. Much work is also done in anticipation of proceedings in the House which do not eventuate and therefore must remain confidential. When the House is sitting, the President will often be called upon to rule upon a matter as it arises. In doing so, the Chair will normally be guided by advice from the Clerks at the Table. On occasions, however, the President will reserve his ruling on a matter and it is in those instances that much of the procedural advice given to the President is in writing.

Some of the more notable written rulings which were given during 2008-09 and required advice from the Department are:

■ Restoration of Bill to Notice Paper after reasoned amendment carried

On 10 March 2009, the Council agreed to a reasoned amendment to the second reading of the Duties Amendment Bill 2008. The reasoned amendment proposed that 'the House refuse to read the Bill a second time until a public consultation process is undertaken to address widespread concern as to the impact and practicality of the proposed changes to the Duties Act 2000.'

Consistent with Council practice and a strict interpretation of the principle outlined in *May's Parliamentary Practice*, the effect of the reasoned amendment was that no Order was made for the second reading of the Bill on a future date, therefore having the same effect as defeating the Bill. However on this occasion in what set a new precedent for the Council the President subsequently reviewed this practice in the context of the wording of the reasoned amendment which sought to delay rather than defeat the Bill. The Bill was subsequently restored to the Notice Paper and ultimately passed the House.

■ Seeking the Call

On 23 June 2009 the President was forced to remind Members about the practice of seeking the call of the Chair to speak in the House after several Members had stood and sought to raise matters on the Adjournment Debate on 4 June 2009 after he had adjourned the House. This situation arose because some Members' names had not been listed on the Whip's speaking lists. In his ruling the President reminded Members that the speaking list is compiled to purely assist

the Chair in allocating the call to ensure the smooth transaction of business in the House. However, the Standing Orders provide for the President to call the Member first observed by him or her.

■ Criticism of Opposition during Question Time

On 24 June 2009 following several points of order having been raised during various Question Time the President made a statement in which he reiterated the need for Ministers' answers to Questions without Notice to be relevant and responsive. He reminded Ministers not to debate answers, make personal attacks in any way on the Member posing the question, nor overtly criticize the Opposition or any other non-government Members. The President clarified "overt criticism" as meaning "openly hostile". He said that if a Minister starts to respond to a question by being overtly hostile to the Opposition, it sets the scene for interjections. The President concluded that he expected co-operation from both sides of the House.

■ Incorporation of Material in Hansard

On 20 August 2008 following a request from Mr Peter Kavanagh, the President reminded Members of the requirements of the Standing Orders for the incorporation of material in Hansard. The President told Members that if he was satisfied that the pre-conditions laid down in the Standing Orders had been met, he was then required to advise the Council accordingly and the leave of the Council was still required for the incorporation of the material. If however the President was not satisfied that the pre-conditions had been met, as was the case in question, the President advised the Council accordingly and the matter did not proceed any further.

■ Impugning of the Ombudsman

On 4 June 2009 following a debate earlier in the day in which a point of order was raised claiming that a Member was impugning the Ombudsman, the President reiterated that under the Standing Orders Members are not allowed to impugn a Member of either House, the Sovereign, the Governor or the judiciary. In his ruling the President said that an independent officer of the Parliament such as the Ombudsman did not fall within the purview of the Standing Orders and therefore there was no point of order. However, on this occasion the President ruled that the Member concerned had not impugned the Ombudsman in any event.

Amendments to Bills in Committee of the Whole

One of the key services provided to all Members, including Ministers, is assistance with amendments to Bills.

In 2008-09, 37 Bills were considered in Committee of the Whole Council. 55 sets of amendments were circulated, comprising a total of 774 amendments. 12 Bills had sets of amendments from more than one Member, with the highest number being 6 sets of amendments to the Abortion Law Reform Bill 2008.

The Clerks and Table Office play a role in liaising with Members and their staff, Government departments and the Office of Chief Parliamentary Counsel in checking that proposed amendments to Bills comply with Standing Orders, Constitutional provisions relating to legislation, legislative powers and custom and practice of the Council.

More generally, the Clerks also discuss with Members and OCPC how complex amendments interact with Bills so that advice may be given to the Deputy President and other Members participating in consideration of Bills in Committee. The Clerks work closely with the Deputy President to ensure that running sheets are prepared for every Bill in Committee, so that all Members understand questions before the Committee and how amendments may test other amendments and how competing amendments from different Members may be considered and dealt with.

The increased number of political parties represented in the Chamber in the 56th Parliament has correlated with an increased incidence of Bills to which amendments have been proposed from various parties, including the Government. There has also been a noticeable increase in the occasions on which various sets of amendments have been redrafted on multiple occasions, with consequent redrafting of running sheets as a result of the negotiations between parties.

Sessional Orders Changes

Further changes to the Sessional Orders were adopted by the Council on 24 June 2009 when on a motion moved by the Leader of the Opposition the Council agreed to hold an Adjournment Debate on Friday sittings. The Friday Adjournment Debate differs from other days in that it is limited to 30 minutes for Members to raise issues.

During the debate the Manager of Government Business moved an amendment to require the Standing Orders Committee to inquire into and report by 1 September 2009 of the desirability to hold the Adjournment Debate on Friday. The

amendment was defeated on a division – 18 votes to 19 – and the original motion moved by the Leader of the Opposition was agreed to on a division, 20 votes to 17.

Standing Orders Committee Inquiry into an Upper House Committee System

On 10 September 2008, the Council agreed to a resolution requiring the Standing Orders Committee to inquire into and report on the establishment of new Standing Committees for the Legislative Council, including – (1) the number, composition, structure and functions of those committees; and (2) the staffing and resources required for the effective operation of those committees.

The resolution required the Committee to report no later than 30 November 2008. However, the Council has twice extended the reporting deadline; firstly to 31 March 2009, and secondly, to 31 July 2009.

The Committee held its first meeting on the inquiry on 8 October 2008 and as at the end of the reporting period had met on 7 occasions. The Assistant Clerk – Committees is the Secretary to the Standing Orders Committee and the Clerk acts as its Principal Advisor.

On 25 and 26 March 2009, a sub-committee of the Standing Orders Committee visited the Australian Senate and the New South Wales Legislative Council to review the structure and operations of Upper House Committees in those jurisdictions.

On 7 May 2009, the Committee tabled an interim report on the progress on the inquiry including an account of the interstate visits and an outline of the more prominent issues which had been identified.

Joint Meeting of Standing Orders Committees

On 24 June 2009, the Council Standing Orders Committee held a rare joint meeting with the Standing Orders Committee of the Legislative Assembly. The meeting was held at the invitation of the Assembly Committee which is undertaking a reference to consider and make recommendations for new and/or amended Standing Orders regarding the passage of legislation, the Opening of Parliament and petitions.

The Assembly resolution also gives its Standing Orders Committee the power to confer with the Standing Orders Committee of the Legislative Council.

Primary Industries Legislation Amendment Bill

On 4 December 2008, the Primary Industries Legislation Amendment Bill 2008 passed the Council with a number of amendments proposed

by The Nationals and Greens in Committee of the Whole. The Bill was returned to the Assembly with a message requesting their agreement to the amendments. The Bill remained in the Legislative Assembly until 3 June 2009 when a message was received from the Assembly informing the Council that the Assembly had disagreed with the Council amendments. Notice was also given in the Legislative Assembly of a motion to refer the Bill to the Dispute Resolution Committee. On 23 June 2009, a message was received from the Assembly transmitting the Primary Industries Legislation Further Amendment Bill 2009. The purpose of this Bill is to clarify when various amendments in the Primary Industries Legislation Amendment Bill 2008 will take effect, and therefore avoid any doubt about the operation of that Bill.

The need for the second Bill came about because the original Bill's passage through the Parliament was not completed in 2008 owing to there being no agreement between the Houses on the Council's amendments. The Council therefore had before it both the message from the Assembly disagreeing with the amendments to the 2008 Bill, together with the new Bill which amended the 2008 Bill. To facilitate debate on this unusual set of circumstances, the Council agreed to a cognate debate on the second reading of the 2009 Bill together with consideration of the Assembly's message regarding the amendments to the 2008 Bill.

On 25 June 2009, the Council resolved to not insist on their amendments to the 2008 Bill and also agreed to the 2009 Bill without amendment. The Royal Assent was given to both Bills on 30 June 2009. As at the end of the reporting period, the motion to refer to the 2008 Bill was still on the Assembly Notice Paper.

Environment Protection Amendment (Beverage Container Collection and Deposit Scheme) Bill

On 6 May 2009, the Environment Protection Amendment (Beverage Container Collection and Deposit Scheme) Bill 2009 was introduced into the Legislative Council as a Private Member's Bill by a Member of the Greens. The Bill aimed to establish a self-funding container scheme whereby consumers would pay a 10 percent deposit on all beverage containers purchased within Victoria, which could then be claimed back if the container was returned to an authorised collection depot. The administration costs of the scheme would be covered by the deposits that were not claimed back on unreturned containers, and from the value of resource material from containers that were returned.

The Bill was read a second time on 24 June 2009 on division with 21 votes in favour to 18 against. It

was considered in Committee of the Whole and reported with amendments and read a third time on a division of 20 votes to 18 and transmitted to the Assembly later that day. The Bill was opposed by the Government and passed with the support of the non-government Members.

Later that day, a message was received from the Assembly returning the Bill and informing the Council that they refused to entertain the Bill in that it sought to impose a levy which was unlawful, being the exclusive power of the Assembly as set out in the *Constitution Act 1975*. The message was ordered to be taken into consideration but at the end of the reporting period no further action had been taken.

Production of Documents

During 2008-09, there was a notable increase in the number of orders for the production of documents agreed to by the Council. In total, 13 orders for production of documents were passed by the Council, along with 6 motions condemning the Government for failing to comply with past resolutions.

In response to these resolutions, the Government has provided some of the documents requested, although in many instances, it has claimed Executive Privilege in relation to certain documents and has not provided those documents. In a number of instances, the Government indicated by a letter from the Attorney-General that it was unable to meet the deadline set by the Council, and was still assessing the documents covered by the resolutions for Executive Privilege and would respond to the order as soon as possible.

There is a process set out in Sessional Order 21 relating to documents potentially covered by Executive Privilege, whereby the documents are to be provided confidentially to the Clerk and mover of the motion, with any dispute as to the claim of Executive Privilege to be assessed by an independent legal arbiter. However, as the Government has not yet provided any of the documents it claims are covered by Executive Privilege, this process has not been invoked.

The most notable order for the production of documents in 2008-09 was originally agreed to in October 2008 and related to documents provided to tenderers as part of the public transport tender process. The Government refused to provide the documents requested, and following three further resolutions of the Council demanding the documents, the Council finally agreed to a motion moved by Mr Greg Barber of the Greens that unless the Government lodged the documents with the Clerk by 12 noon the following day, the Leader of the Government would be suspended from the Council at 2.00 p.m. for the remainder of the day.

The documents did not arrive, and subsequently, Mr John Lenders, who is Treasurer and the Leader of the Government in the Council, was suspended for the remainder of the day.

Procedural Review Meetings

Following each sitting week the proceedings are reviewed by Chamber Officers, Chamber support staff and staff from the committees who attend on a rotation basis. They are designed as a means of better equipping staff with the knowledge that underpins the operations in the Chamber. The practice is that one staff member leads the discussion by identifying the procedural matters of interest. The Clerks assist by providing commentary and staff are invited to give their views on the procedures which have occurred in the House. The procedural reviews are regarded as an important learning tool, especially for prospective Chamber staff.

COUNCIL SITTINGS AND DOCUMENTATION

In 2008-09, the Council met every month with the exception of January, sitting for a total of 16 weeks. The Council generally sat three days every week, however the Council extended the sitting week to include Friday on two occasions in late 2008, due to a busy workload and a build up of legislation. In October 2008, the Council undertook a regional sitting in Lakes Entrance, which proceeded for two days, and during Budget week in May 2009 the Council sat for only two days. Therefore, throughout the 2008-09 financial year, the Council sat for a total of 48 sitting days. Despite sitting 16 weeks, only two weeks in June 2009 were successive, with no two other sitting weeks occurring consecutively.

In total, the House sat for 487 hours and 31 minutes, with an average of 10 hours and 9 minutes per sitting day, compared with the average of 9 hours and 1 minute in 2007-08.

Legislative Council sitting patterns for the past ten years are shown in Figures 2, 3, 4 and 5 on page 17. Appendix D contains selected statistics relating to the sittings of the Council for the past five years.

The Department is responsible for the preparation and circulation of a number of parliamentary publications, including:

House Documents

In 2008-09 the following House documents were issued:

<u>NOTICE PAPERS (DAILY)</u>	<u>49</u>
<u>MINUTES (WEEKLY)</u>	<u>16</u>
<u>COMMITTEE OF THE WHOLE COUNCIL SUPPLEMENT</u>	<u>13</u>
<u>UNANSWERED QUESTIONS ON NOTICE</u>	<u>11</u>
<u>ADJOURNMENT MATTERS AWAITING RESPONSE</u>	<u>11</u>

Due to the large volume of Questions on Notice submitted by Members in late 2008 and early 2009, the Unanswered Questions on Notice booklet became increasingly big, as more and more questions remained unanswered. At the end of November 2008, the booklet was over 600 pages long, the largest the booklet has been. Fortunately, as more answers were submitted, and with fewer new questions being asked, the booklet returned to a more manageable size of just over 200 pages by the end of June 2009.

Sitting Statistics

In September 2008, the Department began publishing statistics relating to the sittings of the House on a weekly basis. The new Legislative Council Statistics document contains statistics on sitting days and hours, bills dealt with, questions, petitions and divisions. At the start of 2009, a pie graph was added to the document, which details the breakdown of time spent on various items of business in the Council, including Government Business, General Business and Question Time. Legislative Council Statistics is published on the Council's website following each sitting week and printed copies are available from the Table Office.

List of Members

The Members' List was regularly updated during 2008-09, with four members changing their electoral office address throughout the financial year. Each time an address is changed, the Members' List is updated, and new copies are printed for availability in the Table Office. The online version of the list available on the Parliament of Victoria website is also updated in order to provide members of the public with up to date information.

Progress on Investigations

The Progress on Investigations booklet was issued each month during 2008-09, except for December, with 11 editions in total being produced. The booklet provides monthly updates on the work carried out by each of the 12 Joint Investigatory Committees, as well as Standing and Select Committees established by the Council. Progress on each committee's inquiry or inquiries is detailed, as are any reports or government responses to reports that are tabled.

Indexes

Indexes maintained by the Table Office include indexes of the Minutes of the Proceedings, Committee and tabled reports, and sitting statistics. The Table office continually updated these

throughout 2008-09 to enable information to be located and accessed easily. These documents assist the Department to provide Members and the public with quick and accurate access to information about the proceedings of the Legislative Council.

Daily Sitting Statistics

Figure 2
**SITTING DAYS,
LEGISLATIVE COUNCIL,
99-00 to 08-09**

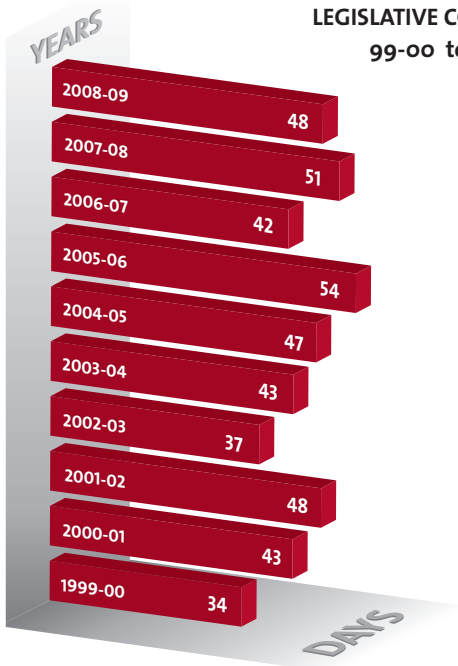


Figure 3
**SITTING HOURS
LEGISLATIVE COUNCIL,
99-00 to 08-09**

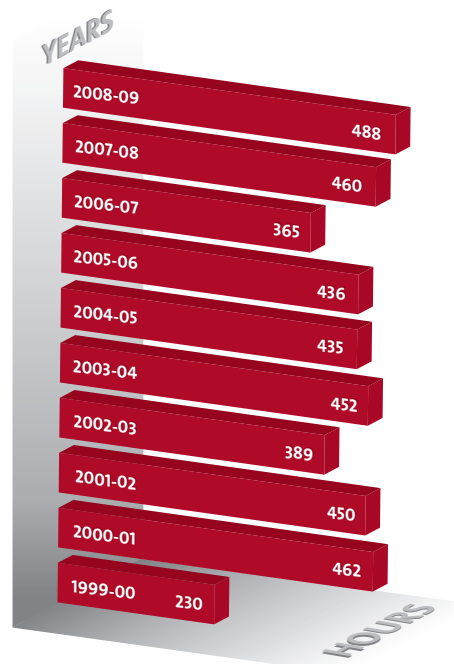


Figure 4
**AVERAGE LENGTH OF
DAILY SITTINGS (HOURS),
LEGISLATIVE COUNCIL,
99-00 to 08-09**

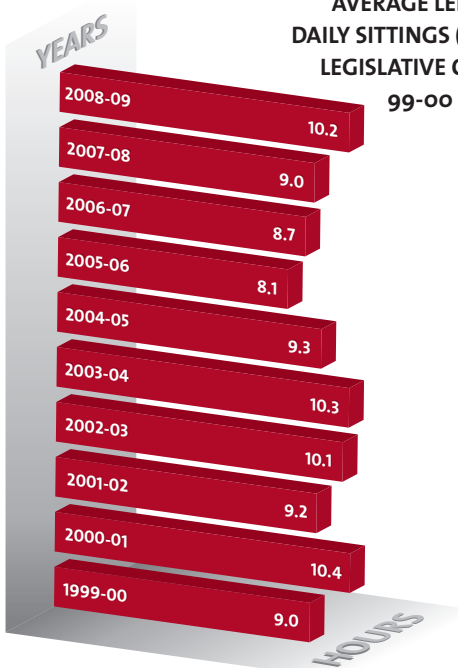
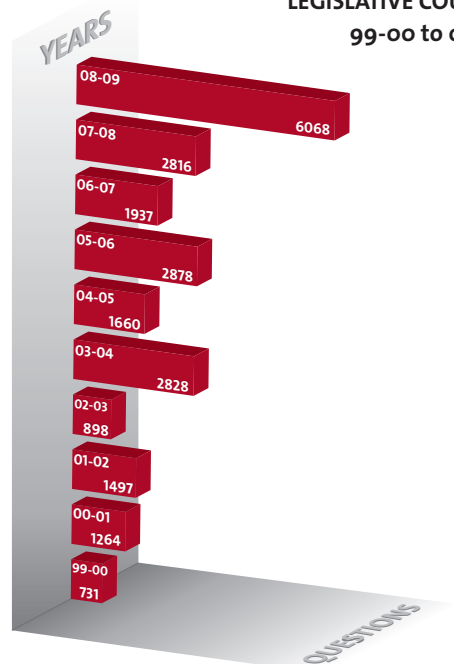


Figure 5
**QUESTIONS ON NOTICE
PROCESSED BY THE
DEPARTMENT OF THE
LEGISLATIVE COUNCIL
99-00 to 08-09**





PROCEDURAL RESEARCH PROJECTS

Procedural Bulletins

Since the commencement of the 54th Parliament in 1999, the Department has published biannual Procedural Bulletins, which provide an account of the most significant events, procedural issues and rulings from the Chair for each six month sitting period.

During 2008-09, bulletins for February to June 2008 and July to December 2008 were published and distributed to Members of the Council, various staff and the Clerks of each of the other Houses of the Australasian parliaments.

External Procedural Publications

The Department contributes to a number of external procedural publications on a regular basis. The most significant of these within Australasia is *Parliament Matters* which is produced by the Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT). This group produces two editions of its bulletin each year. The bulletin contains a report from each jurisdiction concerning procedural, administrative and general parliamentary items of interest.

In terms of overseas procedural publications, the department's principal contribution is an annual entry in *The Table* which is produced by the House of Lords in the United Kingdom and is the journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments.

Rulings from the Chair 1979–2008

The third edition of *Rulings from the Chair* (48th to 56th Parliaments) was completed in mid 2009, this time incorporating additional rulings from 2008. This volume provides a ready reference of useful procedural precedents to assist the Clerks in advising the President and other Members. Following the completion of this most recent edition, planning commenced for the production of an annotated *Rulings from the Chair* publication for 2010, taking into account the significant effect of new Standing Orders (2006), Sessional Orders (2007 to 2009) and Constitutional changes enacted by the Constitution (Parliamentary Reform) Act.

Legislative Council Practice and Procedure Manual

During the reporting period the Department continued to develop a volume with the working title *Legislative Council: Practice and Procedure Manual*. A number of Council staff are involved in associated research, writing and/or editing of the document. Ultimately, the purpose is to produce a manual which will complement the Standing Orders by outlining the House's practices in greater detail, including the citation of significant rulings and events.

Work for this volume represents the Department's most substantial individual project over the next 3 to 4 years. Research undertaken will draw on the Department's other procedural publications including the Procedural Bulletin and the President's Rulings Book 1979-2008 (and updates), as well as the Department's procedural database.



INFORMATION MANAGEMENT

DEPARTMENTAL GOAL:

To utilise modern and cost-effective technological information systems for the delivery of high level specialist support services to our clients, to implement records management best practices and to provide high quality and timely information services.

DATABASE MANAGEMENT

Procedural Database

The procedural database centralises and extends departmental understanding of procedural matters by providing swift access to precedents, rulings, summaries and, in some cases, inter-departmental guidelines. Data, which is categorised under subject headings and sub-headings, includes extracts from Hansard, a detailed summary of events and date/page citations. By the end of 2008-09, the database had been expanded considerably to cover the period from the Autumn Sittings 1991 until the end of 2008.

Centralised Filing Database

During 2008-09 further work was undertaken on the implementation of a centralised filing database for the Department. Following the development of a customised database in collaboration with Parliament's Information Technology Unit, the Department undertook a review of all its files, cataloguing the name of each file and its location.

All files held by the Department's five main work units – the Clerk's Office, Deputy Clerk's Office, Usher's Office, Assistant Clerk Committees' Office and Table Office – have now been entered on the system. A number of older files currently retained in the Department's archive area have also been added so they can be easily located, if required.

The development of the database has helped staff more quickly locate relevant procedural and administrative documentation, and has also assisted in identifying some duplication of files, where more than one area was retaining the same information. Through the use of the database, this can be avoided in future and assist in streamlining work practices within the Department.

Questions on Notice Database

The Questions on Notice Database project aims to provide a fully searchable database of questions and answers, which will allow Members and Ministers to easily track the progress of questions on notice asked in both Houses of Parliament.

Throughout 2008-09, a project team, comprising officers from the Department of the Legislative Council and the Department of the Legislative Assembly, continued to work with external software developers on the development of the database. Following a number of years of pre-development work, a prototype database was released in June 2008 and the project team undertook a number of months of "user acceptance testing". This process uncovered a number of minor issues, and changes were required to be made to the database due to unforeseen technical limitations and the differences

in the questions process between the two Houses. There were also some implementation challenges, due to differences between the Parliament network and the developer's test environment.

The majority of these issues have now been resolved and a further version of the test database was released at the start of June 2009. Once final testing is undertaken it is hoped the database will become available to Members and the public in the second half of 2009 or early 2010.

Throughout the year, a considerable amount of work has also been undertaken continuing to capture all of the questions asked from the start of the 56th Parliament. 6,068 questions asked this financial year and 5,916 answers provided have all been converted into a legacy data format so that they can be easily imported into the database before it is released.

PROVISION OF INFORMATION

Legislative Council Information Sheets

The Department continued to publish 21 information sheets related to the Legislative Council and its history, office-holders, rules and procedures. The information sheets, which are available both in hard copy from the Table Office and on the Department's website, are intended for the use of staff and the general public, particularly students and other visitors to the Parliament. All information sheets were reviewed during the reporting period and in many cases updated in light of procedural reforms and other changes.

Documents and Records Management

Council Committee Records

Throughout 2008-09, the Department undertook a review of Legislative Council Committee records currently stored in the Department's archive area within Parliament House.

The records, some of which date back to the start of the Parliament of Victoria in 1856, contain minutes, correspondence, draft reports and transcripts of evidence from numerous Council Committees. As Council Committees were established on an ad hoc basis over the past 150 years, with some quite detailed inquiries resulting in boxes of records, and other very specific inquiries only having a few pages of records, it has been a challenge to sort through the papers and determine to which Committee and which inquiry they relate. This process of identifying and cataloguing all the records according to Committee and inquiry is well underway and, as part of this process, the records are being sorted into chronological order.



The aim of the project is to better organise the records, so that specific documents can be more readily located if required, and also to prepare and store the documents in accordance with Public Record Office standards, so that the records can ultimately be transferred to the Public Record Office for permanent storage.

Once transferred, the Public Record Office will store the records on behalf of the Department at their Archive Centre at North Melbourne, which has a state of the art climate control system designed for the storage of permanent records. Members of the public will be able to view the records with the permission of the Clerk of the Legislative Council, and the records can be recalled to Parliament House by the Department at any time, if required.

Review of House readers and auto-text database

During 2008-09, a detailed review of House readers was undertaken. House readers are used by the President, Ministers and Members to guide them through complicated procedural processes in the Legislative Council. Following changes to Standing Orders and Joint Standing Orders in late 2006, and more recent changes to the Sessional Orders, a number of the existing readers had become outdated and terminology had changed.

As part of reviewing the readers, they were reformatted and incorporated into the Department's auto-text database. This now allows a reader to be generated by simply pressing two or three short cut keys, thus saving time and reducing errors when copying text.

The auto-text database is also used by Chamber Officers to produce the Minutes of the Proceedings, and throughout 2008-09 the Minutes entries were further refined, with more entries added for less common items of business transacted in the Council, thereby saving time when looking for procedural precedents.

Register of Members' Interests

Under the *Members of Parliament (Register of Interests) Act 1978*, Members are required to provide details of their interests. This information is required from new Members upon their election to Parliament (i.e. Primary Return) and from all existing Members by 29 August each year (i.e. Ordinary Return). Members may also lodge variations to their interests at any time during the year. This information is contained in a register which is maintained by the Clerk of the Parliaments, currently the Clerk of the Legislative Assembly. However, by arrangement between the Houses, the Department of the Legislative Council continues to maintain the Register of Members' Interests on behalf of the Clerk of the Parliaments.

During 2008-09, the following reports were prepared and tabled:

- Summary of Returns, June 2008, Summary of Variations notified between 26 June 2008 and 8 October 2008 and Summary of Primary Return, July 2008
- Cumulative Summary of Returns, 30 September 2008
- Summary of Primary Return – March 2009 and Summary of Variations notified between 9 October 2008 and 30 March 2009
- Summary of Variations notified between 30 March 2009 and 24 June 2009.

Ordinary Return forms will be sent to all Members of Parliament on 1 July 2009 and a summary of those returns, together with a Cumulative Summary as at 30 September 2009, will be tabled in October 2009.

Parliament Website Redevelopment

In April 2008, a project was launched to update and redesign the Parliament of Victoria website. The project is being led by staff from the Library in the Department of Parliamentary Services, with input from the two House Departments. A project team was established, with the Manager, Chamber Support and a staff member from the President's Office representing the Council.

Initially, a great deal of consultation was undertaken with internal and external stakeholders to determine the needs of the website's users and ensure these needs are met by the new website. This involved surveying a wide range of people, including Members, staff from Government Departments and the public.

Based on this feedback, and with the assistance of external consultants, a new structure for the website (information architecture) has been produced, to better present and organise the information on the website. A new visual design for the look of the site has also been developed. In order to assist with the updating and editing of the new website, a new content management system has been selected, which will ensure the consistent look and feel of all the pages on the new site.

At the end of the reporting period, the process of updating and rewriting the content from the previous site, and writing new content for the new site, was well underway, and the developers had begun creating the new site. It is hoped the new site will be launched by the end of 2009, and will provide the Parliament with a much improved presence on the internet, and assist the Parliament to better engage with those wanting information about Parliament, its role and how it functions.



EDUCATION AND COMMUNITY RELATIONS

DEPARTMENTAL GOAL:

To promote public awareness and understanding of parliamentary democracy and of the role, functions and processes of the Legislative Council, the Committees and the Parliament generally.

PUBLIC AWARENESS AND EDUCATION

YMCA Youth Parliament

The 22nd YMCA Youth Parliament was staged at Parliament House on 30 September and 2 October 2008.

The “Opening Ceremony” was held in the Legislative Council Chamber at which the “Youth Governor”, Lauren O’Dwyer, officially declared open the Youth Parliament. The Presiding Officers, the Minister for Sport, Recreation and Youth Affairs, the Honourable James Merlino MP, and the Shadow Minister for Youth Affairs and Sport and Recreation, Mr Hugh Delahunty MP, also participated in the ceremony.

The Youth Parliament met in the Legislative Council and the Legislative Assembly Chambers. In the Council, the proceedings were presided over by the President, the Honourable Robert Smith and other Council Members: Mrs Andrea Coote, Mr Nazih Elasmir, Mr Martin Pakula, Ms Sue Pennicuik and Mrs Inga Peulich.

Over the two days approximately 45 young people aged 16 to 23 years, debated eight “Bills” in the Council on issues including security on public transport, minimum standards for rail crossings, and financial incentives for reduced water consumption. An Adjournment debate was also held on the second sitting day.

The debates were conducted as consistently as practicable with parliamentary procedure. The proceedings were recorded by *Hansard* and, at the conclusion of the sittings the “Bills” were presented to a Government representative.

Open Days 2008 and 2009

In this reporting period, the Parliament staged two Open Days. The first Open Day was held on Sunday, 23 November 2008 and it focussed on the contribution of women over the past 100 years, and highlighted some of the many activities and projects that were presented as part of the Victorian Women Vote celebrations.

The Victorian Electoral Commission and the Public Record Office Victoria also featured display stands.

The event attracted over 2,800 visitors to Parliament and the Parliamentary Reserve.

The Presiding Officers met with numerous visitors during the course of the day, while Legislative Council personnel, together with officers from the other parliamentary departments, acted as guides and provided information to visitors.

Planning for this Open Day was largely organised and conducted by Robert McDonald, Manager – Chamber Support of this Department and assisted by staff from other parliamentary departments, under the oversight of the Deputy Clerk of the Legislative Council.

As visitors entered Parliament House, they received a tour map brochure providing details of the route to be taken and the various displays. Throughout the tour visitors were offered a variety free items and giveaways from displays around the building.

Visitors were free to meander throughout the building but within the confines of the tour route. Entertainment was provided in the gardens as well as a barbecue for the public.

The second Open Day was held on Sunday, 22 March 2009.

The three Departments hosted information displays and staff were on hand to answer questions from visitors. The Victorian Electoral Commission and the Public Record Office Victoria again hosted display stands.

2,980 visitors attended on this occasion to view the beautiful building and surrounding gardens.

Entertainment was again provided in the gardens as well as a barbecue for the public.

Australasian Study of Parliament Group

The Department’s commitment to parliamentary related education is reflected in its ongoing support via corporate membership of the Australasian Study of Parliament Group (ASPG) which holds seminars at Parliament House featuring guest presenters several times each year.

Individual membership of the ASPG is open to anyone with an interest in parliamentary related affairs, with a significant number of its members being parliamentarians and parliamentary officers. The Department facilitates staff members’ attendance at the ASPG’s National Conference which was held in Brisbane in July 2008. In addition, our Procedural Research Officer was Honorary Secretary of the ASPG’s Victorian Chapter and the Assistant Clerk – House and Usher of the Black Rod and the Assistant Clerk – Committees were members of the executive committee.

Education and Community Relations Events

The Department is committed to promoting a greater understanding of the Parliament’s history, structure, role and current issues. To this end, it

actively supports events such as Open Days and YMCA Youth Parliaments by providing project coordination, staff and administrative resources. In 2008-09, the special education and community relations events either coordinated by the Council or significantly supported by the Council included –

- Parliament Open Days in November 2008 and March 2009
- Parliament's interactive exhibition at the Royal Melbourne Show
- The YMCA Youth Parliament
- The regional sitting of the Council in Lakes Entrance, including coordination of school visits and information (see report below).

The Clerks and Assistant Clerks gave presentations to various groups during the course of 2008-09 including staff orientation days and the ANZACATT professional development seminar (January 2009).

SPECIAL EVENTS AND PROMOTIONAL ACTIVITIES

Lakes Entrance Regional Sitting

On 5 December 2007 the Premier announced that the Parliament would sit in the Gippsland Townships of Churchill and Lakes Entrance in 2008. The Legislative Assembly sat in Churchill for one day on 15 October 2008 and the Legislative Council met in Lakes Entrance for a two day sitting on 15 and 16 October 2008.

It was the Legislative Council's fourth regional sitting and the first time the House sat for two consecutive days outside of Melbourne, having previously sat in Ballarat, Benalla and Colac. Regional sittings continue to play an important role in educating the public about the processes of Parliament and the proceedings are designed to reflect, as much as possible, a typical sitting day in the Legislative Council.

The venue for the Council's regional sitting was the 'Bellevue on the Lakes' situated in the holiday town of Lakes Entrance.

The 'Bellevue on the Lakes' had ideal conference rooms and other facilities and their staff provided professional assistance in staging the event. All Members and senior managers were accommodated on site and all other staff and guests stayed at a nearby hotel.

The Chamber was set up and configured as close as possible to the Legislative Council Chamber in Melbourne with all tables adorned with red

table cloths to symbolize the colouring of the Upper House. The Government Party were seated to the right of the President's Chair and the non-Government parties sat to the left of the President's Chair. The public gallery was able to accommodate up to 80 people at any one time.

The Clerk of the Legislative Council read the Proclamation issued by the Governor of Victoria under the *Constitution Act 1975* empowering the Legislative Council to sit in Lakes Entrance during the 2 days, as well as issuing an Order declaring the Bellevue on the Lakes to be a 'Parliamentary Precinct' under the *Parliamentary Precincts Act 2001* thus giving the Presiding Officer all of the powers necessary to control and manage the entire complex during the sitting.

Mr John Lenders, Treasurer of Victoria and Leader of the House moved a motion inviting the Mayor of the East Gippsland Shire Council, Cr Mendy Urie into the Chamber to address the House. The Leaders and representatives of the other parties supported the motion and also made their own welcoming speeches. Mayor Urie welcomed the Legislative Council Members to Lakes Entrance and thanked them for giving the Gippsland region the opportunity to host such an historical event.

During the 2 day sitting, which ran from 9.30 am until about 6.30 pm each day, legislation was debated, reports and petitions were tabled, Ministers were questioned about Government policy and performance, and non-Government Members raised matters and debated issues relevant to the Gippsland region.

The sitting was recorded and aired live throughout the Bellevue complex to all rooms by WINTV as well as the audio of the proceedings being broadcast live on the internet.

The regional sitting was attended by a number of school groups and members of the public over the two day period, giving them the opportunity to view Parliament in action.

Before adjourning the sitting, the President stated "that the Lakes Entrance regional sitting had been the biggest and best regional sitting the Legislative Council had conducted and the bar had been set at a very high level for the next one". He said "the Bellevue on the Lakes was an outstanding venue and the hospitality provided by staff at the Bellevue on the Lakes had been first class".

The Department wishes to record its thanks to the Mayor of East Gippsland, Cr Mendy Urie and her staff for their assistance and particularly the Manager of the Bellevue on the Lakes, Mr Paul Coggan and his

staff for their exceptional hospitality and assistance during the regional sitting.

The planning and co-ordination of the regional sitting was conducted primarily by Andrea Agosta, Project Officer, together with other Legislative Council managers and members of various parliamentary departments, under the oversight of the Deputy Clerk.

HOSPITALITY AND VISITORS

Official Visitors and Delegations

A number of distinguished visitors and delegations visit the Parliament each year, and special arrangements are customarily made for their reception. During 2008-09 the Department assisted in arrangements for the reception of the following visitors and delegations;

28 August 2008 — League of Provinces of the Philippines. The President and Clerk hosted a lunch for 30 provincial governors along with the Consul General of the Philippines. A plaque of appreciation was presented to the Parliament of Victoria.

29 August 2008 — The Right Honourable Baroness Ashton of Upholland, Leader of the House of Lords. The Presiding Officers hosted a lunch attended by the Consul General of the United Kingdom, Judge of the Supreme Court of Victoria, Members of Parliament and the Clerks.

24 November 2008 — The Speaker of the Parliament of Singapore, Mr Abdullah Tarmugi visited the Parliament of Victoria as a guest of the Australian Parliament. Mr Abdullah was accompanied by a delegation of five Singaporean parliamentarians and the Singaporean High Commissioner to Australia. The Presiding Officers hosted a luncheon in honour of the delegation which was also attended by the Clerks.

2 and 3 December 2008 — Delegation from the Iraqi Council of Representatives led by First Deputy Speaker Khalid Al-Attiya. The two day visit included briefings with various committees, viewing of the proceedings in the Houses and a luncheon hosted by the Presiding Officers.

3 December 2008 — 17th Delegation from China under the auspices of the Australian Political Exchange Council. The delegation received a briefing from the Clerk on the system of Government in Australia, viewed the proceedings in the Houses and attended a luncheon hosted in their honour by the Presiding Officers also attended by Members from both Houses and the Clerks.

5 December 2008 — Delegation of Secretaries from the House of Councillors, Diet of Japan. The delegation was accompanied by the Consul and the Political and Economic Analyst, Consulate General of Japan. During the visit the delegation received a series of briefings from the Clerk and other officers of the Legislative Council, and were conducted on a tour of Parliament House. The Clerk hosted a lunch in honour of the delegation.

5 December 2008 — Delegation from the Parliament of Indonesia led by His Excellency Mr H. R. Agung Laksono, Speaker of the House of Representatives. The delegation was conducted on a tour of Parliament House and the precincts. Following the tour, the Deputy Speaker hosted an afternoon tea in honour of the delegation which was also attended by the Clerks.

16 March 2009 — 4th Delegation from the Philippines under the auspices of the Australian Political Exchange Council. The Delegation received a briefing from the Clerk on the system of Government in Australia.

17 March 2009 — Speaker of the House of Assembly of Tasmania, the Hon M R Polley MHA, accompanied by the Clerk of the House of Assembly. The Presiding Officers hosted a luncheon in their honour which was attended by the Clerks.

30 March 2009 — Delegation from Busan Metropolitan City, South Korea. The delegation was accompanied by the Manager, International Government Branch, Department of Premier and Cabinet. The Presiding Officers hosted a luncheon in honour of the delegation which was attended by the Clerks.

2 June 2009 — 26th Delegation from the United States of America. The visit was under the auspices of the Australian Political Exchange Council. The delegation comprised parliamentary, political and municipal representatives from Georgia; San Jose, California; Stratford Town, Connecticut; Gibson County, Indiana; Garrard County, Kentucky and Washington DC. The delegation received a briefing on the system of Government in Australia from the Clerk and were guests at a luncheon hosted in their honour by the Presiding Officers which was attended by Members from both Houses and the Clerks.

26 June 2009 — Delegation from the Republic of Colombia. A luncheon was hosted in their honour by the Presiding Officers and was also attended by Members from both Houses and the Clerks.



Official Visits

Visit to Busan Metropolitan City, Korea July 2008

The President led a delegation to Busan Municipal City, South Korea, in honour of Victoria's sister state arrangement from 18-28 July 2008. The delegation comprised three other Members of the Legislative Council, the Clerk and the Administrative Assistant in the President's Office who acted as Secretary to the delegation. During the visit the delegation held a series of meetings which included the President of Busan Metropolitan Council, the Mayor of Busan Metropolitan City, Australian businessmen based in Busan and the Australian Ambassador to the Republic of Korea. The delegation also visited and were conducted on a tour of the National Assembly Building in Seoul, the Busan Aquarium which has links to the Melbourne Aquarium, POSCO Steel Works, Pohang City, Geoje Shipyard of Samsung Heavy Industries, APEC Nurimaru House, and Busan Exhibition and Convention Centre. The delegation visited the United Nations Peace Park in Busan where the President laid a wreath, the Eco-Center in Eulsukdo, Busan, and gained an appreciation of Korean Culture by visiting the Beomeosa Temple, Busan, and witnessing a traditional Korean Tea Ceremony at Busan Women's College. While in Busan the delegation received a briefing on the Public Transport System in the City.

Visit to Jiangsu Province October 2008

The Honourable Martin Pakula MLC and Deputy President of the Legislative Council, Mr Bruce Atkinson MLC represented the President of the Legislative Council in attending the Celebration Conference on the 30th Anniversary of Jiangsu's Friendly Exchanges. Also representing Victoria at the conference was the Governor of Victoria, Professor David De Kretser and his Official Secretary, Mr Charles Curwen. A message from the Premier of Victoria was read in honour of the occasion. The delegation met with various political leaders from Jiangsu Province and visited significant cultural sites in Nanjing and Yangzhou.

Visit to Jiangsu Province February/March 2009

The President led a Parliamentary delegation from both Houses to Jiangsu Province to celebrate the 30th anniversary of the sister state relationship between Jiangsu Province and the state of Victoria. The visit included the cities of Beijing, Xuzhou, Nanjing and Wuxi. During the visit in Beijing the delegation met with the Australian Ambassador to China, Dr Geoff Raby and Mr Charles Brent, Commissioner – Greater China, Victorian Trade and Investment Office. The discussions highlighted the significance, strength and level of sophistication that exists in this sister state relationship and detailed its importance to the ongoing success in business and trade developments.

As the Plenary Session was due to begin in the Great Hall of the People in Beijing, many Members from the Jiangsu Provincial People's Congress were already in Beijing. A banquet and meeting was hosted by the Honourable Li Quanlin, First Vice Chairman of the Standing Committee of the Jiangsu Provincial People's Congress. The President and Mr Li exchanged plaques in commemoration of the 30th Anniversary of the sister state relationship.

The delegation was hosted in each city by congress chairmen (chairpersons), municipal and political leaders. Along with discussions on trade and business the Delegation had the opportunity to experience many of Jiangsu's cultural and heritage sites, highlighting the advancement and development of China in recent times. Other significant visits included a visit to Caulfield Grammar School Nanjing Campus and the New Wuxi District which has evolved to be one of the major industrial parks in China with over 1200 local and foreign operating manufacturing enterprises.

Official Calls

Official Calls are also made to the Parliament from time to time. These calls comprise mainly diplomats of ambassadorial status. A list of official calls made during 2008-09 appears in Appendix J.



PHYSICAL RESOURCES

DEPARTMENTAL GOAL:

To provide the Legislative Council's Members and staff with a safe and healthy working environment, to ensure and enhance the Legislative Council's maintenance and security, and to assist in the management and use of the wider parliamentary precincts.

SECURITY

Transfer of Security to Department of Parliamentary Services

Further to previous reports about the preparation for the transfer of the majority of Parliament's security functions to the Security and Electorate Properties Unit (SEPU) in the Department of Parliamentary Services, significant progress was made during this reporting period. The Usher and Serjeant have worked with the SEPU to the extent that a number of functions were ready for transition on 1 July 2009 and final transition of functions will be complete by October 2009. The Usher and Serjeant retain responsibility for security within their respective Chambers.

As part of the new security structure the Usher of the Black Rod represents the Council on the Security Operations Group (operational group) and the Parliament Security Group (policy group).

WORKPLACE MAINTENANCE

Council Chamber Refurbishment

In last year's Annual Report reference was made to FPPV Architects being commissioned to undertake an investigation into the functional and operational efficiency of the Council Chamber and give consideration to a number of issues regarding occupational health and safety, disabled access, building code compliance and technological opportunities.

On 14 July 2008 FPPV Architects provided the President with a detailed existing conditions report. The report identified a range of deficiencies including poor access to the rear seating, no accommodation for disabled Members and disabled access to the Gallery, ergonomically inadequate seating, inadequate lighting, poor acoustics and amplification, the need for improved view lines, and the necessity to review the area, height and design of Members' desks. Paul Viney, Principal of FPPV Architects, then subsequently gave a presentation to Council Members on 30 October 2008 on their report and the proposals for the refurbishment of the Chamber.

In the Parliament of Victoria's 2009-10 budget submission to the Expenditure Review Committee of Cabinet funds were sought in the 2009-10 and 2010-11 financial years to enable the Council Refurbishment Project to proceed.

As the funds sought were not provided in the 2009-10 budget, at the end of the reporting period the President was still considering the options available to enable the project to proceed. The options being considered include seeking the Treasurer's approval to access the Parliament's Capital Works Depreciation Funds and the Council's unspent appropriations or revising the scale of the project.

USE OF PRECINCTS

Council Chamber and Meeting Rooms

The President, on advice from the Department, deals with requests for use of the Council Chamber and the Legislative Council Committee Room (LCCR). Co-ordination of arrangements for those venues and their servicing is undertaken by attendant staff under the Usher of the Black Rod's direction. Apart from Legislative Council sittings, the Chamber was used through the year for a number of events / meetings.

As usual, the LCCR proved to be one of the most used rooms in Parliament House. The unavailability of Room K for much of this reporting period led to even greater demand for the LCCR on sitting and non-sitting days, including some weekends.

During the reporting period, the President decided that the Council 'Club Room' would become a meeting room to help address the significant lack of meeting rooms. Minor works and furnishings were completed and the 'Club Room' meeting room has become operational.

Functions

The Department assisted in providing services for various functions staged in the Legislative Council Chamber, Queen's Hall, the Legislative Council Committee Room, Room K, and the Parliamentary Gardens. As well as major functions, these included numerous luncheons, dinners, book launches, exhibitions and other events, all of which required support and a staffing presence from departmental staff.



HUMAN RESOURCES

DEPARTMENTAL GOAL:

To implement fair and equitable staff management practices which develop the skills base of staff in order to achieve corporate, departmental and committee objectives.

HUMAN RESOURCES MANAGEMENT

Equal Opportunity Officers

As part of the Department's ongoing commitment to providing a non-discriminatory and harassment free workplace, it continued to support the role of staff previously appointed as Equal Opportunity Officers.

The continuation of this process is part of a larger commitment by the Parliament to providing a safe and secure working environment.

The emphasis in equal opportunity at Parliament focuses on target areas such as 'workplace bullying'. Workplace bullying covers a wide range of discriminatory and unsatisfactory forms of behaviour in the workplace. The focus on these forms of behaviour exemplifies the Department's continuing commitment to an active system that aims to limit and eradicate passive forms of workplace discrimination and harassment as well as the more overt type.

Occupational Health and Safety Committee

The Legislative Council continued to have a management representative and a staff representative on the Occupational Health and Safety Committee throughout the reporting period. The Committee worked actively both at the practical level of resolving occupational health and safety matters brought before it by departmental representatives, and at the level of policy.

COMMUNICATION

General Staff Meetings

Regular general staff meetings continued to be held during 2008-09. The meetings are conducted by the Presiding Officers and allow staff from all parliamentary departments to come together to hear and exchange information about what is occurring in Parliament generally. It also provides the Presiding Officers, management and other invited guests the opportunity to convey information that affects all parliamentary staff as well as providing staff the opportunity to ask questions and raise matters of general interest. The meetings are very well attended by staff and have improved communication in all areas of the organisation.

PROFESSIONAL AND PERSONAL DEVELOPMENT

Australasian Clerks' Meeting

From 26 to 28 January 2009 the Clerk attended the biennial meeting of Australasian Clerks hosted by the Legislative Assembly of Norfolk Island. The agenda items topics discussed at the meeting included Application of the same question rule to bills, Parliamentary funding and efficiency dividends, Amendments to motions; direct negatives or alternate propositions, Disclosure of Members' interests, Resourcing Standing Committees, The international duties and responsibilities of a Clerk, Right of reply and google searches and An optimal model for the governance of Parliament.

The meeting also considered recommendations regarding the re-tendering of the parliamentary law, practice and procedure course conducted for ANZACATT by the Queensland University of Technology.

ANZACATT Professional Development Seminar

The annual ANZACATT Professional Development Seminar for 2009 was hosted by the Legislative Assembly of Norfolk Island from 28 to 30 January 2009. The theme for the seminar was Parliamentary Privilege with the program comprising a number of plenary sessions and workshops covering a range of issues.

Workshop sessions included Interference with Members in carrying out their duties, Actions for defamation – the problem of effective repetition, Unauthorised disclosure of committee proceedings, Interference with and offences by witnesses, Right of reply, Control of Parliamentary precincts, Parliamentary privilege, Current information and communication technologies, and Operation of Privileges Committees.

Two plenary sessions were held. The first was on a comparative perspective of developments and issues on parliamentary privilege in Australia, Canada, New Zealand and the United Kingdom. The second plenary session was conducted by Professor Geoffrey Lindell who expertly summarized all of the issues discussed during the seminar.

The seminar was attended by parliamentary officers from Australia, New Zealand, the United Kingdom and Canada. The Legislative Council staff who attended were Wayne Tunnecliffe, Clerk, Andrew Young, Assistant Clerk – House and Usher of the Black Rod, Richard Willis, Secretary – Council Committees Office, Robert McDonald, Manager – Chamber Support, Anthony Walsh, Research Assistant Council Committees Office, Vaughn Koops, Executive



Officer, Economic Development and Infrastructure Committee, Sean Coley, Executive Officer, Outer Suburban/Interface Services and Development Committee, and Karen Ellingford, Executive Officer, Education and Training Committee.

At the Seminar the Clerk presented a paper on Right of Reply and Parliamentary Privilege, Andrew Young acted as co-presenter in the workshop on Interference with and offences by witnesses, and Anthony Walsh acted as co-presenter in the workshop on Interference with Members in carrying out their duties as Members. Vaughn Koops, Richard Willis and Robert McDonald all acted as rapporteurs for various workshops which required them to provide a written report on the issues discussed at each workshop.

Parliamentary Law, Practice and Procedure Course

The 5th Parliamentary Law, Practice and Procedure Course was conducted by the Queensland University of Technology from 16 to 22 July 2008. The course is open to staff of Australian and New Zealand Houses of Parliament who have a University degree at Bachelor level or higher. It is also highly desirable for nominees to have a base level of knowledge of parliamentary procedure. Nominations are made by the Clerks in each jurisdiction.

Sean Marshall, Senior Client Services Officer in the Table Office, was the Council's nomination in the course.



ADMINISTRATION AND PLANNING

DEPARTMENTAL GOAL:

To ensure that departmental strategies planning and directions are in accordance with the highest standards of governance and enable an effective system of ongoing improvement.

DEPARTMENTAL MANAGEMENT AND PLANNING

Whistleblowers Protection Act 2001

The *Whistleblowers Protection Act 2001* came into operation on 1 January 2002. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers, which includes Members of Parliament.

The Parliament of Victoria has procedures in place for handling disclosures made under the Act. Those procedures include a system for reporting disclosures of improper conduct or detrimental action by Victorian Members of Parliament. The system enables such disclosures to be made to the President of the Legislative Council, if the disclosure relates to a Member of the Legislative Council, or the Speaker of the Legislative Assembly, if the disclosure relates to a Member of the Legislative Assembly.

The coverage of the Act specifically excludes certain persons, including parliamentary officers. This means that disclosures about parliamentary officers cannot be made under the Act. Parliamentary officers are, however, entitled to make disclosures under the Act, as are all members of the public.

Section 8 of the procedures state that the Presiding Officers will ensure a secure register is established to keep account of the status of whistleblower disclosures and that this information will be published in the relevant annual report of the Department of the Legislative Council and the Department of the Legislative Assembly.

In 2008-09, no disclosures were made to the President under the *Whistleblowers Protection Act 2001*.

Presiding Officers and Clerks Conference

The 39th Presiding Officers and Clerks Conference was hosted by the South Australian Parliament at Parliament House in Adelaide from 5 to 12 July 2008. The conference was attended by Presiding Officers and Clerks from each of the Parliaments in Australia as well as from New Zealand and several Pacific Island Parliaments.

The Legislative Council was represented by the Deputy President, Mr Bruce Atkinson, and the Clerk. The Deputy President presented a paper entitled "*Is it the time to abolish State Governments?*" and the Clerk presented a paper on "*The Impasse between the Upper House and the Executive: recent developments in the Legislative Council of Victoria*".

The 40th Presiding Officers and Clerks Conference will be hosted by the Parliament of Kiribati in July 2009.

PARLIAMENTARY COMMITTEES

Parliamentary Joint Investigatory Committee System

Throughout 2008-09, the Department was responsible for the administration of six Joint Investigatory Committees: Economic Development and Infrastructure; Education and Training; Environment and Natural Resources; Law Reform; Outer Suburban/Interface Services and Development; and Road Safety. The Legislative Assembly is responsible for the administration of six other Joint Investigatory Committees.

The Joint Investigatory Committees are established by the *Parliamentary Committees Act 2003* and their functions and powers are governed by both the Act and the Standing Orders of both Houses. A Joint Investigatory Committee must inquire into and report to the Parliament on any relevant matter referred to it by either House or by Order of the Governor in Council published in the Government Gazette. A Joint Investigatory Committee may also inquire into any annual report or other document relevant to the functions of the Committee that is laid before either House.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

The Committee had three active inquiries and one in which a Government Response was awaited during the 2008-09 financial year.

Inquiry into Key Competitive Advantages in Victoria's Financial Services Sector

The inquiry was rescinded by motion of the Legislative Assembly on 31 July 2008.

Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

The Government Response to the inquiry was tabled on 19 August 2008.

Inquiry into Improving Access to Victorian Public Sector Information and Data

The Committee released a discussion paper and called for submissions to the inquiry in July 2008. The Committee received 80 written submissions during the course of this inquiry, and convened public hearings with 32 witnesses during the latter half of 2008. The final report of the Committee was tabled on 24 June 2008.

The Committee was asked to report on the benefits and costs of maximising access to and use of Government information for commercial

and non-commercial purposes. The Committee's key recommendation was that the Victorian Government establish an Information Management Framework (IMF), with open access to Government information at no or marginal cost as the default position.

The Committee recommended the development of a data directory to allow anyone to identify what information and data exists, in order to facilitate discovery of Victorian Government information. The Committee also recommended that the Victorian Government adopt the Creative Commons licensing model to facilitate re-use of government information.

Inquiry into Manufacturing in Victoria

The terms of reference for the Inquiry into Manufacturing in Victoria were received from the Legislative Assembly on 9 June 2009. The Committee advertised its call for submissions on 29 June 2009.

EDUCATION AND TRAINING COMMITTEE

The Education and Training Committee had four references during the reporting period.

Effective Strategies for Teacher Professional Learning

The Committee completed the inquiry, which was referred by the Legislative Assembly on 1 March 2007, receiving 93 written submissions in total.

During the reporting period, the Committee held a series of formal hearings with key representatives of the early childhood sector. It also conducted international investigations in Finland, Scotland and Canada. A report on these investigations is available through the Parliamentary Library.

The Committee tabled a final report in Parliament on 3 February 2009. The report contained 14 recommendations to the Victorian Government. The Government's response is due in August 2009.

Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

This inquiry was referred by the Legislative Council on 18 July 2007 to inquire into, consider and report on geographical differences in the rate in which Victorian students participate in higher education. The Committee was due to table a final report in Parliament by 30 June 2009.

The Committee received 189 written submissions and heard evidence from 307 witnesses throughout the

inquiry. During the reporting period, the Committee conducted public hearings in Melbourne, Lilydale, Sunshine and Benalla.

In March 2009, the Committee observed technologies used in distance education at the Telstra Executive Briefing Centre in Melbourne. It also conducted the inquiry's final public hearing, which involved representatives of eight Victorian universities in a roundtable discussion, to reflect on issues raised during the inquiry.

The Committee conducted international investigations in Finland, Scotland and Canada in August and September 2008. In April 2009, the Committee investigated a unique model of regional higher education delivery operating within the community of Geraldton, Western Australia. The Committee met with students, staff and other stakeholders in the Geraldton Universities Centre, and in Perth, it met with representatives of the three universities involved in the Centre.

The Committee was represented at several relevant conferences and seminars including: the Higher Education and Social Inclusion Forum on 16 July 2008; Investing in the Future: Renewing Australian Tertiary Education seminar series held during June, July and August 2008; the National Conference for the Centre for the Economics of Education and Training on 31 October 2008; and The Australian Higher Education Congress, held in Sydney on 23 and 24 March 2009.

Skills Shortages in the Rail Industry

This inquiry was referred by the Legislative Assembly on 4 December 2008 to inquire into, consider and report on skills shortages in the rail industry. The Committee is required to report to Parliament by 31 December 2009.

The terms of reference were advertised in February 2009 in *The Age* and *Herald Sun*. In March 2009 further advertising was conducted in the Mighty V8 group of papers covering major non-metropolitan centres. Advertising targeting key stakeholders was placed in the April-June 2009 edition of the rail industry's Track and Signal magazine.

A mail out inviting key stakeholders to make a submission was conducted during February 2009. As at 30 June 2009, the Committee had received 20 written submissions.

The Committee was represented at the Rail Careers Conference in Melbourne on 26 and 27 May 2009.

Potential for Developing Opportunities for Schools to Become a Focus for Promoting Healthy Community Living

This inquiry was referred by the Legislative Assembly on 4 December 2008 to inquire into, consider and report on the potential for developing opportunities for schools to become a focus for promoting healthy community living. The Committee is required to report to Parliament by 1 July 2010.

The terms of reference were advertised in June 2009 in *The Age*, *Herald Sun* and *Shine*, which is a magazine published by the Department of Education and Early Childhood Development.

A mail out inviting key stakeholders to make a submission was conducted during June 2009. As at 30 June 2009, the Committee had received three written submissions.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

The Environment and Natural Resources Committee worked on two references during the reporting period.

Inquiry into Melbourne's Future Water Supply

The Committee received its reference on supplementing Melbourne's water supply on 19 September 2007. It advertised the terms of reference and called for submissions in June 2008, receiving 111 submissions in total. The Committee investigated supplementing the city's water supply through further water savings; the collection of stormwater; reuse of treated wastewater; use of groundwater, small locally based desalination plants and other options. The inquiry was timely given that Melbourne's water storage levels have reached a record low.

As part of the inquiry, five public hearings were held and 17 site visits were conducted in greater Melbourne, south east Queensland and Adelaide. In November 2008, six Members of the Committee and a Research Officer gathered information on the ways in which urban water challenges were being addressed in the United States of America, Spain and Singapore.

The Committee's report contained 48 recommendations that it believed would contribute to the management of Melbourne's future water supply. It was tabled on 2 June 2009.

Inquiry into the Approvals Process for Renewable Energy Projects in Victoria

On 4 December 2008 the Committee received a reference on reducing the red tape associated with

the approvals process for renewable energy projects in Victoria. Less than two per cent of primary energy consumption currently comes from renewable energy sources in Victoria.

The Committee called for written submissions by mid-June and received a briefing from Department of Primary Industries on 22 June 2009. Public hearings and site inspections will follow with the final report due to be tabled by 31 December 2009.

LAW REFORM COMMITTEE

The Law Reform Committee tabled two reports and received two further references during the reporting period.

Inquiry into Alternative Dispute Resolution and Restorative Justice

This reference was referred to the Committee by the Legislative Assembly on 1 March 2007.

The Committee received 42 submissions to the inquiry and held seven days of public hearings.

The Committee was represented at a variety of relevant conferences and seminars, including the 9th National Mediation Conference held in Perth in September 2008, where the Committee's Executive Officer gave a presentation at the conference on the progress of the Committee's inquiry.

The Committee tabled its final report in the Parliament on 6 May 2009. The report contained 44 recommendations which aimed to realise the potential of alternative dispute resolution (ADR) services in Victoria, ensure high quality services and make ADR accessible to all members of the community. The report also contained a further 34 recommendations aimed at enhancing current restorative justice programs and making restorative justice more widely available in Victoria.

Inquiry into Vexatious Litigants

This inquiry was referred to the Committee by the Legislative Assembly on 1 March 2007.

The Committee released an issues paper in April 2008. The Committee received 48 submissions and held three days of public hearings.

The Committee engaged a consultant, Dr Ian Freckelton SC, to conduct interviews and focus groups with judicial officers and staff in the Supreme Court, County Court, Magistrates' Court and VCAT to gain insight into their experiences dealing with vexatious litigants. Dr Freckelton presented his findings in two reports which were published by the Committee in October 2008.



The Committee was also represented at a variety of relevant conferences and seminars.

The Committee tabled its final report in the Parliament on 4 December 2008. The Committee made 32 recommendations aimed at preventing and managing vexatious litigants in the justice system where possible, and restricting access to the courts only in serious cases. The Committee recommended a new flexible, graduated system of 'litigation limitation orders', which regulate litigants' access to the courts according to the seriousness of their behaviour.

The Government response to the Committee's report was tabled on 2 June 2009.

Review of the Members of Parliament (Register of Interests) Act 1978

The Committee has been asked to review the *Members of Parliament (Register of Interests) Act 1978* (Vic). This inquiry was referred to the Committee by the Legislative Assembly on 4 December 2008. The Act sets out a code of conduct for members of the Victorian Parliament, and the requirements for members to register certain financial and other interests that have the potential to conflict with their public duties.

The Committee called for submissions in April 2009, with 20 submissions being received in the reporting period. The Committee held a full day public hearing on 29 June 2009 and will hold further hearings in 2009-10.

The reporting date for this inquiry was extended to 31 December 2009 by resolution of the Legislative Assembly on 31 March 2009.

Inquiry into Powers of Attorney

This inquiry was referred to the Committee by the Legislative Assembly on 4 December 2008. The Committee has been asked to consider how the existing power of attorney laws can be streamlined and simplified so that more Victorians can plan for their future financial, lifestyle and healthcare needs.

During the reporting period the Committee undertook scoping work and held preliminary briefings for the inquiry. The Committee called for submissions to the inquiry in June 2009.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

The Outer Suburban/Interface Services and Development Committee completed its inquiry

into 'Strengthening Communities through Local Economic Development in Outer Suburban Areas'. The final report, from the reference received from the Legislative Assembly on 1 March 2007, was tabled in Parliament on 7 October 2008. The Government response was tabled on the 5 May 2009. The Research Officer for the above report was Dr Geoffrey Russell.

The Committee received from the Legislative Assembly on 9 October 2008, a new Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne. The Committee is due to table the report in Parliament no later than 31 March 2010. Research Officer, Mr Keir Delaney returned to the Committee for the new inquiry.

Committee members and/or staff attended the following conferences and seminars relevant to the inquiry during the 2008-2009 year:

- Outer Suburban/Interface Services and Development Committee presentation to the Brotherhood of St. Laurence of inquiry report: Local Economic Development in Outer Suburban Melbourne, 20 November 2008, Melbourne.
- Outlook 2009: A Changing Climate for Agriculture Conference, 3-4 March 2009, Canberra.
- A Role for Agribusiness in the Carbon Offset Market Seminar, Agribusiness Association of Australia, 26 March 2009, Melbourne.
- Melbourne Planning Summit, 28-29 April 2009, Melbourne.
- Future Farming Workshop, Department of Primary Industries, 10 June 2009, Koo Wee Rup.

ROAD SAFETY COMMITTEE

The Committee had three references and received another two during the reporting period.

Vehicle Safety Inquiry

This inquiry was tabled in August 2008. The Committee made 37 recommendations (some with two parts). The Government Response was tabled on 3 February 2009. The Government supported 13 of the recommendations, a further 16 in principle, and ten recommendations were not supported.

Improving Safety at Level Crossings Inquiry

In July 2008, the Committee held a two-day forum to tease out legal issues surrounding level crossings and to discuss emerging technologies at crossings.

In September 2008, the Chair undertook an inspection of an emerging technology in Mackay.

The report was tabled in December 2008.

The Government Response was tabled 18 June 2009, with the majority of recommendations either supported, or supported in principle, with only three recommendations not being supported.

Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules

The Committee was referred this inquiry in September and commenced work in November 2008 with a call for submissions. A new ongoing research officer was employed and commenced in March. Submissions have been received and public hearings commenced. To date, the Committee has held public hearings in Melbourne, Adelaide and Canberra, with further hearings scheduled.

The report is due to be tabled by 30 November 2009.

Inquiry into Pedestrian Safety in Car Parks

The terms of reference were referred to the Committee in May 2009 and the Committee determined to begin the inquiry immediately.

The date for final receipt of submissions was 30 June 2009.

The report is to be tabled by 31 May 2010.

Federal – State Road Funding Arrangements Inquiry

The Committee did not begin this inquiry during the reporting period.

Conferences

Committee members and/or staff attended the following conferences and seminars relevant to the inquiry during the 2008-2009 year:

- Human Factors in Transport 2008, 25-26 August, Sydney.
- 2nd Local Road Safety and Traffic Engineering Conference, 26-27 August 2008, Surfers Paradise.
- High Risk Road Users Conference, 18-19 September 2008, Brisbane.
- Road Safety and the Environment: Friend or Foe?, 19 March 2009, VicRoads Kew.
- Legal Developments in the Automotive Industry, 11 March 2009, Melbourne.

JOINT COMMITTEE ADMINISTRATION OFFICE

The Joint Committee Administration Office provided a range of whole-of-committees administrative support throughout the reporting period, with the office's ongoing functions and structure still to be determined at the conclusion of the year under review.

COUNCIL COMMITTEES

Select Committee on Public Land Development

On 11 September 2008, the Select Committee on Public Land Development tabled its final report into the sale or alienation of public land and open space for development, including the relationship to the Melbourne 2030 policy and Green Wedges.

The select committee completed its gathering of evidence in the previous financial year. In 2008-09, the Committee held five deliberative meetings to consider and adopt its final report. The report contained 41 findings, 49 recommendations, extracts of proceedings, and a minority report. Upon tabling of the final report, the Select Committee on Public Land Development ceased to function.

Standing Committee on Finance and Public Administration

The seven-member Standing Committee on Finance and Public Administration was established in the previous financial year.

The Committee completed its Inquiry into the business case for the Port Phillip Bay channel deepening project by tabling its final report on 11 September 2008. The report contained a number of findings, extracts of proceedings, and a minority report. All 37 written submissions, together with public hearings, took place in the previous financial year.

During 2008-09, the Standing Committee resolved to establish three separate Inquiries.

On 28 October 2008, the Committee agreed to inquire into and report on Victorian departmental and agency performance and operations for the previous financial year. The Committee subsequently agreed to broaden this Inquiry by deletion of the 'previous financial year' requirement. By the conclusion of the year under review, the Committee had conducted hearings and reported to Parliament on the operations of VicForests (February 2009), Goulburn-Murray Water (June 2009) and Victorian Skills Commission (June 2009). Hearings and on-going investigations had also been conducted with respect to the Growth Areas Authority and the Victorian Funds Management Corporation.

On 13 November 2008, the Committee resolved to inquire into and report on the estimated benefits and costs arising from the north-south pipeline, the Wonthaggi desalination plant, and the modernisation of irrigation infrastructure. Thirty-four written submissions were received and preliminary background research conducted during the financial year. Public hearings are due to commence in August 2009.

On 13 November 2008, the Committee also resolved to inquire into and report on the capacity of hospitals to meet demand, standards and quality of care, resourcing and access levels, and the accuracy and completeness of performance data for Victorian public hospitals. Forty-eight written submissions were received and preliminary background research conducted during the financial year. Public hearings are due to commence August 2009.

The Standing Committee held 10 meetings, including four public hearings, during 2008-09.

Select Committee on Train Services

On 11 March 2009, the Legislative Council established a 7 Member select committee on train services to inquire into the factors leading to and causes of failures in the provision of metropolitan and V/Line train services. The Committee will present its final report to the Council no later than March 2010. Submissions were called for and by the end of June 2009, 50 written submissions had been received. Public hearings are to commence in July 2009 with the Department of Transport and Connex.

Legislation Committee

Two bills were referred to the Legislation Committee for consideration during 2008-09.

On 11 November 2008, the House resolved to refer the Water (Commonwealth Powers) Bill 2008, to the Legislation Committee. The next day, the House further resolved to seek the attendance of various witnesses, including the Minister for Water. The Legislative Assembly subsequently refused to grant leave for the Minister for Water to appear before the Legislation Committee to answer questions in relation to the Bill. Mr Gavin Jennings MLC, the Minister representing the Minister for Water in the Upper House, gave evidence at public hearings on 19 and 24 November, together with officers from the Department of Sustainability and Environment and Murray-Darling Basin Commission. The Committee agreed to the Bill without amendment and reported to the House on 2 December 2009.

On 13 November 2008, the House resolved to refer the Assisted Reproductive Treatment Amendment Bill 2008, to the Legislation Committee. The Committee met on 19 and 25 November 2008 and received evidence from the Minister responsible for the Bill in the Legislative Council, Mr Gavin Jennings, MLC, Minister for Environment and Climate Change, together with staff from the Department of Human Services and Department of Justice. The Committee agreed to the Bill without amendment and reported to the House on 2 December 2009.



FINANCIAL MANAGEMENT

DEPARTMENTAL GOAL:

To ensure that departmental financial and resource planning and management is in accordance with the highest standards of compliance and accountability.

DEPARTMENTAL FUNDING

Funding for the Legislative Council in 2008-09 was provided in two ways — Special Appropriations and the annual Parliament Appropriation Act.

Special Appropriations cover the payment of Members’ salaries and allowances pursuant to the *Parliamentary Salaries and Superannuation Act 1968*, under which prescribed salary, allowances and superannuation contributions are automatically appropriated. They also cover the fixed appropriation for the Council paid under the *Constitution Act 1975*. Funding for the parliamentary joint investigatory committees in 2008-09 was also included in the Parliament’s Appropriation Act.

The *Appropriation (Parliament 2008/2009) Act 2008* provided funds for the Legislative Council on the basis of provision of outputs, covering salaries and overtime, operating expenses, subsidiary expenses associated with the employment of personnel, including both Members and staff employed in the parliamentary precinct (i.e., payroll tax, superannuation levy, WorkCover levy), and parliamentary printing.

The *Appropriation (Parliament 2008/2009) Act 2008* again provided separate funds for each parliamentary department, as well as the Auditor-General, rather than on a ‘global’ one-line basis as was the case with the remainder of the public sector. This approach ensures that the Legislative Council’s annual budget is guaranteed by law.

For budgeting purposes, the ‘Department of the Legislative Council’ is treated as an output group which is required to meet certain performance targets in delivering outputs in return for the

Department’s budget resources. Those outputs, which are grouped on a quantity, quality and timeliness basis in the budget documents, represent a summary of the Department’s main functions in relation to the sittings of the Council and some education and public relations related activities. A detailed account of those outputs and their performance measures appears at Appendix H to this report.

The sources of the Council’s budget for 2008-09 were:

SPECIAL APPROPRIATIONS

Members’ salaries and allowances	\$6,748,000
Member’s contributory superannuation	\$6,120,000
Clerk and expenses of the Legislative Council	\$200,000
Auditor-General’s Office Audit	\$16,000

PARLIAMENT APPROPRIATION ACT

Provision of outputs	\$2,709,000
TOTAL	\$15,793,000

The *Appropriation (Parliament 2009/2010) Act 2009* provides \$2,724,000 to the Legislative Council for the provision of outputs only.

The detailed figures for 2008-09 for the Department appears in the expenditure statements at Appendix F to this report and a breakdown of expenditure for the Legislative Council on a percentage basis is depicted in the following charts:

Figure 6
Expenditure (%), members and departmental, 2008/09
N = \$15,793,000 (Source: Appendix F)

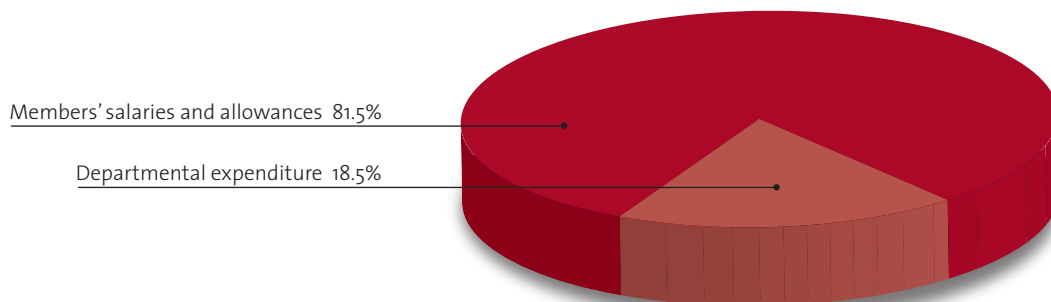
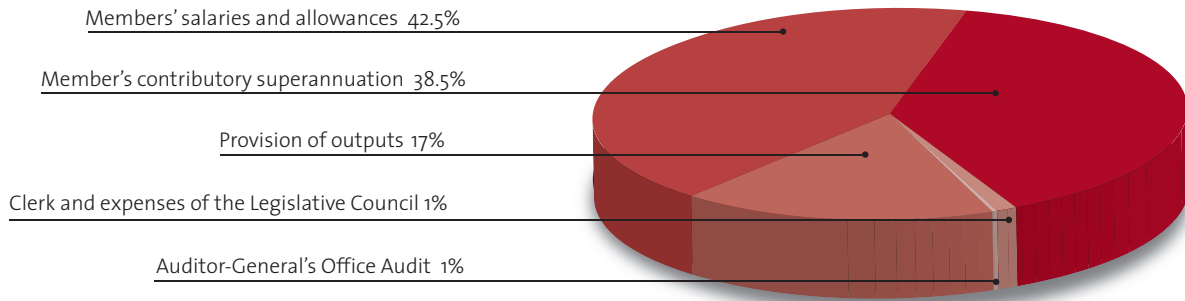




Figure 7

Expenditure(%), Department of the Legislative Council, 2008/09
N = \$15,793,000 (Source: Appendix F)



Joint Investigatory Committee Budget Arrangements

\$6.237 million was appropriated by the *Appropriation (Parliament 2008/2009) Act 2008* for the operations of Joint Investigatory Committees in 2008-09. This appropriation was separate from the appropriations for each House department.

The Parliamentary Joint Investigatory Committees group is, for budgeting purposes, also treated as an output group that is required to meet certain performance targets in delivering outputs in return for its budget resources. A detailed account of those outputs and their performance measures appears at Appendix H to this report.

Public Accounts and Estimates Committee Hearing

The Presiding Officers and Department Heads appeared before the Public Accounts and Estimates Committee in connection to its enquiry into the 2009-10 budget estimates on 8 May 2009. The hearing began with the Presiding Officers giving a powerpoint presentation on the Parliament's achievements in 2008-09 and the significant challenges in 2009-10. Following the powerpoint presentation, the Presiding Officers and Department Heads answered questions from members of the Committee.



APPENDICES

APPENDIX A

ROLE OF THE LEGISLATIVE COUNCIL STAFF

Clerk's Office

The Department's administration is headed by the Clerk whose main role is to provide policy, procedural and management advice to the President and Members of the Council on all matters relating to the operations of the Council and the Committees which it services. The Clerk is assisted by the Deputy Clerk who is responsible for the day to day management of the Department. The Clerk is required to provide an accurate record of the decisions and proceedings of the Council and to ensure that the passage of legislation is in accordance with legislative and procedural requirements. As Department Head, he was overall responsibility for the financing, staffing and administration of the Department and is a member of the Parliamentary Executive Group. The Clerk's Office is also responsible for the management of projects and special events as well as a number of other administrative and operational matters.

Other staff in the Clerk's Office are the Executive Assistant to the Clerk and the Project Officer.

The Clerk of the Legislative Council is also Honorary Assistant Secretary to the Victoria Branch of the Commonwealth Parliamentary Association. The Department accordingly provides some support services to the Branch. The Deputy Clerk also maintains the Register of Members' Interests on behalf of the Clerk of the Parliaments.

Table Office

The Assistant Clerk – House and Usher of the Black Rod is responsible for the oversight of the Table Office and is the President's Executive Officer. Under direction from the Clerk, he provides assistance in the day to day administration of the Department and, also the management of Attendant Staff. He is also required to provide policy advice to the President and Clerk as required.

The Usher is a central ceremonial figure at Openings of Parliament and Governors' Inaugurations. During sittings of the Council he has various responsibilities, including the preparation of the Notice Paper and recording the proceedings of the Committee of the Whole. The Usher also attends to a range of operational matters such as the use of the Chamber and other meeting/function facilities, security of the building and its occupants and fire protection.

The Office provides procedural, research, writing and managerial support to the Legislative Council, the President, and senior officers of the Department and

is responsible for the maintenance and expansion of the Department's procedural database.

The Assistant Clerk – House and Usher of the Black Rod is assisted by a Manager, Chamber Support and three other staff, who provide extensive administrative support to the Legislative Council Chamber during sittings of the House, Select Committees appointed from time to time, the Legislation Committee and to the Department and Members during non-sitting periods. In sitting periods, Table Office personnel liaise closely with Government Departments, Parliamentary Counsel, contract printers and all other interested parties to ensure the timely presentation of documents to the House.

The Office is responsible for preparing, checking, recording, printing, storing and archiving the official records and papers of the Legislative Council. These include Acts, Bills, amendments, questions on notice, petitions, diverse papers and reports, Minutes of the Proceedings and Notice Papers. The Office serves as the general enquiry centre of the Department dealing with parliamentary, governmental, media and public enquiries.

The Office compiles information and provides parliamentary documents and stationery to Members as required. It also provides administrative support to the Department by processing and recording Departmental expenditure, and by sourcing and supplying equipment and stationery. In addition, the Office is the repository of procedural information in the Department, particularly through its development, management and use of the Legislative Council's procedural database, books and manuals.

The Office compiles and distributes procedural bulletins, the Legislative Council's Rulings Book and information sheets and contributes related information to various internal and external procedural publications.

Attendant Staff

Under the direction of the Assistant Clerk – House and Usher of the Black Rod, the Principal Attendant manages and supervises a team of Attendants and a cleaner. The Principal Attendant provides general assistance to the Table Officers and attends to various requirements of Members, especially during the sittings of the Council. He also plays a ceremonial role on parliamentary occasions such as the Opening of Parliament and in greeting and

escorting dignitaries on official calls at Parliament House.

The Attendants' group is generally responsible for the daily cleaning and maintenance of offices, meeting rooms and other areas of the Council precincts, the provision of security and enquiry services, assistance in the Parliament's information and gift shop (when it becomes operational) and a daily courier service within and outside the building. Attendant staff also provide services for the sittings of the House and at functions held at Parliament House.

Committees' Office

During the 56th Parliament the Department continues to be responsible for administering six of the Parliament's twelve Joint Investigatory Committees – Economic Development and Infrastructure, Education and Training, Environment and Natural Resources, Law Reform, Outer Suburban/Interface Services and Development and Road Safety. Centralised administrative support services are provided by the Joint Committee Administration Office which comprises a staff member from this Department.

The Committees' Office is responsible for the provision of accurate and timely advice, and effective and efficient support services to the joint committees. These support services include the allocation to each committee of adequate and competent staff and the provision of financial and physical resources to facilitate the analysis of evidence and the presentation of reports to Parliament. The Assistant Clerk – Committees has responsibility for the Executive Officers, Research Officers and Committee Administration Officers

who provide administrative, research, procedural and budgetary support to each committee. Consultants are also engaged from time to time depending on the inquiries before the committees.

In addition to the joint committees, the Committee Office oversees Legislative Council appointed committees, including the Standing Orders, Legislation, Select and Standing Committees. During 2008-09, the Council's two select committees, its standing committee and the Legislation Committee were staffed primarily by the Secretary, Council Committees Office, a Research Assistant and a part-time, fixed term Research Officer.

The Assistant Clerk – Committees supervises all committees for which the Department is administratively responsible and is responsible to the President for the oversight of their operations.

President's Office

The President's Office is comprised of two staff, an Executive Assistant to the President and an Administrative Assistant, that service the needs of the President. The staff provide advice and assistance to the President in his role as the Ministerial Head of the Department on matters relating to the management of the Parliament and on a wide range of other matters including official dealings with other Parliaments and organisations, distinguished visitors, diplomatic calls and ceremonial events. The President's Administrative Assistant also provides administrative support to the Assistant Clerk – House and Usher of the Black Rod, providing a range of administrative services.

APPENDIX B

EMPLOYED STAFF AS AT 30 JUNE 2009

The following Staff were employed in the Department of the Legislative Council as at 30 June 2009.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

MATTHEW TRICARICO
Deputy Clerk

ANDREW YOUNG
Assistant Clerk – House and Usher
of the Black Rod

STEPHEN REDENBACH
Assistant Clerk – Committees

RICHARD WILLIS
Secretary, Council Committees
Office

ROBERT McDONALD
Manager, Chamber Support

ANTHONY WALSH
Research Assistant, Council
Committees Office

LINDA SHATILKO
Executive Assistant to the Clerk

ANDREA AGOSTA
Project Officer

ANNA JURKIEWICZ
Executive and Research
Assistant to the President

SEAN MARSHALL
Senior Client Services Officer

ANNALIES ENGWERDA
Client Services Officer

CHERELYN BREARLEY
Acting Procedural Research Officer

JENNIFER DUKE
Administrative Assistant –
President's Office

RUSSEL BOWMAN
Principal Attendant

MICHAEL STUBBINGS
Deputy Principal Attendant

GREGORY MILLS
Parliamentary Attendant

PETER ANASTASIOU
Parliamentary Attendant

PATRICK BORIBON
Parliamentary Attendant -
Clerk's Post

PHILIP STOITS
Parliamentary Attendant

GRAHAM TATNELL
Parliamentary Attendant

CHRIS WELSTEAD
Parliamentary Attendant

QUENTIN CORNELIUS
General Hand

The following staff were employed
in the Department on an ongoing,
part-time or casual basis during
2008-09:

David Baker, Kate Buchanan,
Dianne Foong, Myriam Gad, Lawrie
Groom, Brook Hall, Sarah Kerwick,
Jane Phelan and Geoff Russell

Sarah Hyslop
Procedural Research Officer,
currently on maternity leave.

JOINT INVESTIGATORY COMMITTEES

Economic Development and Infrastructure Committee

VAUGHN KOOPS
Executive Officer

SHANTHI WICKRAMASURYA
Committee Administrative Officer

YUKI SIMMONDS
Research Officer

Education and Training Committee

KAREN ELLINGFORD
Executive Officer

NATALIE TYLER
Committee Administrative Officer

JENNIFER JACKSON
Research Officer

CAITLIN WHITEMAN
Research Officer

Environment and Natural Resources Committee

CAROLINE WILLIAMS
Executive Officer

DEREK BENJAMIN
Research Officer

Law Reform Committee

KERRY RISELY
Executive Officer

HELEN ROSS-SODEN
Committee Administrative Officer

SUSAN BRENT
Research Officer

Outer Suburban/Interface Services and Development Committee

SEAN COLEY
Executive Officer

NATALIE-MAI HOLMES
Committee Administrative Officer

KEIR DELANEY
Research Officer

Road Safety Committee

ALEX DOUGLAS
Executive Officer

KATE WOODLAND
Committee Administrative Officer

JASON BOULTER
Research Officer

Joint Committee Administration Office

MARIA MARASCO
Administrative Officer

APPENDIX C

MEMBERS OF THE LEGISLATIVE COUNCIL – 56TH PARLIAMENT

REGION	NAME	PARTY
Eastern Metropolitan Region	Mr Bruce Atkinson	LIB
	Mr Richard Dalla-Riva	LIB
	Mrs Jan Kronberg	LIB
	Mr Shaun Leane	ALP
	Mr Brian Tee	ALP
Eastern Victoria Region	Mr Philip Davis	LIB
	Mr Peter Hall	NAT
	Mr Edward O'Donohue	LIB
	Mr Johan Scheffer	ALP
	Mr Matt Viney	ALP
Northern Metropolitan Region	Mr Greg Barber	AG
	Mr Nazih Elasmr	ALP
	Mr Matthew Guy	LIB
	Ms Jenny Mikakos	ALP
	Hon Theo Theophanous	ALP
Northern Victoria Region	Ms Candy Broad	ALP
	Ms Kaye Darveniza	ALP
	Mr Damian Drum	NAT
	Ms Wendy Lovell	LIB
	Mrs Donna Petrovich	LIB
South Eastern Metropolitan Region	Mr Gavin Jennings	ALP
	Mrs Inga Peulich	LIB
	Mr Gordon Rich-Phillips	LIB
	Hon Robert Smith	ALP
	Mr Adem Somyurek	ALP
Southern Metropolitan Region	Mrs Andrea Coote	LIB
	Mr David Davis	LIB
	Ms Jennifer Huppert*	ALP
	Mr John Lenders	ALP
	Ms Sue Pennicuik	AG
Western Metropolitan Region	Mr Khalil Eideh	ALP
	Mr Bernie Finn	LIB
	Ms Colleen Hartland	AG
	Hon Justin Madden	ALP
	Hon Martin Pakula	ALP
Western Victoria Region	Mr Peter Kavanagh	DLP
	Mr David Koch	LIB
	Ms Jaala Pulford	ALP
	Ms Gayle Tierney	ALP
	Mr John Vogels	LIB

*Evan Thornley - resigned as a Member of the Legislative Council on 9 January 2009

Jennifer Huppert - sworn in as a Member of the Legislative Council on 3 February 2009

ALP	Australian Labor Party	19 Members
LP	Liberal Party	15 Members
AG	Australian Greens	3 Members
NAT	The Nationals	2 Members
DLP	Democratic Labor Party	1 Member

APPENDIX D**SELECTED STATISTICS RELATING TO SITTINGS OF THE LEGISLATIVE COUNCIL,
2004-05 to 2008-09**

	2004-05	2005-06	2006-07	2007-08	2008-09
Number of days House met	47	54	42	51	48
Number of hours, mins House met	435.47	436.47	365.2	459.59	487.31
Average number of hours, mins per sitting	9.16	8.5	8.41	9.1	10.9
Bills dealt with					
Initiated in L.C.	1	3	3	9	2
Received from L.A.	97	91	77	86	92
Passed without amendment	91	92	74	75	78
Passed with amendments	2	3	2	7	14
Defeated	0	2	1	3	3
Lapsed	0	0	2	0	0
Withdrawn	0	0	0	1	0
Ruled out of Order	0	0	0	1	0
Sets of amendments circulated	28	35	36	37	55
Questions on notice processed	1,670	2,878	1,937	2,816	6,068
Petitions Tabled	73	92	99	60	157
Papers tabled (total)	1,074	1,127	1,155	1,406	1,542
Annual reports	328	328	326	328	325
Statutory Rules	177	152	170	169	173
Planning scheme amendments	362	293	420	430	508
Proclamations	46	32	43	26	37
Other (including special reports, Parliamentary Committee reports etc)	161	228	196	453	499

APPENDIX E

STATISTICS RELATING TO JOINT INVESTIGATORY COMMITTEES ADMINISTERED BY THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

	EDIC	ETC	ENRC	LRC	OSISDC	RSC
DELIBERATIVE MEETINGS						
Full committee	11	24	16	9	11	14
Sub committee	1	0	0	0	0	0
PUBLIC HEARINGS						
Full committees	20	26	5	19	3	5
Sub committees	3	10	0	3	5	0
VISITS/INSPECTIONS						
Full committee	0	4	14	0	11	0
Sub committee	1	0	3	0	0	0
Reports presented	1	1	1	2	1	2
Discussion papers	1	0	0	0	0	0

STATISTICS RELATING TO LEGISLATIVE COUNCIL COMMITTEES

	SCTS	SCPLD	SCFPA	LC	SOC
DELIBERATIVE MEETINGS					
Full committee	2	5	10	3	7
Sub committee	0	0	0	0	0
PUBLIC HEARINGS					
Full committee	0	0	4	4	0
Sub committee	0	0	0	0	0
VISITS/INSPECTIONS					
Full committee	0	0	0	0	0
Sub committee	0	0	0	0	2
Reports presented	0	1	4	2	1
Discussion papers	0	0	0	0	0

KEY:

EDIC	Economic Development and Infrastructure Committee
ETC	Education and Training Committee
ENRC	Environment and Natural Resources Committee
LRC	Law Reform Committee
OSISDC	Outer Suburban/Interface Services and Development Committee
RSC	Road Safety Committee

SCTS	Select Committee on Train Services
SCPLD	Select Committee on Public Land Development
SCFPA	Standing Committee on Finance and Public Administration
LC	Legislation Committee
SOC	Standing Orders Committee

APPENDIX F

LEGISLATIVE COUNCIL EXPENDITURE STATEMENTS, 2008-09

2007-08 Actual \$	EXPENDITURE	2008-09 Budget \$	2008-09 Actual \$
1,348,849	STAFF SALARIES, ALLOWANCES AND OVERTIME	1,424,420	1,481,239
829,326	SUBSIDIARY EXPENSES (1)	891,783	548,518
423,683	GENERAL EXPENSES	469,297	428,386
119,264	PARLIAMENTARY PRINTING	123,500	90,838
13,825	AUDITOR-GENERAL'S OFFICE AUDITS	16,000	15,225
2,734,947	TOTAL – DEPARTMENTAL	2,925,000	2,564,206
LEGISLATIVE COUNCIL – MEMBERS – Special Appropriations			
6,319,593	MEMBERS SALARIES AND ALLOWANCES	6,748,000	6,658,178
	MEMBER'S CONTRIBUTORY SUPERANNUATION	6,120,000	5,821,022
6,319,593	TOTAL – MEMBERS	12,868,000	12,479,200
9,054,540	TOTAL	15,793,000	15,043,406

NOTE

Subsidiary expenses include long service leave and recreation leave provision, payroll tax, employer superannuation and WorkCover contributions.

This information is provided for the benefit of Members. A complete set of the financial statements of the Parliament of Victoria is provided in the Department of Parliamentary Services Annual Report for 2008/09.

APPENDIX G

MAJOR OUTPUTS AND PERFORMANCE MEASURES - LEGISLATIVE COUNCIL

Major Outputs/Deliverables Performance Measures	Unit of Measure	2007-08 Actual	2008-09 Target	2008-09 Expected Outcome	2009-10 Target
Procedural Support, Documentation Preparation and Provision of Information for Council					
QUANTITY					
Procedural references updated biannually	#	2	2	2	2
Security audit requirements met a year	#	2	2	2	2
QUALITY					
Bills and amendments processed accurately through all relevant stages	%	100	100	100	100
Constitutional, parliamentary and statutory requirements met	%	100	100	100	100
Member satisfaction with accuracy and timeliness of advice	%	80	80	80	80
Visitors satisfaction with service quality in relation to tours of Parliament	%	85	85	85	85
TIMELINESS					
House documents tabled within time guidelines	%	90	90	90	90
Parliamentary documents available one day after sitting day	%	98	98	98	98
COST					
Total output cost*	\$ million	9.2	8.8	15.7	15.8

* The total output cost for the 2009-10 Target and 2008-09 Expected Outcome has increased compared with the 2008-09 Target. This is due to a three year actuarial assessment, required under the Parliamentary Salaries and Superannuation Act 1968, resulting in an expenditure increase.

APPENDIX H

JOINT INVESTIGATORY COMMITTEES

2007–2008 Actual \$	Committee	2008–2009 Budget \$	2008–2009 Actual \$
446,464	Drugs and Crime Prevention	443,390	391,048
212,042	Economic Development	291,413	269,800
434,209	Education and Training	521,681	518,896
256,774	Electoral Matters	444,238	393,227
374,282	Environment and Natural Resources	481,081	404,549
250,962	Family and Community Development	390,902	406,789
355,991	Law Reform	396,425	390,255
271,553	Outer Suburban/Interface Services and Development	324,807	317,681
659,049	Public Accounts and Estimates	877,644	853,903
447,799	Road Safety	384,758	357,466
327,669	Rural and Regional Services and Development	428,058	390,306
415,143	Scrutiny of Acts and Regulations	499,882	483,888
721,977	Joint Committee Administration Office	841,721	747,386
5,377,131	Total	6,326,000	5,925,294

NOTE

1 Committees administered by the Legislative Assembly:

- Drugs and Crime Prevention
- Electoral Matters
- Family and Community Development
- Public Accounts and Estimates
- Rural and Regional Services and Development
- Scrutiny of Acts and Regulations

2 Committees administered by the Legislative Council:

- Economic Development
- Education and Training
- Environment and Natural Resources
- Law Reform
- Outer Suburban/Interface Services and Development
- Road Safety

- 3 Both House Departments jointly administer the Joint Committee Administration Office. Its budget includes the rental payments for Committee accommodation.

APPENDIX I

MAJOR OUTPUTS AND PERFORMANCE MEASURES

Joint Investigatory Committees

Major Outputs/Deliverables Performance measures	Unit of measure	2009-10 target	2008-09 expected outcome
QUANTITY			
Discussion/issues papers published per annum	#	1	1
Inquiry reports tabled per annum	#	28	28
QUALITY			
Committee Members satisfied with accuracy and timeliness of procedural and administrative advice	%	80	80
Inquiry and Statutory Reports produced in compliance with statutory and legislative requirements	%	100	100
TIMELINESS			
Statutory Reports tabled within statutory deadlines	%	100	100
COST			
Total output cost	\$ million	\$6.370	\$6.237

APPENDIX J

OFFICIAL CALLS

His Excellency Archbishop Giuseppe Lazzarotto,
Titular Archbishop of Numana, Apostolic Nuncio

Consul General of the People's Republic of China, Mr
Liang Shugen

High Commissioner for India, Her Excellency Mrs
Sujatha Singh

Consul General of the United Kingdom of Great
Britain and Northern Ireland, Mr Stuart Gill

Consul General of the Federal Republic of Germany,
Dr Anne-Marie Schleich

Consul General of the Republic of Turkey, Mr Aydın
Nurhan

Consul General of the People's Republic of China, Mr
Weilan Shen

Consul General of the United States of America, Mr
Michael Thurston

Consul General of New Zealand, Mr Robert Hole

Ambassador of Switzerland, His Excellency Mr Daniel
Woker

Ambassador of the Republic of Hungary, His
Excellency Mr Gabor Csaba

Consul General of Egypt, Mr Mohamed Khairat

Consul General of Croatia, Mr Antun Babic

Ambassador of Austria, His Excellency Dr Hannes
Porias

Ambassador of the Federal Republic of Germany, His
Excellency Dr Michael Witter

Ambassador of the Czech Republic, His Excellency
My Juraj Chmiel

Ambassador of the Kingdom of Denmark, Her
Excellency Mrs Susanne Shine

Ambassador of the Republic of Poland, His Excellency
Mr Andrej Jaroszynski

Ambassador of France, His Excellency Mr Michel
Filhol

High Commissioner for Cyprus, His Excellency My
Yannis Iacovou

High Commissioner for the Democratic Socialist
Republic of Sri Lanka, His Excellency Mr Senaka
Walgampaya

APPENDIX K

SUPPLEMENTARY INFORMATION AS AT 30 JUNE 2009

General Stores on Hand

As at 30 June 2009, the Table Office had the following stores on hand which were valued at cost:

Items	\$ Value
Letterhead paper	1,254.00
Envelopes	8,573.15
Other Stores incl. Pads, With Compliments slips, etc	666.10

APPENDIX L

NON-CURRENT PHYSICAL ASSETS

- The Black Rod
- Departmental uniforms
- Furniture and fittings - Includes desks, credenzas, filing cabinets, chairs, refrigerators, hall stands, bookcases, wardrobes, works of art, safes, desk lamps, glassware and crockery.
- Office equipment - Photocopiers, television sets, DVD players, video recorders, video camera, digital camera, video projectors, portable discussion sound system etc.
- Communications - Telephones, mobile telephones, two-way radios, facsimile machines, audio systems, etc.
- Word processing and computer equipment - Personal desktop computers, lap top computers, printers, scanners, file servers etc.

APPENDIX M

ADMINISTRATION OF ACTS

By order under the *Administrative Arrangements Act 1983* the administration of Acts of the Parliament is vested in Ministers and, accordingly, a number of Acts have been assigned to the Premier. In several instances, however, the work involved in administration of those Acts is, in practice, either wholly or partly the responsibility of the parliamentary departments.

The Department of the Legislative Council is involved in the administration of a number of Acts, including:

- Constitution Act 1975
- Members of Parliament (Register of Interests) Act 1978
- Parliamentary Administration Act 2005
- Parliamentary Committees Act 2003
- Parliamentary Precincts Act 2001
- Parliamentary Salaries and Superannuation Act 1968



STAFF OF THE LEGISLATIVE COUNCIL



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