



DEPARTMENT OF THE LEGISLATIVE COUNCIL

annual report

2009



Letter of transmittal

The Hon Amanda Fazio MLC
President of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Madam President

It is with pleasure that I submit for your information and presentation to the House the annual report for the Department of the Legislative Council for the year ended 30 June 2009.

As you are aware, the Department of the Legislative Council is not legislatively required to table an annual report. However, as has been customary over previous years, the opportunity to provide information on the performance of the Department and Legislative Council committees is embraced.

The content of the report incorporates the reporting requirements of the Annual Reports (Departments) Act 1985 and the Public Finance and Audit Act 1983, particularly in regard to the Department of the Legislative Council's aims, objectives, operations and financial performance.

I commend the report and hope you find it informative.

Yours sincerely



Lynn Lovelock
Clerk of the Parliaments

Contact us

**Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000**

www.parliament.nsw.gov.au

Email council@parliament.nsw.gov.au

Ph (02) 9230 2111

Fax (02) 9230 2876

Access to the Chamber

The Legislative Council chamber and public areas of Parliament House are open to members of the public from 9.00 am to 5.00 pm, every weekday (excluding public holidays). During sitting days, public access to the chamber is restricted to the visitor's gallery, where visitors can watch the proceedings of the House. A calendar specifying sitting days is available from the Parliament's website.

Conducted tours are available several times daily on non-sitting days. During those weeks when the House is sitting, tours are scheduled on Tuesdays only at 1.30 pm, followed by an opportunity to view question time from the visitor's gallery. Bookings are essential and can be made by phoning (02) 9230 3444.

The Legislative Council normally meets at 2.30 pm on Tuesdays and 11.00 am on Wednesdays and Thursdays during the sitting periods. Legislative Council Question Time takes place at 4.00 pm on Tuesdays and 12.00 noon on Wednesdays and Thursdays.





Lynn Lovelock

Clerk's review

The 2008/09 reporting year marked a time of change and new direction for the Department of the Legislative Council. As reported last year, the newly established Department of Parliamentary Services assumed responsibility for the joint services previously shared by the House Departments. The transfer of non-core services continued during this year, with the amalgamation of the House Departments' Human Resources and Members' Services functions under the Department of Parliamentary Services, from 1 January 2009. The Department of the Legislative Council assisted the transition of services by providing temporary resources and the eventual transfer of eight corporate support positions.

The Department embraced the opportunity to focus solely on its core business of providing advisory, research and support services to the House and its Committees, and undertaking initiatives to strengthen the institution of Parliament. In support of this, a new structure was established comprising two principal program areas: Procedure and Committees.

To support the new structure, the Department's senior management team developed a planning framework that would apply for the remainder of the 54th Parliament, concluding in 2011. The framework provides for a new direction and identifies the Department's priorities in the Strategic Plan 2009-2011 (see Overview: page 7). The Strategic Plan is supported by four business plans identifying objectives and strategies for achieving success in each of the priority areas. The Department identified imperatives for 2009 and a report on our progress is detailed on pages 8-12.

One of the Department's strategic priorities is to continue to develop relationships and participate in capacity building projects with other parliaments in the Asia-Pacific region. I am pleased to report that we have undertaken significant work in response to this priority during the reporting year (pages 15-16). The NSW Parliament has been 'twinned' with the parliaments of the Solomon Islands and Bougainville under the auspices of the Commonwealth Parliamentary Association. We are looking forward to collaborating with the Department of the Legislative Assembly and the Parliament of the Solomon Islands and the Autonomous Region of Bougainville House of Representatives to finalise a joint strategic plan and a Memorandum of Agreement to progress the twinning arrangements.

This report provides information on the Department's performance over the past year. A report on the

activities of the Table Office is provided on pages 18-25. The Table Office provides a range of services that are integral to the business of the Council and in this section you will find data relating to sittings of the House, legislation initiated, considered, amended and passed by the Legislative Council, tabled documents, orders for papers, petitions, and other procedural matters.

The Procedural Training and Research team, established during the reporting year to provide high level research and procedural advice, and training and skill development for members and staff, provides an overview of its accomplishments on pages 26-31. The Unit, together with the Table Office, have produced a comprehensive procedural training program for members and their staff. Members and staff attending the seminars have provided very positive feedback. The seminars will continue in 2010.

A report on the activities of the Department's Committees Section is provided on pages 32-55 and details inquiries undertaken, reports tabled and the support provided by the committee secretariats. As expected, the inquiries undertaken during the year covered a diversity of issues such as nanotechnology in NSW, homelessness and low cost rental, altruistic surrogacy, and bullying of children and young people. The Department continued to explore ways of involving the community in the inquiry process. Guidelines on the use of videoconferencing facilities has been developed in the second half of 2009.

It was a busy year for the Department's Protocol and Chamber and Support staff with many overseas delegations visiting the Parliament and approximately 25,000 visitors entering the parliamentary precincts to attend sittings and committee hearings, view the public areas and to listen to the informative talks delivered by Chamber and Support staff. Further information is provided on pages 56-65.

A report on the Department's Corporate Management and Activities is provided on pages 66-73 and includes information on staffing, employment initiatives and other corporate activities.

The 2009/2010 reporting year will provide further opportunities for the Department and its staff to meet our strategic priorities and objectives. The Department will continue to focus on enhancing the services we provide and will improve systems and use new technology where appropriate. The Department will also work with its staff and members to foster skill, knowledge and professional development. I look forward to reporting on our progress in next year's report.

Contents

Our charter	3
The Legislative Council	3
The Department of the Legislative Council	3
Our clients	3
Our values	4
Legislation	5
The year at a glance	6
Overview	7
A new structure and direction	7
Our strategic priorities	7
Operational imperatives 2009 – Report on progress	8
Looking forward to 2009/10	10
Department structure	13
Senior management team	14
Capacity building to strengthen parliamentary democracy	15
Report on performance by Program	17
Table Office	18
Procedural Training and Research	26
Committees	32
Protocol	56
Events in the Parliament	59
Chamber and Support	63
Corporate management and activities	65
Finances	74
Financial commentary	75
Independent audit report	76
Financial statements for the year ended 30 June 2009	78
Department of the Legislative Council unaudited financial statements	99
Appendices	110
Appendix 1 Members of the Legislative Council	111
Appendix 2 Legislative Council members' travel	113
Appendix 3 Committee travel expenses 2008/09	114
Appendix 4 MLC attendance at Legislative Council committee meetings 2008/09	118
Appendix 5 MLC membership of joint committees administered by the Legislative Assembly	119
Appendix 6 Committee reports and government responses	120

Our Charter

The Legislative Council

The Legislative Council is the first and oldest legislative body in Australia, first established in 1823. The Legislative Council is also referred to as the Upper House, the second chamber, the State Senate, or the House of Review.

The title of House of Review originates from the Legislative Council's traditional role of acting as a check and balance on the Executive Government through such procedures as questions to ministers and orders for the production of documents. The Legislative Council also has an active committee system which allows members to examine public affairs, including the administration of government, in more detail.

There are currently 42 members of the Legislative Council, elected according to a system of proportional representation with the entire State as a single electorate. Members serve an eight-year term, with one half of the Council elected every four years at a periodic election.

No government has had majority control of the Legislative Council since the 1988 election. Since that time, the House has had a diverse membership with representation from both major parties and a range of independent and smaller parties.

Following the election on 24 March 2007, the make up of the House is:

- 19 Government (Australian Labor Party) members
- 15 Opposition (10 Liberal Party and 5 Nationals) members
- 8 Cross-bench (4 Greens, 2 Shooters Party, 1 Christian Democratic Party, 1 Independent) members.

The House sits for approximately 16-20 weeks each year. In addition, Legislative Council committees conduct upwards of 30 major inquiries per annum.

The Department of the Legislative Council

The Department of the Legislative Council's role is to support the functioning of the sittings of the House and its Committees. This extends to the provision of procedural, analytical and administrative support services to enable members of the Council to effectively perform their parliamentary duties.

The two principal program areas of the Department are Procedure and Committee Support. The Department has an establishment of 39 full time equivalent (FTE) staff. There are also 46 FTE staff working as Secretary Research Assistants to members.

The Department is accountable to the President of the Legislative Council, who is elected by the members of the House at its first sitting after each election. On 8 May 2007, the House elected the Honourable Peter Primrose MLC as its President.

Our Clients

The Department's clients and stakeholders include:

- the President of the Legislative Council
- Members of the Legislative Council and their staff
- the Legislative Assembly
- the Department of Parliamentary Services
- NSW Government agencies such as the Department of Premier and Cabinet, and the Parliamentary Counsel's Office.
- other state and territory parliaments, and the Federal Parliament
- other international parliaments, particularly from the Asia-Pacific Region and Commonwealth countries
- interest groups, associations, academic bodies and political parties which contribute to the political process
- the media
- schools and community groups
- the people of New South Wales.

Our Values

The following values underpin the services we provide to our clients:

Integrity

We demonstrate the highest standards of ethical behaviour, and maintain a professional and objective approach to our work

Honesty

We are honest in all of our dealings and abide by the law and applicable policies and procedures.

Impartiality

We provide timely, accurate and impartial advice to the Legislative Council, its Committees and all of its members.

Accountability

We accept responsibility for our acts and omissions.

Respect

We treat all people with respect and courtesy. We value the contribution of all staff and respect their right to a workplace free from all forms of intimidation, harassment or discrimination.

Professionalism

We strive for excellence in all we do and seek to ensure that all of our actions and decisions enhance the reputation of the Legislative Council.

Confidentiality

We honour the confidentiality of all communications with members and their staff, and the information we receive in the course of our duties is only used for the purposes intended and not disclosed to any other person, except in accordance with the law and relevant policies and procedures.

Value for money

We ensure parliamentary resources are used efficiently and cost effectively. We always seek to achieve the best value for money.



Legislation

Constitution Act 1902

The principal Act governing the Legislative Council is the *Constitution Act 1902*. The more pertinent sections of the Act dealing with the establishment of the Legislative Council and its powers and administrative processes follows.

Section 3 Definitions

Under section 3 of the Act the 'The Legislature' is defined as:

'The Legislature means His Majesty the King with the advice and consent of the Legislative Council and Legislative Assembly'.

Part 2 Powers of the Legislature

Section 5 under Part 2 of the Act provides for the Legislature's general legislative powers and states:

'The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever: Provided that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, shall originate in the Legislative Assembly.'

Section 14A Disclosure of pecuniary interests and other matters by Members

Section 14A of the Act was introduced in December 1981 to allow the Governor to make regulations with respect to the disclosure by members of their pecuniary interests. The list of pecuniary interests that must be disclosed is provided in this Section and includes real or personal property, income, gifts, partnerships, trusts, shareholdings, among other interests.

The Constitution (Disclosures by Members) Regulation 1983 was made in support of Section 14A and describes the type of returns that must be lodged and the process, including timeframes, for lodgement.

Section 15 Standing Rules and Orders to be laid before the Governor

Section 15 of the Act provides the power for the Legislative Council to make standing rules and orders, subject to the approval of the Governor, to regulate 'the orderly conduct' of proceedings in the House.

Division 2 Special Provisions relating to the Legislative Council

Division 2 of the Act includes the election procedures, term of service for members and the process for dealing with casual vacancies and resignations.

In addition Section 22G provides:

'There shall be a President of the Legislative Council, who is the Presiding Officer of the Legislative Council and is recognised as its independent and impartial representative'. The President's role in the House is to maintain order, put questions after debate and conduct divisions¹.

The President also has administrative responsibility for operation of the Department of the Legislative Council, including the appointment and dismissal of staff².

Parliamentary Electorates and Elections Act 1912

This Act legislates the NSW election process, including the timing and registration of political parties, and other matters relating to conduct.

Parliamentary Evidence Act 1901

The powers provided under this Act allow for witnesses to be summoned and examined by the House or its committees. Section 4 of this Act provides that any person, except a member of Parliament, may be summoned to give evidence before a committee. The power does not extend to persons who are outside the NSW jurisdiction.

¹ Lovelock, Lynn and Evans, John, *NSW Legislative Council Practice, The Federation Press, Sydney 2008, p197.*

² *Ibid*, p198

Defamation Act 2005

This Act extends parliamentary privilege by providing absolute privilege to the publication of documents, proceedings and records of the House and its Committees. Papers that have absolute privilege include all reports, committee reports, the debates and Minutes of Proceedings, the Notice Paper, the Questions and Answers Paper and the Statutory Rules Paper.

Parliamentary Papers (Supplementary Provisions Act) 1975

This Act provides either House, a joint sitting or a Committee with the Authority to publish any documents laid before it or any evidence given to it.

Parliamentary Precincts Act 1997

This legislation provides the Presiding Officers with the authority to control and manage the parliamentary precincts. The legislation allows the Presiding Officers, or their delegates, to refuse entry of a person to the parliamentary precincts, or to direct a person to leave the precincts.

Parliamentary Remuneration Act 1989

This Act sets the basic salary and superannuation arrangements for members and additional salaries and allowances for office holders. The Act also establishes the Parliamentary Remuneration Tribunal and sets out its functions.

The year at a glance

	2008/09	2007/08	2006/07
Department staff	*39FTE	49FTE	50 FTE
Secretary/Research Assistants	46FTE	46FTE	43 FTE
Sitting days	47	47	40
Sitting hours	377	343	344
Bills passed	115	128	107
Amendments to bills (circulated)	355	374	267
Amendments to bills (agreed to)	78	62	100
Orders for papers	20	15	38
Notices of motions given	310	262	208
Committee inquiries	26	29	22
Committee reports tabled	19	22	15
Submissions to Committees	1491	681	245
Inquiry witnesses (hearings & forums)	668	622	417

* This figure reflects the transfer of some corporate support staff to the Department of Parliamentary Services.

Overview

A new structure and direction

During the reporting year, the Department continued to provide support to the newly established Department of Parliamentary Services. The Department of Parliamentary Services (DPS) was established in mid 2008 to provide a centralised corporate support service for the Parliament's members and staff. The new Department expanded its consolidation of corporate services by assuming responsibility for both members' entitlements and human resource services from 1 January 2009. The Legislative Council assisted the process through the transfer of eight corporate support positions.

The loss of these functions provided the Department with an opportunity to review its establishment and strategic priorities and develop a planning framework that would apply for the remainder of the 54th Parliament, concluding in 2011. The framework provides for a new direction which is encapsulated in the Department's Strategic Plan 2009-2011. To support the implementation of the Strategic Plan and the priorities identified, business plans detailing specific actions have also been developed. The Department's Strategic Plan and business plans are available on the Parliament's website by accessing the Legislative Council webpage.



Our strategic priorities

The Strategic Plan specifies the following strategic priorities for the period 2009-2011:

Procedural, analytical and administrative support

The Department's core business is to provide accurate, timely and impartial procedural, analytical and administrative support to facilitate the efficient and effective operations of the House and its committees. The Department aims to continuously improve our business systems and explore new methods and technologies as appropriate.

Enhancing procedural knowledge and skills

The Department aims to consolidate and develop training and professional development programs to enhance the procedural knowledge and skills of its employees, members and their staff.

Community access and engagement

The Department will strengthen engagement with the community and improve access to information about the Legislative Council.

Capacity building to strengthen parliamentary democracy

The Department will continue to develop relationships and participate in capacity building projects with other parliaments in the Asia-Pacific region. We will work to support the parliaments of the Solomon Islands and Bougainville with which the NSW Parliament has been 'twinned' under the auspices of the Commonwealth Parliamentary Association.

Operational Imperatives 2009 – Report on Progress

The Strategic Plan identifies ten imperatives that the Legislative Council commenced work on during the second half of the reporting period. The imperatives are listed below, along with an overview of achievement to date.

1. Procedural training for members and their staff and other stakeholders: Conduct a survey of the procedural training requirements of members and their staff, and develop and implement a training program to address those requirements.

Progress

A survey of the procedural training requirements of members and their staff was undertaken in February and March 2009, which achieved a 71% response rate. A training program was subsequently developed to address the needs identified. The 'Legislative Council Procedure and Practice Course' consisted of five one and a half hour sessions which were held in May and June, on topics including Conduct of Proceedings in the House; the Legislative Process and the Committee of the Whole House; Rules of Debate, and the Role and Function of Committees of the House. The training program was well attended, particularly by staff of members, and the evaluation demonstrated a high level of satisfaction among participants. The course will be conducted annually.

Quotes from Members and their staff who attended the course:

'The course was really useful. A great introduction to the way in which the Legislative Council works – I hope there will be more seminars in the future'

'Thank you for providing the training, it's been very helpful. I really like the way the presenters have involved us in the sessions – it helped us understand the issues'.

2. Professional development and training: Continuation of table officer training and staff seminar programs to enhance the knowledge and confidence of staff of the Department of the Legislative Council in parliamentary practice and procedure.

Progress

The second stage of the table officer training program commenced in June 2009 and consisted of four one and a half hour sessions involving senior officers of the Department working in the House, or likely to work in the House. The training provided detailed coverage of procedural topics and was delivered by senior staff. Topics addressed included financial legislation; delegated legislation; parliamentary privilege, and committees. Further training will be offered in the next financial year.

3. Digitisation of procedural precedents: Completion of project to review, cull and index procedural precedent documentation to enhance access and ensure preservation of the Department's collection of procedural information.

Progress

The digitisation of procedural precedents project is an ambitious initiative to convert hard copy precedent and research materials into searchable entries in a database accessed by Department staff. The project covers the Department's collection of procedural research materials, some of which date back to the mid 1800s, and is already an invaluable and unique resource. Progress on the project is on track with completion expected in early to mid 2010.

4. Dynamic Red 'Running Record': Trial of real-time, on-line version of minutes of proceedings during sittings of the House.

Progress

The Legislative Council investigated the introduction of a system that would provide a real-time, on-line version of minutes of proceedings of House sittings, similar to the system called the 'Dynamic Red' operating in the Australian Senate. The system will provide timely information on the activities of the House as they occur, with links to current bills before the House and other parliamentary documents.

Table Office staff have worked extensively with Information Technology Services to develop this project. The new system will begin trials in the September 2009 sittings.

At the conclusion of the parliamentary session (December 2009) the current trial will be evaluated with a view to making the Running Record an ongoing part of the support services provided to members, staff and the wider public.

5. Ten year analysis and review of returns to order and privilege claims:

Ten years after the Egan cases, publication of a detailed analysis of orders for papers and returns to order, including case studies of some of the more important returns, a discussion of some of the outstanding issues (e.g. definition of cabinet documents, capacity to require preparation of a return), a response to criticisms of practices, and observations about privilege claims.

Progress

An article titled 'The power of the New South Wales Legislative Council to order the production of state papers: Revisiting the Egan decisions ten years on' has been accepted for publication in the Spring edition of the Australasian Parliamentary Review, expected to be published in late 2009. The ten thousand word article provides a comprehensive examination of the power of the Legislative Council to order the production of state papers and responds to recent comments on the House's use of this power by Associate Professor Anne Twomey.

6. Visitor information:

Revise and refine existing visitor information materials and develop new materials, including audio-visual presentations, for display in a newly created information hub in the vicinity of the Legislative Council chamber.

Progress

Work has started on revising the content of fact sheets on the procedures and practices of the Legislative Council, currently available in hard copy and on-line, to make them more accessible for members, staff and members of the public. The current fact sheets provide detailed and accurate information and will remain an important source of information.

An audiovisual presentation covering the history and function of the Legislative Council, for display in the Legislative Council's reception area and to be made available online, is at the planning stage of development.

7. Twinning agreements:

Development, together with the Department of the Legislative Assembly and the Parliament of the Solomon Islands and the Autonomous Region of Bougainville House of Representatives of agreed plans for the implementation of our twinning arrangements under the auspices of the Commonwealth Parliamentary Association.

Progress

In June 2009, the Clerk of the Parliaments, Ms Lynn Lovelock, and Mr Leslie Gonye, Clerk Assistant Committees with the Legislative Assembly, travelled to Buka in Bougainville to meet with members and clerks of the House of Representatives of the Autonomous Region of Bougainville as part of the NSW Parliament's twinning arrangements with that Parliament.

The Departments of the Legislative Council and Legislative Assembly are close to finalising a joint strategic plan and a Memorandum of Agreement to progress the twinning arrangements with the Bougainville and Solomon Islands parliaments. The NSW Parliament has made an application to AusAID for funding under the 2009-2010 Pacific Public Sector Linkages Program to support initiatives arising under the twinning arrangements.

8. Technology improvements to committee processes:

Trial new technologies to enhance business systems in the Committee Office, including secure electronic access to committee documents and use of video conferencing facilities in hearings.

Progress

New technologies to enhance business systems in the Committee Office were investigated during the year, including secure electronic access to committee documents and use of video conferencing facilities in hearings. Video conferencing facilities will be installed in the Parliament's Waratah Room in July 2009.

The Committee Office is reviewing the experience of other parliaments in relation to the use of secure electronic access to committee documents as the first stage of preparing for a potential trial of the technology next year.

9. Effective committee membership:

Preparation of a booklet and accompanying material for workshops for members and members' staff on how to get the most out of committee membership.

Progress

The 'Legislative Council Procedure and Practice Course' conducted by Procedure staff for members and their staff in June 2009, included a session on the role and function of committees. A first draft of a booklet and material for members and their staff on effective committee membership has been prepared by staff of the Committee Office and will be reviewed by senior officers of the Department of the Legislative Council. During 2009/2010, a program for workshops to support the booklet and accompanying material will be developed in consultation with members and their staff.

10. Vulnerable witnesses:

Development of a protocol for dealing with vulnerable witnesses before committees.

Progress

A protocol for vulnerable witnesses has been developed following issues arising from the 2008 inquiry into the management and operations of the NSW Ambulance Service. A discussion paper and draft protocol is currently being considered by each Legislative Council committee for adoption for future inquiries, to guide members and staff in situations where witnesses express a threat of self harm or harm to others.

Looking forward to 2009-2010

The Department will concentrate its resources and activities to support its business plan objectives, developed for each of the Strategic Priorities, for 2009-2010.

Strategic Priority – Procedural, analytical and administrative support

Objective

To continue to provide accurate, timely and impartial procedural, analytical and administrative support to facilitate the efficient and effective operation of the House and its committees.

Actions

The Procedure team will review and enhance procedures in relation to the preparation of the Business Papers and improve access to procedural documents such as the 'Procedural Highlights', 'President's Rulings' and 'Bills Summary'.

A manual will be produced on procedures for supporting all functions of the House for use by Table Office staff. In conjunction with this, procedures for providing advice and services to members during sittings will be reviewed.

A bulletin board that will provide information relating to the Business of the House will be developed and trialled for use by Clerks at the Table, Table Office staff, and others.

Procedure staff will continue to prepare briefings for the President and members as required on procedural matters to enhance the operation of the House.

Objective

To utilise new technology to improve processes.

Actions

The Table Office will review procedures in relation to the Questions and Answers database and liaise with Parliamentary Information Services on necessary modifications.

The comprehensive database of the procedural precedents and research material will be enhanced and hard copy documents will be converted for electronic access and storage. In addition, the content of the legal opinions database will be reviewed and possibly merged with the procedural precedents database.

The introduction of real-time, on-line minutes of the proceedings in the House will be trialled.

An email subscription list, utilising developments in technology, will be trialled with the intention of providing committee information to clients.

'Nvivo' qualitative analysis software will be trialled. This software is a tool for qualitative analysis used by researchers to identify themes which occur in large volumes of written data. The trial and evaluation will assess the value of this software for use in inquiries in receipt of a large number of submissions.

The recent introduction of video conferencing facilities will assist committees in taking evidence from both interstate and international witnesses, without the resulting travel expenses and inconvenience to participants.

Objective

To develop new resources to assist in the provision of advice to members.

Actions

Many of the initiatives outlined under objectives 2 and 3 will result in improvements in the way advice is provided to members. In addition, the Training and Research team will continue to provide research papers, and provide training and support to members and their staff.

Committees will develop a booklet and workshop for members and staff on how to be an effective committee member. The booklet and workshop will be supplemented by pamphlets and other instructional documentation.

Objective

To foster the professional development of staff to ensure the Legislative Council continues to have a highly skilled, knowledgeable and motivated workforce.

Actions

Staff will continue to receive training in both House and committee procedures, practices and processes. Staff will be trained in the implementation of any new technology introduced to improve processes.

Strategic Priority – Enhancing procedural knowledge and skills

Objective

To improve procedural knowledge and skills of Department of Legislative Council staff.

Actions

Regular opportunities for professional development will be provided through procedure-focussed training programs. The table officer training program and the staff seminar series, both conducted during 2008/09, will continue. In addition, the Department will support staff attendance at the various Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT) conferences, workshops and courses.

Objective

To respond to the procedural knowledge requirements of members of the Legislative Council and their staff.

Actions

Members and their staff will continue to receive training that is based on an analysis of their needs and requirements. The formal training program delivered in 2008/09 will again be offered in 2009/10.

The Department will work with the Department of Parliamentary Services to ensure the induction program for members and their staff is reviewed and improved.

In addition, the Department will provide opportunities for external clients by continuing to conduct its 'Working in the Legislative Council' program and by offering internships for students.

Strategic Priority – Community access and engagement

Objective

To improve access to information about the Legislative Council and its activities.

Actions

Work will be undertaken to develop mailing list options for key stakeholders, including media, so that information that is provided is relevant and timely. In addition, the access to information on the Department's website will be enhanced and expanded. A major initiative in improving information on the Legislative Council planned for later in the year is the "House in Review" publication. Published at the end of each sitting week, this will provide a summary of the business of the NSW Legislative Council for that week, including the progress of legislation and amendments to legislation, important debates, petitions, adjournment speeches and other aspects of the sittings.

Objective

To improve awareness of the role of the Legislative Council.

Actions

Opportunities to provide information sessions and educational material on the role of the Legislative Council will be pursued in regional and rural areas, to coincide with committee site visits.

The Department will work in conjunction with the Department of Parliamentary Services education program to provide consistent information on the role of the Legislative Council. A DVD on the history and role of the Legislative Council will be produced.

The Department will review published fact sheets and other leaflets to ensure information provided is up to date, engaging and readily available. The information on the Department's website, including fact sheets, information about members, office holders and staff will be regularly reviewed and updated.

The Department will implement a training program in early 2010 that will provide practical information on the role and functions of the Legislative Council as a House of review. The program will target those people who are required to prepare legislation or responses to questions on notice, or participate in committee inquiries. The program will be designed for a wide range of stakeholders including public servants, community organisations, businesses, academics and students.

Objective

To improve engagement with the community.

Actions

The Legislative Council will review its processes for responding to information requests from stakeholders and the public.

The Department will develop a child-focussed section of the Parliament website and review the overall accessibility and design of the website. The Department will investigate other methods of engaging with the community using other internet based media applications.

Strategic Priority – Capacity building to strengthen parliamentary democracy**Objective**

To assist in parliamentary strengthening programs in the Asia Pacific

Actions

The Legislative Council will work with the Legislative Assembly to finalise a joint strategic plan and Memorandum of Agreement to progress the twinning arrangements with the Bougainville and Solomon Islands parliaments. Long term goals and planned initiatives will be defined for the period 2009-2011 in consultation with the Presiding Officers and Clerks of all parliaments involved.

The Legislative Council will continue to participate in the project to review the standing orders of the National Parliament of East Timor and will respond to other requests for procedure research and assistance in collaboration with the Centre for Democratic Institutions (CDI).

In February 2010, the Parliament will co-host with the CDI the course 'Effective Parliamentary Committee Inquiries' aimed at Pacific Island Parliamentary staff, with sponsorship from the Commonwealth Parliamentary Association (CPA) and the World Bank Institute. Our staff will continue to provide their expertise as presenters at other CDI courses.

Legislative Council staff will co-present with Legislative Assembly staff at the annual ANZACATT Professional Development Seminar papers on the NSW Parliament's involvement in twinning.

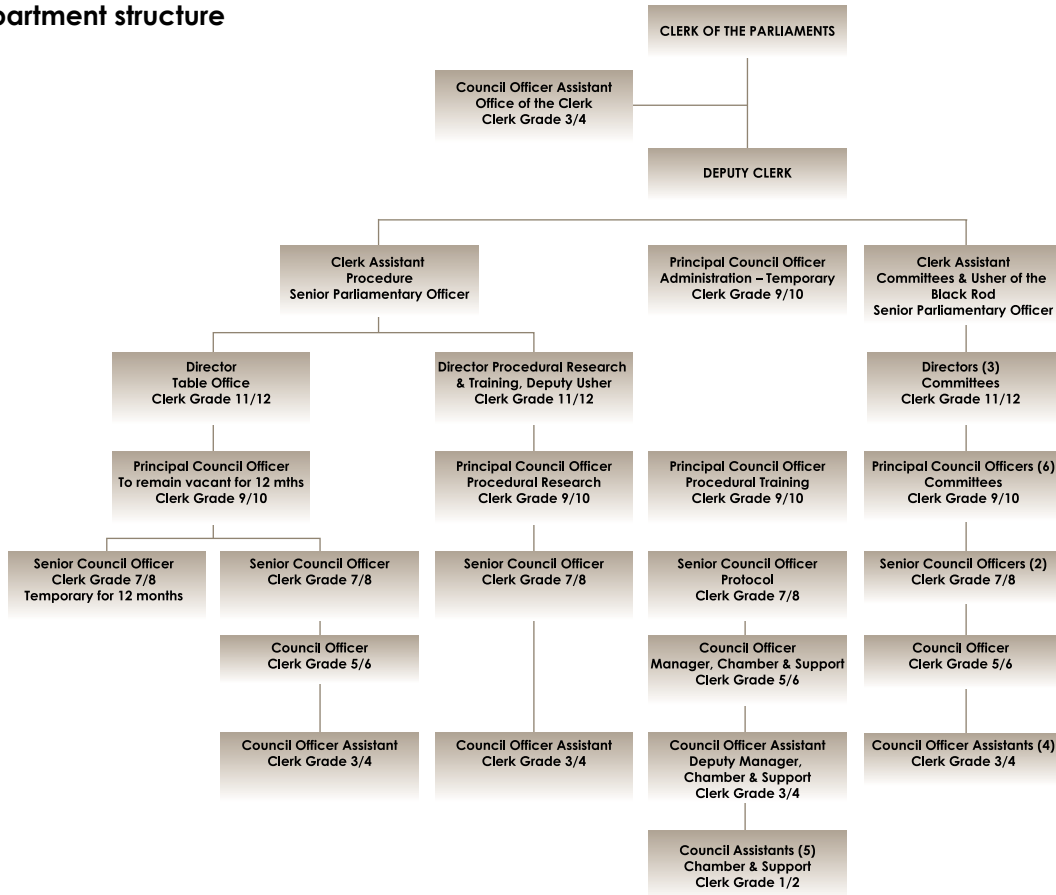
Objective

To improve the procedural knowledge and skills of Department of Legislative Council staff.

Actions

The capacity building project provides opportunities for staff to enhance their procedural knowledge and skills. The Department will continue to provide staff with opportunities to work in different political, procedural, administrative and cultural environments.

Department structure



Staff

Name	Position	Location
Lynn Lovelock	Clerk	Office of the Clerk
David Blunt	Deputy Clerk	Office of the Clerk
Julie Langsworth	Clerk Assistant – Procedure	Procedure
Steven Reynolds	Clerk Assistant – Committees	Committees
Stephen Frappell	Director	Procedure – Research
Susan Want	Director	Procedure – Table
Beverly Duffy	Director	Committees
Rachel Simpson	Director	Committees
Rachel Callinan	Director	Committees
Simon Johnston	Principal Council Officer	Procedure – Research
Vacant	Principal Council Officer	Procedure – Table
Velia Mignacca	Principal Council Officer	Procedure – Research
Donna Hogan (temp)	Principal Council Officer	Committees/Procedure
Merrin Thompson	Principal Council Officer	Committees
Madeleine Foley	Principal Council Officer	Committees
Jonathan Clark	Principal Council Officer	Committees
Rebecca Main	Principal Council Officer	Committees
Teresa McMichael	Principal Council Officer	Committees
John Young	Principal Council Officer	Committees
Cathryn Cummins	Principal Council Officer	Committees
Malvyne Jong-Wah	Senior Council Officer	Procedure – Table
Jenelle Moore	Senior Council Officer	Procedure – Research

Vacant (temp)	Senior Council Officer	Procedure – Table
Kate Cadell	Senior Council Officer	Protocol
Glenda Baker	Senior Council Officer	Committees
Rhia Victorino	Senior Council Officer	Committees
Samuel Griffith	Council Officer	Procedure – Table
Maurice Rebecchi	Council Officer	Chamber & Support
Kate Harris	Council Officer	Committees
Allison Stowe	Council Officer Assistant	Procedure – Table
Natalie Udovicic	Council Officer Assistant	Procedure Research
Kerry Blandon (temp)	Council Officer Assistant	Procedure – Research
Jodi Rahme	Council Officer Assistant	Office of the Clerk
Vacant	Council Officer Assistant	Chamber & Support
Christine Nguyen	Council Officer Assistant	Committees
Lynn Race	Council Officer Assistant	Committees
Kate Mihaljek (temp)	Council Officer Assistant	Committees
Shu fang Wei	Council Officer Assistant	Committees
Charles Barden	Council Assistant	Chamber & Support
Mike Jarrett	Council Assistant	Chamber & Support
Lucy Smith	Council Assistant	Chamber & Support
Mark Muntz	Council Assistant	Chamber & Support
John Ferguson	Council Assistant	Chamber & Support

Senior Management Team

Lynn Lovelock, BA (Hons), Dip Ed

– Clerk of the Parliaments

Role: The Clerk of the Parliaments is the administrative head of the Department of the Legislative Council.

The Clerk is responsible to the President of the Legislative Council for the efficient and effective administration of the Department. The Clerk provides expert advice on parliamentary law, practice and procedure of the Council to the President, Deputy President, ministers and members of the Council and committees.

David Blunt, M Phil, LLB (Hons) – Deputy Clerk

Role: The Deputy Clerk supports the Clerk in the provision of expert advice to the President, members and committees of the Legislative Council on parliamentary law, practice and procedure. The Deputy Clerk manages the Office of the Clerk and assists the Clerk to manage the planning, development, direction and performance of the Department of the Legislative Council to ensure its effective operation, within budgetary constraints.

Steven Reynolds, B Ec, LLB, MPS – Clerk Assistant Committees and Usher of the Black Rod

Role: The Clerk Assistant Committees and Usher of the Black Rod provides strategic direction to the

Committees Office to facilitate best practice in project management of inquiries and the production of high quality reports that contribute to the development of good public policy and effective scrutiny of the executive.

The Usher of the Black Rod undertakes official duties including planning and implementing ceremonial and community events.

Julie Langsworth, BA(Hons), BA Applied

Communication Studies – Clerk Assistant Procedure

Role: The Clerk Assistant Procedure supports the President, Ministers and other members through the provision of authoritative advice on Legislative Council procedure to enable them to undertake the legislative process effectively. The Clerk Assistant Procedure provides strategic direction and procedural advice to the Procedure Section across its table, procedural research and training functions.

In addition, the Clerk Assistant Procedure manages corporate governance functions for the Legislative Council, including budget and financial management, records management, website management and annual reporting. The position holder manages the relationship with the Department of Parliamentary Services regarding service agreements, in conjunction with other senior officers.

Capacity Building to Strengthen Parliamentary Democracy

'Participate in capacity building projects with other parliaments in the Asia-Pacific region, particularly the Parliaments of the Solomon Islands and Bougainville'.

– Department of the Legislative Council Strategic Plan 2009-2011

The Legislative Council has a long tradition of participating in training and development projects aimed at supporting parliamentary democracy. This tradition and commitment to continue our involvement has been embedded as a strategic priority in the Department's Strategic Plan 2009-2011.

Throughout the year there were a number of activities undertaken in support of this strategic priority, including the establishment of 'twinning' arrangements, and the provision of support to various parliaments in the Asia-Pacific region. The staff of the Legislative Council brought significant expertise to these activities and were able to successfully apply their procedural knowledge and skills.

Twinning arrangement with the Bougainville and Solomon Islands Parliaments

The Parliament of New South Wales, comprising the Legislative Council, Legislative Assembly and the Department of Parliamentary Services is 'twinning' with the National Parliament of the Solomon Islands and the House of Representatives of the Autonomous Region of Bougainville under the auspices of the Commonwealth Parliamentary Association (CPA).

The twinning arrangement is an opportunity for collaboration with a view to strengthening the parliaments in the Solomon Islands and the Autonomous Region of Bougainville, while providing opportunities for staff of the NSW Parliament to gain new skills and knowledge. Throughout the year, the Department of the Legislative Council and its employees were involved in a number of related activities:

- In September 2008, Ms Ellen Inahia, Community Relations officer for the National Parliament of Solomon Islands attended a three-day capacity building program with the NSW Parliament, which included participating in sitting day preparations and the facilitation of a committee inquiry.

- In February 2009, the Acting Clerk Assistant Procedure, Julie Langsworth, was seconded to the Parliament of the Solomon Islands for three weeks to support and assist the Foreign Relations Committee in its inquiry into the Regional Assistance Mission to the Solomon Islands (RAMSI).



The National Parliament of the Solomon Islands.

- From 30 April to 29 May 2009, Mr Donald Misang, a committee officer from the Autonomous Region of Bougainville's House of Representatives, was attached to the Parliament of New South Wales, with the support of the Centre for Democratic Institutions (CDI). Mr Misang attended a public hearing and observed committee staff preparations prior to the inquiry, and procedures undertaken during and following the inquiry.



Legislative Council staff Simon Johnston, Stephen Frappell and Steven Reynolds with Donald Misang, Committee Officer from House of Representatives of the Parliament of Bougainville.

- In June 2009, Legislative Council staff members Simon Johnston, Principal Council Officer, Procedural Training and Rachel Simpson, Committee Director, were part of a team of Parliamentary Officers who facilitated a workshop on parliamentary procedure and committee report writing co-hosted by the CDI and the National Parliament of Papua New Guinea, and attended by staff of the Melanesian parliaments.



Group photo of participants attending the Parliamentary Procedure and Committee Report Writing Course.

- In June 2009, the Clerk of the Parliaments, Lynn Lovelock, and the Clerk Assistant Committees Legislative Assembly, Les Gonye, travelled to Buka in Bougainville to meet with members and clerks of the Autonomous Region of Bougainville's House of Representatives.

- In June 2009, Mrs Magdalene Toroansi, Chair of the Public Accounts Committee of the Autonomous Region of Bougainville's House of Representatives visited the Parliament as a participant of the 21st Commonwealth Parliamentary Seminar and met with staff and members of the Legislative Council. Mrs Toroansi attended an information seminar on the effective operation of the parliaments in the Asia-Pacific conducted at Parliament with the participation of Mr Quinton Clements, Deputy Director CDI.



Mrs Magdalene Toroansi with Quinton Clements, Deputy Director CDI and Lynn Lovelock, Clerk of the Parliaments.

National Parliament of East Timor

In November 2009, at the request of the President of the National Parliament of Timor Leste, Mr Fernando Lasama de Araujo, the Clerk of the Parliaments, Lynn Lovelock, and the Director of Procedure, Stephen Frappell, travelled to Dili for a week as part of a project to assist the National Parliament of East Timor in a review of its Rules of Procedure. The project was convened by Mr Quinton Clements, Deputy Director CDI and involved the presentation of workshops to Members of the Working Group of the National Parliament responsible for reviewing the Rules of Procedure.

Parliament of Vanuatu

In March 2009, the Deputy Clerk of the Legislative Council, David Blunt, participated as a presenter at a workshop in parliamentary committees for members and staff of the National Parliament of Vanuatu. Mr Blunt returned in May 2009 to again participate as a presenter at a workshop organised by CDI in Vanuatu to assist Vanuatu's Parliamentary Standing Orders Review Committee in its task of reviewing and revising the Standing Orders of the National Parliament.

CDI workshop 'Effective Parliamentary Committee Inquiries' for Pacific Island parliamentary staff

From 16 to 19 February 2009 the second annual 'Effective Parliamentary Committee Inquiries Course'

was held at the NSW Parliament. The course was developed by Mr Quinton Clements of CDI and convened by Steven Reynolds, Clerk Assistant Committees. The course received sponsorship from the World Bank Institute and the Commonwealth Parliamentary Association. Six staff members of the Legislative Council were involved as presenters or support staff.

The course focussed on the practical aspects of parliamentary committee work, and members and committee staff of both Houses conducted a number of workshops, including:

- 'A member's perspective on the role of committees', with the Hon Robyn Parker MLC
- 'Working with the Chair of a committee' with the Hon Amanda Fazio MLC
- In-depth workshops on topics such as drafting terms of reference, planning an inquiry, advertising, budgeting, the submissions and hearing processes, travel, procedural issues and report writing, conducted by committee staff.

Twenty parliamentary officials representing 14 parliaments including Bangladesh, Thailand, Vietnam, Laos, Indonesia, Timor-Leste, Papua New Guinea, Autonomous Region of Bougainville, Fiji, Vanuatu, Solomon Islands, Tuvalu, Tonga and Samoa, attended the course.



Report on performance by program

Table Office	18
Procedural Research and Training	26
Committees	32
Protocol	56
Events in Parliament	59
Chamber and Support	63
Corporate management and activities	65

Table Office

Highlights of 2008/09	19
Table Office activities	19
Memorandum of Agreement with the State Records Authority	19
Business papers	20
Trial of a real time record of the House – ‘Running Record’	20
Procedural training for Legislative Council staff	21
Sittings of the House	21
Resignation of member and joint sitting to fill casual vacancy	21
Legislation	22
Bills considered in the Legislative Council	22
Amendments moved and agreed to	23
Tabled documents	23
Orders for papers	23
Petitions	24
Questions and answers	24
Private members business	25
Precedence of business	25
Outlook for 2009/10	25

Table Office

Highlights of 2008/09

- **Providing a high standard of service to the members of the Legislative Council in preparing for business of the House**
- **The accurate and timely production of the records of the House**
- **The trial of a real-time record of proceedings in the House**
- **Development of a comprehensive training program on procedure and business of the House for members and their staff**

Table Office Activities

The Table Office supports the Clerk in the ongoing maintenance of the records and papers of the House and provides a range of services to members relating to the business of the House.

On sitting days, much of the work of the Table Office involves direct contact with members and their staff and the provision of advice and assistance on a range of procedural matters including arrangements for the tabling of papers; the format and content of petitions; managing the passage of bills and amendments to bills. The Table Office also assists members by providing information about the rules and procedures for introducing matters for debate.

Each sitting day, the Table Office prepares the business papers of the House: the Minutes of Proceedings; the Notice Paper for the following sitting day; and the Questions and Answers Paper. Each of these publications is published before staff leave the office at the end of each sitting day.

The Table Office also provides procedural advice and support to Government departments and agencies regarding the passage of legislation, moving amendments, tabling papers and reports, answering questions on notice, and the provision of government responses to committee reports.

In addition to providing support to members when the House is sitting, the Table Office also produces the journals of the House, manages the safe and secure storage of papers tabled in the House, maintains a number of databases which provide information on the Intranet and the Internet regarding the business of the House and updates statistical records of the House.

Finally, the Table Office contributes to public awareness of the Legislative Council by contributing to publications including the Procedural Highlights and responding to enquiries from the public regarding the role and function of the Legislative Council, the progress and status of bills, members' contact and biographical details and by the timely maintenance of online databases.

Memorandum of Agreement with the State Records Authority

As outlined in the 2007/08 annual report, in March 2008, the Clerk of the Parliaments and the Clerk of the Legislative Assembly signed a Memorandum of Agreement with the Director of the State Records Authority for the transfer of the Parliament's records into the care but not control of the State Records Authority.

The main benefit to the Council of the agreement is the ability to transfer documents into the care of State Records to ensure their safe and secure storage in perpetuity, while retaining absolute control of them. This means that all transferred records are subject to access directions and only those documents published by the House are available to the public.

The transfer of papers proved to be an enormous logistical and administrative achievement as great care was needed to ensure that all documents were ordered and recorded appropriately.

The first consignment, consisting of 835 boxes and 2 cylinders, was dispatched to the State Records Authority in two batches, on 1 and 4 August 2008. The second consignment, on 5 February 2009, consisted of 406 boxes. In total, 1,241 boxes and 2 cylinders of tabled papers were transferred to the State Records Authority, 591 containing public documents and 650 containing privileged documents.

The transfer of records off site has greatly relieved the demands on the limited storage space within Parliament House. However, the tabling of nearly 200 boxes of papers subsequent to the transfer to State Records will necessitate further transfers in the 2009/10 financial year.

On two occasions members requested access to documents transferred to the State Records Authority. The Legislative Council received these boxes within 24 hours of a request being made to State Records, which were later returned to the Western Sydney Records Centre.

Tabled Papers database

Following the Memorandum of Agreement with the State Records Authority, modifications were made to the Tabled Papers database to allow the Table Office to produce spreadsheets with details of the documents transferred.

Business Papers

Table Office staff produce three daily business papers:

- the Minutes of Proceedings – a record of proceedings of the House
- the Notice Paper – a list of all notices of motions and orders of the day before the House and the order in which the House proceeds with its business, and
- the Questions and Answers Paper – a record of questions on notice to ministers, together with the answers when they are received.

Proof editions of the business papers were completed within 30 minutes of the adjournment of the House each sitting day and made available on the Internet. Printed copies were made available to members, staff and others the following morning. Final versions of the business papers were produced following thorough proof reading and verification of relevant material. These papers continue to provide a timely, accurate and comprehensive record of proceedings. Questions on notice lodged by members were edited for consistency and compliance with the standing orders.

The Statutory Rules and Instruments paper is published weekly during sittings and monthly when Parliament is in recess. The Table Office continually update the paper to include the date of commencement of each statutory rule or instrument, the date they were tabled in the House and the last day on which a notice of motion for the disallowance of a regulation may be given.

The Table Office also produces the Daily Program, an agenda published on the Parliament's website each day listing business to be considered by the House.

The Journal

At the conclusion of each session of Parliament the official Journal of the Legislative Council is bound and published. The Journal consists of the Minutes of Proceedings (including a comprehensive index to the minutes), registers showing the history of the passage of bills during the session, the register of addresses and orders for papers, sessional and select committees appointed, an abstract of petitions presented, and the attendance of members. Separate volumes of the Notice Paper and Questions and Answers Paper are also compiled. Volumes of the Journal, the Notice Paper and the Questions and Answers Paper were completed and published by the Table Office during the reporting period.

Trial of a real time record of the House – 'Running Record'

One of the projects identified in the Legislative Council's Strategic Plan 2009-2011 and in the Procedural, Analytical and Administrative Support Business Plan 2009-2011 is the development of a real time on-line dynamic record of proceedings of the House. The document will be produced in plain English and record outcomes and decisions of the Legislative Council.

The initial rationale for the development of a real-time record of proceedings is to provide members, the Legislative Assembly, Ministerial offices, government departments and others with access to information about the Legislative Council and its proceedings.

A trial running record of the House was developed during 2008/09 and it will continue to be trialled in the second half of 2009. Further developments, including discussions with the Parliament's Information Services Section regarding the necessary technology required to support the running record will occur in late 2009 with a view to publishing the running record on the internet at the beginning of 2010. The progress of running record will be reported on again in next year's annual report.

Procedural training for Legislative Council staff

In 2008/09 Table Office staff participated in the development and presentation of a number of seminars and training sessions developed by the Procedural Training and Research Unit. The training programs were developed in response to the Department of the Legislative Council's Business Plan 2009-2011 – Enhancing procedural knowledge and skills. The training related activities of the Procedural Training and Research Unit are outlined below.

Sittings of the House

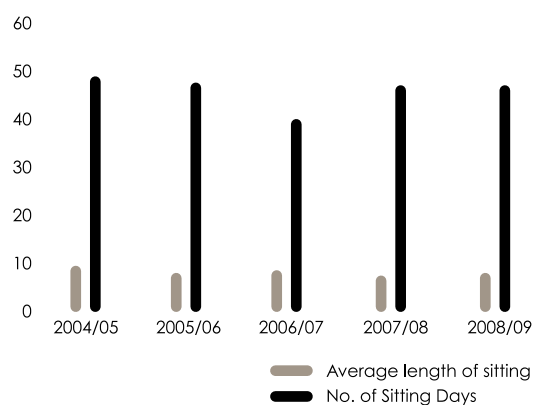
The nature of proceedings undertaken in the Legislative Council and the scheduling of those proceedings is subject to various political and practical considerations. Accordingly, procedure staff involved in the sittings of the House meet with the Clerk and Deputy Clerk at the commencement of each sitting day to discuss procedural or other issues which may occur during the day. These meetings, chaired by the Clerk, ensure that the team preparing for the sitting of the House are fully informed, as far as possible, on all matters which could arise in the House during the day.

Following these meetings, Table Office staff prepare all relevant documentation to a high standard of accuracy and efficiency, and attend to all requests for advice from members, prior to and during the sitting of the House.

The House sat on 47 occasions during the reporting period, with sittings averaging 7.23 hours per day. On seven occasions the House sat beyond midnight, an increase on previous reporting periods.

In an unusual occurrence, the sitting day of 24 June 2009 was suspended at 12.37 am, and the House did not meet again until Tuesday 1 September 2009. This was due to the absence of a minister in the chamber, which is contrary to the standing orders of the House. Although the members did not meet technically, in that they did not attend in the chamber, the sitting day of 24 June 2009 which commenced at 11.00 am, continued until 2.30 pm on 1 September 2009 – a sitting day of 1636 hours and 16 minutes.

No. of sitting days and average length of sitting



Resignation of member and joint sitting to fill casual vacancy

The Hon Michael Costa tendered his resignation to the Governor on 23 September 2008 after 7 years and 18 days as a member of the Legislative Council. At a joint sitting held on 22 October 2008, Mr John Cameron Robertson was nominated and elected to fill the vacant seat in the Legislative Council caused by the resignation of Mr Costa. On 28 October 2008, Mr Robertson took the pledge of loyalty before the President and signed the roll of the House. Mr Robertson made his inaugural speech on 11 November 2008.

Table Office staff prepared all documentation and records for the joint sitting and coordinated preparations for the attendance of the members of the Legislative Assembly in the Council chamber.

Legislation

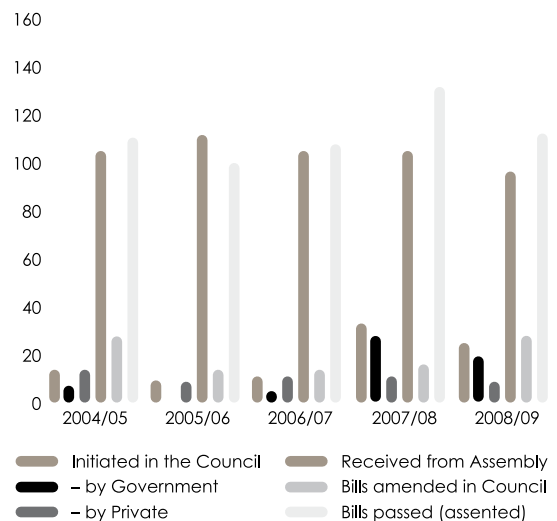
The Table Office provides assistance to members and their staff in relation to legislation to be considered by the House, preparing procedural scripts for the introduction of bills and advising members on the admissibility of amendments. The Table Offices manages the procedures for the registration and assent of bills introduced in the Council and agreed to by both Houses. The Legislative Council agreed to 115 bills during the year, 19 of which were Council bills. The Governor assented to 130 bills during 2008/09, some of which had been passed by the Houses in the previous financial year.

Key government legislation considered by the Legislative Council during the year included:

- bills to enable the Government to restructure the State's electricity industry, the cause of a recall of the House to consider the bills, but which ultimately, were not passed by the House,
- the Retirement Villages Amendment Bill the purpose of which was to make a number of changes to the rights and obligations of residents and operators of retirement villages, and to which 79 amendments were moved,
- the Crimes (Criminal Organisations Control) Bill 2009, also known as "the bikie legislation", which included measures to disrupt and restrict the activities of criminal organisations by allowing the Commissioner for Police to apply for a declaration from a Supreme Court Judge that an organisation, such as an outlaw motorcycle gang, be a declared criminal organisation,
- the Public Information (Public Access) Bill 2009 and cognate bills to replace the Freedom of Information Act 1989, and
- the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 to introduce a scheme for a new class of search warrant to be known as 'covert search warrants' to assist police and other law enforcement agencies in the investigation of serious criminal offences, and to create new search warrant powers in relation to the examination of computers. Ten amendments to the bill were moved and a protest to the passing of the bill was lodged by the four Greens members.

Nine notices of motions for the introduction of bills were given by private members (those members of the House who are not Ministers). Six private members' bills were subsequently introduced. In total, the House considered 12 private members' bills during the year. Of these, three were agreed to and forwarded to the Legislative Assembly for its consideration, and five were negated by the House.

Bills considered in the Legislative Council



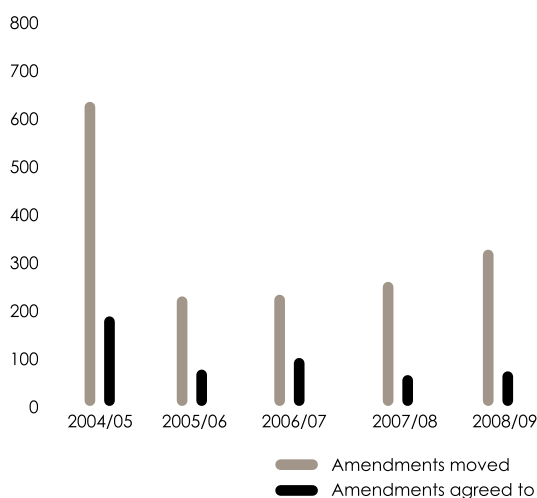
Bills considered in the Legislative Council

The Table Office manages the preparation and circulation of all amendments to bills received from members. Each set of amendments was processed and circulated prior to the committee of the whole stage. The Table Office also provides advice to members concerning the admissibility of amendments. In the reporting period, the Table Office received 71 sets of amendments to 53 bills, a total of 355 amendments, all of which were assessed on receipt by the Table Office. Of the amendments circulated, 317 were moved in committee of the whole and 78 agreed to. Although the number of bills considered by the House was comparable to previous years, there was a significant increase in the number of amendments moved and agreed to.

The Table Office prepared 23 bills to be returned to the Assembly with amendments, and prepared 12 Council bills for assent. Five Council bills were amended and second prints of the bills were required.

Information about the passage of a bill in the Council, and any amendments moved, is entered in a database as the bill proceeds through the House and is available on the Parliament's website shortly after.

Amendments moved and agreed to



Tabled Documents

During 2008/09, 920 individual documents were tabled in the Legislative Council, the majority being annual reports and statutory instruments. In addition, 20 returns to orders of the House for the production of State papers, contained in 121 archive boxes, were tabled. The Table Office prepared all documents for presentation in the House and entered details of each document in the Minutes of Proceedings and on the tabled papers register, and liaised with ministerial offices and departments to ensure that all processing, distribution and service requirements were met promptly and within set timeframes. Details concerning papers tabled in the House are available on the Council's website. Members, government departments and others can search details of all papers tabled in the House, back to May 1995.

The Table Office is progressively attaching to the tabled papers database, copies of papers tabled only in the Legislative Council, such as indexes to papers returned to orders of the House. Together with the Legislative Assembly, the Legislative Council is working toward having all papers tabled in the Parliament, and made public, available on its website.

Orders for production of Papers

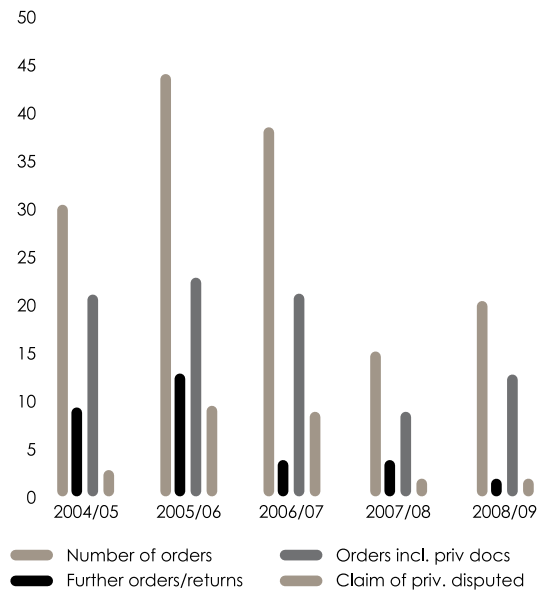
The Legislative Council's Annual Report of 2007/08 reported a decrease from previous years in the number of orders for the production of State papers agreed to by the Legislative Council, the change in party composition of the House following the 2007 periodic Council being considered a contributing factor. This financial year saw a 25% increase on 2007/08, up from 15 to 20 orders agreed to.

Of the 20 orders for papers agreed to this year, 15 were initiated by the Opposition and five by the Greens. Privilege was claimed on documents contained in 13 of the returns. The validity of the claim of privilege was disputed in one return. One of the orders sought to obtain further documents related to a previous resolution of the House. In total, the Table Office processed 121 archive boxes of papers returned, 38 boxes of which contained privileged documents that are only available for inspection by members of the Legislative Council.

Orders for papers during the reporting period covered a number of topics and issues including Hurlstone Agricultural High School, Tallowa Dam and Catherine Hill Bay, budget estimates and Triple-0 operators. The Table Office received many requests to view the documents received. One of the roles of the Table Office is to coordinate viewing times, allocate space for viewing the documents, and supervise access by members of the public. In order to ensure the security of documents and the integrity of the process, a high level of supervision over the documents is maintained.

As reported in previous Annual Reports, the storage facilities available to the Table Office within Parliament House are limited. In recent years, storage space has been severely stretched by the large number of documents returned to the House under orders for papers. However, as indicated above, during the reporting period a large number of boxes of papers were transferred to the care, but not control, of the State Records Authority under an agreement with the State Records Authority made in March 2008. All of the 1,241 boxes transferred contained state papers returned under orders of the House.

Orders for Papers

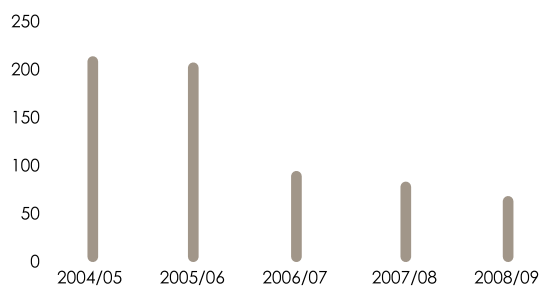


Petitions

Sixty-one petitions were presented to the House during 2008/09, a reduction of 22 from the last reporting period. There has been a significant decrease in petitions received by the Council in recent years. In 2003/04, 285 petitions were presented with a total of 588,541 signatures (including one petition concerning the ownership of pharmacies from 500,000 petitioners). The frequency and number of petitions presented to the House, and the number of signatures gathered, reflects community opinion and feeling on matters of public policy and government action. However, the decrease in petitions presented in the House in recent years may also reflect a decrease in the number of paper-based petitions being circulated in the community.

Petitions received by the House varied in subject matter and in the number of petitioners. In the 2008/09 financial year, the sixty-one petitions presented to the House represented thirty-three different issues and more than 37,195 signatures. The subject matter of petitions ranged from statewide issues such as electricity privatisation, decriminalisation of abortion and labelling of eggs, to local issues such as mobile phone reception at Dalgety, the 311 bus services and a new car park at Cabramatta. The petition with the highest number of signatures related to Westport Park, Port Macquarie (15,440). A petition relating to a moratorium on marine parks was presented nine times, with a total 8,810 signatures, 2700 on one occasion and 1799 on another.

Petitions presented to the Legislative Council

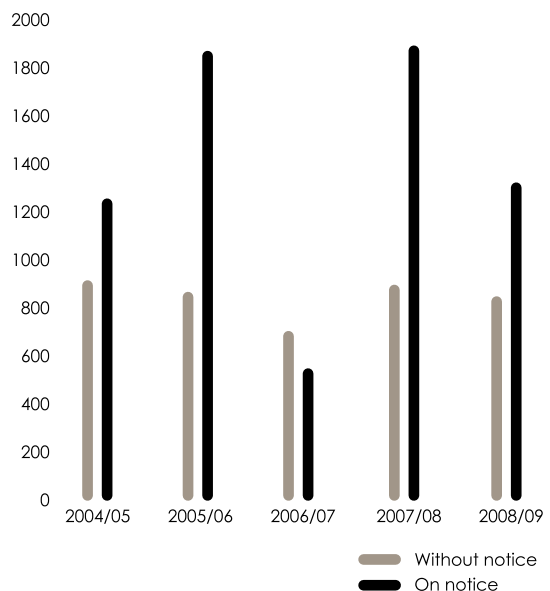


Questions and answers

During the last reporting period, 2007/08, there was a significant increase in questions compared to the previous period, largely due to budget estimates questions being included in the Questions and Answers Paper, which was not the case in 2006/07. The 2006/07 period was also affected by the 2007 state election and, consequently, there were fewer sitting days. Questions on notice to the budget estimates inquiry were not included in the Questions and Answers Paper for the current reporting period, 2008/09. The large number of question on notice this year is therefore a significant and real increase, as the sittings for this and last year were much the same. All questions were answered by the due date.

The Table Office provides advice and editorial assistance to members to ensure questions on notice comply with the standing orders. The large number of questions, therefore, directly impacts on the workload of the Table Office. The Questions and Answers Paper was published at the conclusion of each sitting day, according to the rules of the House.

Questions asked in the Legislative Council

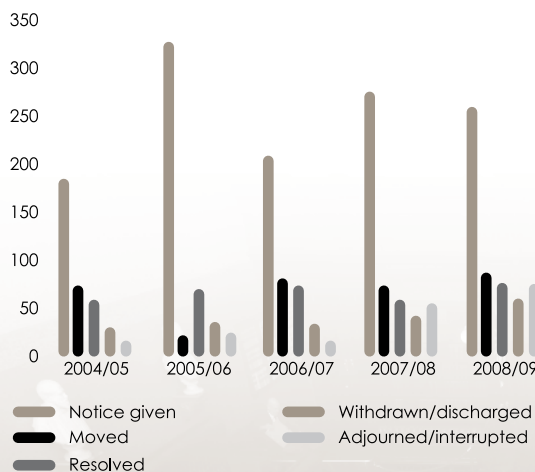


Private members' business

Although the majority of business in the House concerns government legislation, each sitting Thursday private members have an allocated opportunity to introduce matters for consideration in the form of bills or motions. The items to be considered each Thursday are determined by a draw conducted by the Clerk. The subject matters of private members' bills and motions considered by the House during the year included educational support for children with significant learning disabilities, eradication of trans fatty acids, game and feral animal control, state emergency services and peak oil.

The Table Office assists members in introducing these matters and regularly prepares scripts for members' use in the chamber, particularly in relation to bills and orders for the production of state papers, to ensure that the rules and practices of the House are followed. During the reporting period, private members gave 252 notices of motions. Of these, 92 were moved in the House and 86 concluded.

Private Members' Business



Precedence of business

The standing and sessional orders of the House determine when government business or private members' business is considered, and in what order the items of business on the Notice Paper will be dealt. During the reporting period these orders were suspended on 59 occasions to change the order of business, 56 of which were to bring on an item of private members' business. On 24 of the 56 occasions, standing and sessional orders were suspended on a day set aside for government business. Private members unsuccessfully sought to suspend standing and sessional orders on a further 13 occasions.

At the request of members, the Table Office provides advice and documentation to assist in the suspension of standing and sessional orders.

Outlook for 2009/10

During the forthcoming year the Table Office will:

- Continue to support the daily operations of the House and maintain the integrity of the records of the House
- Further develop the running record, a real-time, online record of proceedings of the House with a view to publication on the internet
- Manage further transfers of tabled papers to care, but not control, of State Records
- Publish the official journals of the House and other statistical and procedural documents
- Enhance accessibility of members of the Legislative Council and the public to information about the operation, role and activities of the Council.

Procedural Training and Research

Procedural research and advice	27
Supporting Parliamentary committees	27
Publications	28
Electronic procedural precedents system	28
Procedural training	29
Community access and engagement	30
Privileges Committee	30
Procedure Committee	30

Procedural Training and Research

Procedural Research and Advice

In 2008/2009, the Department of the Legislative Council underwent a significant restructure (see Overview: A new structure and direction, page 7). The restructure provided an opportunity for the Department to review its activities and the services it provides to clients. A need for training and skill development among members and staff was identified, along with a continuing need for high level research and procedural advice. In response, the Procedural Training and Research Unit was established.

One of the main functions of the Unit is to support the Clerk's Office in the provision of procedural research and advice to the President, members, committees and other stakeholders.

Research activities undertaken during 2008/09 included:

- Briefing material for the information of the President relating to parliamentary privilege, including information on existing statutory and non-statutory frameworks for parliamentary privilege in New South Wales and other parliaments;
- Briefs to the President for rulings relating to the use of electronic devices and the reading of speeches in the chamber;
- Correspondence from the President to the Premier concerning the report released by the NSW Ombudsman on 5 February 2009 entitled *Opening up Government: Review of the Freedom of Information Act 1989*, and its recommendations in relation to Parliament;
- Advice to members in relation to the operation of formal business and the placing of questions on notice outside of sitting periods;
- The provision of confidential briefing material upon request for the President, other members and the Clerk dealing with a number of complex procedural issues;
- The updating of the pecuniary interest disclosure forms for members following the gazettal of the Constitution (Disclosures by Members) Amendment Regulation 2008;

- Responses to 44 requests for advice from other parliaments on the Australia New Zealand Clerks-at-the-Table (ANZACATT) list server, including requests for information on the citizen's right of reply process, the permitted length of motions, electronic committee documents, performance management frameworks, and a range of other procedural topics.

Supporting parliamentary committees

During the reporting period, the Procedural Training and Research Unit provided background briefing material and support for the President and members attending meetings or public hearings with parliamentary committees or other bodies, including:

- Preparation of material to support the Members of the Privileges Committee for their meeting with the Tasmanian Joint Select Committee on Ethical Conduct in November 2008;
- Preparation of a submission by the President to the inquiry by the Committee on the Independent Commission Against Corruption into the protection of public sector whistleblower employees, and preparation of briefing material to support the President's and the Clerk's appearance before the Commission in December 2008;
- Preparation of background material for the Privileges Committee relating to a meeting with the Parliamentary Ethics Adviser, Mr Ian Dickson, in December 2008;
- A submission by the President to the Western Australian Select Committee into the *Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*.

Publications

One of the ten operational imperatives for 2009 identified in the Strategic Plan 2009 – 2011 was the publication of a detailed analysis of orders for papers and returns to orders 10 years after the handing down of the last of the Egan cases. The Egan cases were a series of three cases decided in the late 1990s concerning the power of the Legislative Council to order the production of state papers from the Executive Government.

The Procedural Training and Research Unit undertook this project in the first half of 2009, working on several aspects of the Egan decisions and the returns to orders process, including the system of responsible government in New South Wales, the efficacy of the call for papers process in holding the Executive Government to account, the immunity of documents that record the 'actual deliberations of Cabinet', claims of privilege in returns to orders and the role of the independent legal arbiter in relation to claims of privilege. The paper also took the opportunity to respond to recent comments on the House's use of its power to order the production of state papers by Associate Professor Anne Twomey.

The article has been accepted for publication in the Spring 2009 edition of the Australasian Parliamentary Review, expected to be published in late 2009.

Also published in the Autumn 2009 edition of the Australasian Parliamentary Review was an article by the Clerk of the Parliaments entitled 'The Declining Membership of the NSW Legislative Council Cross Bench and its Implications for Responsible Government'. This paper was originally delivered at the 2008 Australian Study of Parliament Group conference held in Brisbane in July 2008. The paper examined the impact of electoral reforms introduced after the 1999 election on the size and diversity of the Cross Bench in the Legislative Council. The changing membership of the Council Cross Bench at the subsequent 2003 and 2007 elections, but most significantly since the 2007 election, has in turn been reflected in a significant reduction in orders for papers being passed by the House, and the number of successful amendments to bills, highlighting the link between the electoral arrangements of the House, its resultant membership and the functioning of the House as a House of Review within the system of responsible government.

In 2008/09, the Procedural Training and Research Unit continued to publish the biannual Procedural Highlights, with assistance from the Table Office and Committee Office. This publication identifies significant procedures and precedents in the House and committees. It is circulated to all Council members and staff, together with parliamentary officers around Australia. In 2009, the Procedural Highlights were also placed on the intranet and the Parliament's public website for the first time.

The Procedural Training and Research Unit continued to contribute to the Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT) half-yearly bulletin entitled Parliament Matters, which identifies important procedural developments in parliament around Australia, together with the parliaments in New Zealand and Norfolk Island.

Electronic procedural precedents system

The Department has collected a vast array of procedural precedents for storage and future reference including written advice prepared by the Clerks, Minutes and Hansard references, journal articles, court cases, library research papers, newspaper articles and Government papers. For many years, these precedents have been stored in hard copy in the Clerk's Office.

In 2008, an ambitious project commenced to reconfigure the classification of the Council's procedural precedents and to convert the hard copy records into searchable entries on an electronic database, readily accessible by Department staff. The project encompasses most of the Department's collection of procedural research materials, some of which date back to the mid 1800s.

In the current reporting period, significant progress was made in the digital conversion of the hard copy materials. The process is already showing significant benefits, with staff able to readily access precedents and provide timely advice where previously the information was difficult to access and research.

The remaining hard copy precedents will be integrated into the new system in the 2009/10 financial year.

Procedural Training

The publication in June 2008 of New South Wales Legislative Council Practice has been used to develop a training framework involving training and seminars for the staff of the Department, members and their staff and other stakeholders, including the public service.

The Procedural Training and Research Unit conducted a number of training-related activities in 2008/09, implementing the objectives and aims contained in the Department's Strategic Plan 2009-2011 and the Department's Business Plan 2009-2011 – Enhancing procedural knowledge and skills.

Training in the procedures and practices of the Legislative Council has always been provided to Members of the Legislative Council, their staff, and staff of the Department of the Legislative Council. However, whereas training was previously provided on an ad hoc basis, the establishment of the Procedural Training and Research Unit has allowed for a more coordinated and systematic approach to procedural training and support. The Unit has developed a consistent framework for the delivery of training designed to improve the understanding of the role of the Legislative Council.

The Procedural Training and Research Unit undertook the following training-related activities in 2008-2009.

The Legislative Council Procedure and Practice Course

The Department's Business Plan 2009-2011 – Enhancing procedural knowledge and skills has as one of its objectives the development and delivery of material to address identified procedural knowledge requirements of members and their staff.

In response to this objective, during February 2009, the Procedural Training and Research Unit conducted a survey of Members and Secretary/ Research Assistants (SRAs). In response to the high level of interest arising from the survey, a 'Legislative Council Procedure and Practice Course' (the Procedure Course) was developed, with the objectives of:

- providing practical information on the fundamentals of Legislative Council practice and procedure

- equipping participants with the skills to effectively fulfil their roles
- providing an understanding of the function and services provided by the Procedure Office.

The Procedure Course was offered to all members and SRAs, however the content was particularly aimed at the needs of SRAs due to the high level of interest they had expressed in training opportunities. The course supplemented the existing one-on-one training already available to members and their staff on request.

The Procedure Course consisted of five one and a half hour sessions, held between May and June 2009, covering procedural topics such as the conduct of proceedings in the House, rules of debate, the role and function of committees, and the legislative process.

An evaluation of the Procedure Course showed that a majority of participants believed that the course had met its objectives. Participants noted that the course succeeded by providing practical information on the fundamentals of practice and procedure in the Legislative Council. Participants stated that they had found the course 'useful, informative, relevant and practical', and would like to see further training provided on a regular basis.

The Procedure Course will be conducted annually, with minor changes in response to participant feedback. Course materials have been developed for publication and placed on the Legislative Council's public website.

Department of the Legislative Council – staff training

Another of the objectives in the Department of the Legislative Council's Business Plan 2009-2011 – Enhancing procedural knowledge and skills is to improve the procedural knowledge and skills of Department staff. This objective reflects the Department's commitment to professional development for staff. In 2008, the Department delivered the following staff training programs:

- a table officer training program consisting of six one and a half hour sessions held fortnightly from Monday 7 July 2008
- a seminar program held on the Fridays of the same week for other staff of the Council.

The topics covered for both programs were drawn from *New South Wales Legislative Council Practice*, published in 2008, and included the New South Wales system of government, the conduct of proceedings in the Legislative Council, and the legislative process. The table officer training program was open to those staff of the Legislative Council working in or likely to work in the House as a Clerk at the Table. The staff seminar program covered the same topics in less detail and was open to all staff of the Legislative Council.

An evaluation of the two 2008 programs found there was a high degree of support for both programs and enthusiasm for the training to be continued. Accordingly, the two training programs were held again in 2009, commencing in April. Topics covered included parliamentary privilege, delegated and financial legislation and the legislative process.

Community access and engagement

The Department has conducted a number of activities to support the objectives contained in its Business Plan 2009-2011 – Community access and engagement. Such activities include enhancements to the Department's public website and the development of material for use in activities intended to improve the awareness and understanding of the role of the Legislative Council in the community. These activities will continue to be a major focus for 2009/10 and will be reported on in next year's annual report. For example, training programs for external clients, such as public sector agencies, are currently being developed. In addition, plans are underway to combine committee inquiry activity in regional areas with educational activities.

Privileges Committee

The Procedural Training and Research Unit is responsible for secretariat support to the Privileges Committee, under the direction of the Deputy Clerk. The Privileges Committee inquires into and reports on matters of parliamentary privilege referred to it by the House, and is the committee designated under the Independent Commission Against Corruption Act 1988 to undertake specific functions in relation to the Members' Code of Conduct.

For more information on the work of the Privileges Committee see: Report on Performance – Committees, page 44.

Procedure Committee

The Procedural Training and Research Unit is responsible for the Procedure Committee, under the direction of the Clerk. The Procedure Committee is established under standing order 205 and has an ongoing brief to review the standing orders and rules of the House. The Committee periodically reports to the House, recommending variations to standing orders, or the introduction of new procedures or rules.

2008/2009 Activities

* Inquiries	1
Meetings	1
Submissions	0
Reports	1

* *Inquiry into limiting debate, tabling of papers when the House is prorogued, absence of a quorum and rules in the galleries*

Referred by: Self reference under SO 205(2)(a)

Report date: 12 March 2009

Summary of self reference

The Committee adopted this reference under standing order SO 205(2)(a) in response to various matters raised by the President, arising in the House and raised by the Clerk.

Summary of report/recommendations:

The Committee recommended that:

- Standing order 198 be amended by way of sessional order to require that the subsequent procedural motion on the suspension of standing orders be put without amendment or debate.
- Standing order 55 be amended by way of sessional order to clarify arrangements for the tabling of documents when the House is prorogued.
- Standing order 106 concerning a question before the House interrupted by the lack of a quorum be amended by way of sessional order to address any inconsistency with SO 176(4).
- The House adopt by resolution of continuing effect rules for visitors to the President's Gallery and Visitor's Gallery.

Other comments

Following the tabling of the report, the above four recommendations were placed on the Notice Paper as Business of the House. Following consultation between the parties, the first three items were adopted by the House on 3 June 2009. The other item relating to rules for visitors remained on the Notice Paper at the end of the reporting period.

Other activities

In addition to the above report, the Committee also considered at its meeting on 12 March 2009 two discussion papers relating to the ICAC protocol for the execution of search warrants at Parliament House, and the placing of questions on notice during non-sitting periods.

The issue of a protocol for the execution of search warrants will be reported on in the next reporting period.



Committees

Role of Legislative Council Committees	33
Overview of committee activity	33
Government responses	34
Budget estimates inquiry	36
Improving service delivery	36
Standing committees	37
General purpose standing committees	46
Select committees	54
Performance on issues identified in future outlook 2007/08	54
Future outlook 2009/10	54
Video conferencing facility in Parliament House	55
Footage of budget estimates	55
Participation in strengthening Parliament activities	55
Assistance provided to Queensland Legislative Assembly	55

Committees

During 2008/09 there were 10 Legislative Council committees in operation, comprised of five standing committees and five general purpose standing committees. The committees were supported by the staff of the Legislative Council's committee section, which has 17 staff.

Role of Legislative Council Committees

Legislative Council committees are one of the Council's key mechanisms for scrutiny and review of executive activity and issues in the public interest. The core business of committees is to conduct inquiries.

Committee inquiries enable members to examine an issue in more detail than if the matter was considered by the House as a whole. Inquiries also enable members to obtain expert opinions and advice on complex policy matters.

Importantly, committee inquiries provide an opportunity for citizens to participate in and witness the development of public policy in New South Wales. Individuals and groups can put their views directly to elected representatives by making written submissions and giving oral evidence at public hearings and forums. In addition, copies of final reports and published committee documents are publicly available and in most cases hearings may be reported by the media.

Overview of committee activity

Activity	2008/09	2007/08	2006/07 ⁴	2005/06	2004/05	2003/04
Meetings ⁵	161	127	107	174	152	196
Inquiries	26	29	22	39	39	36
Consultation and public participation						
Submissions	1,491	681	245	1,021	3,005	1,169
Hearings	82	58	56	99	90	93
Witnesses (hearings and public forums)	668	622	417	875	879	934
Duration of hearings (hours)	383	300	206	265	368	331
Reports tabled	19	22	15	28	21	20

⁴ Committees in 2006/07 ceased operation in December 2006 when the House was prorogued for the March 2007 NSW State election. Prorogation is the act of the Government that brings to an end a session of Parliament and terminates all business before the House, including parliamentary committees. Figures therefore represent six months' activity.

⁵ Meetings refers to all meeting types including deliberative meetings, hearings, site visits, forums and briefings.

Committee membership reflects the diverse political make-up of the House. Most members of the Council (excluding ministers) are members of one or more of its committees. Members may also be on one or more of the joint standing committees administered by the Legislative Assembly.

Legislative Council committees operate under the authority of the House and share the privileges of the House. Committee procedures are determined by the House, and committee powers are outlined in the standing orders, sessional orders and resolutions relating to particular committees and inquiries. In addition, committees are regulated by the provisions of several Acts, including the Parliamentary Evidence Act 1901 (NSW), and guided by past precedents of the House and parliamentary practice and tradition.

Overview of committee activity

In 2008/09 the committees examined a diverse array of issues, including the management and operation of the NSW Ambulance Service, the privatisation of prisons and prison related services, the transport needs of Sydney's North-West sector, contamination of the former uranium smelter site in Hunters Hill, homelessness and low cost rental accommodation, and altruistic surrogacy. An overview of committee activity is provided in the following table:

In addition to the activities described in the table, the committees conducted 12 site visits. Sydney sites visited included City West Housing in Pyrmont, the Penrith and Sydney Ambulance Centres and the Long Bay Correctional Complex. Outside of Sydney the committees travelled to Armidale, Parklea, Cessnock, Junee, Griffith and Broken Hill.

Government responses

Under standing order 233(1), the Government is required to respond to the recommendations of a committee inquiry within six months of the tabling of the report. During the reporting period, ten Government responses fell due and all ten were provided.

The Government responses received are summarised in the following table:

Government responses to committee reports

Inquiry	Response due	Response received	Response to recommendations
Standing Committee on Law and Justice: The publication of the names of children involved in criminal proceedings	21 October 2008	30 October 2008	The Government supported 6 of the 8 recommendations made. The Government did not support an extension of the prohibition to cover the period prior to charges being laid to include children reasonably likely to become involved in criminal proceedings.
Select Committee on Electoral and Political Party Funding in NSW	19 December 2008	19 December 2008	19 recommendations have been implemented in whole or in part. Recommendations that were not accepted related to bans, caps or other restrictions on political donations or expenditure. The Government indicated that these issues should be examined as part of a co-ordinated national approach under the Commonwealth Government's Electoral Reform process.
Standing Committee on Law and Justice: The exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Ninth Review	2 March 2009	10 March 2009	The Response advised that the Government supported 10 of the 16 recommendations and that three were being given further consideration. Two recommendations were not supported, and one recommendation was made to the Legislative Council and agreed to by resolution of the House.
GPSC 5: The former uranium smelter at Hunter's Hill	30 March 2009	26 March 2009	The Government indicated it was either in the processing of undertaking or will undertake all of the Committee's recommendations.

Inquiry	Response due	Response received	Response to recommendations
Standing Committee on State Development: Nanotechnology in NSW	29 April 2009	29 April 2009	The Government response supported the thrust of the report's recommendations. The response advised that action was being taken to implement or address 10 of the 18 recommendations. The response advised that it would raise four of the recommendations with the Federal Government. Four recommendations were not supported.
Standing Committee on Law and Justice: The exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – First Review	30 April 2009	4 May 2009	The Response advised that action was being taken to implement the first recommendation. In relation to the second recommendation the Response stated that the current review arrangements were adequate and the Authority is currently preparing a paper on the provision of advocacy services within the Scheme.
GPSC 2: The management and operation of the NSW Ambulance Service	20 April 2009	4 May 2009	The Government stated that it is already addressing issues in relation to the majority of the report recommendations. New activity is to be initiated in response to three recommendations. No action will be taken on a small number of recommendations.
GPSC 2: The program of appliances for disabled people	15 June 2009	15 June 2009	The Government fully supported 12 of the Committee's recommendations. It partially supported boosting the program's funding, noting the Government had announced an additional funding enhancement of \$5 million from 2009/10 for NSW Health disability equipment. The Government did not support changing the eligibility criteria for the program. A further three recommendations are being considered and three were not supported.

Inquiry	Response due	Response received	Response to recommendations
GPSC 4: The transport needs of Sydney's North-West sector	19 June 2009	23 June 2009	The Government response supported three of the recommendations. The response indicated that the Government was taking action that was in general accord with four of the report's recommendations. Four recommendations were not supported.
Standing Committee on Social Issues: Overcoming indigenous disadvantage in NSW	27 May 2009	27 May 2009	The Government response supported or partially supported all of the recommendations of the Committee's final report.

Budget estimates inquiry

Each financial year, the five General Purpose Standing Committees (GPSCs) examine the budget estimates and related papers, presenting the amounts to be appropriated from the Consolidated Fund for Government programs and spending initiatives. The Inquiry into the budget estimates ensures parliamentary oversight of the budget, and provides a mechanism for the accountability of the executive government to the Council.

The way in which Budget Estimates was conducted changed considerably from previous years. The Legislative Council referred the inquiry in December 2007, six months prior to the tabling of the Budget Papers, setting down five days in October 2008 for initial hearings and a further five days in November 2008 for supplementary hearings.

Unlike previous years, all hearings were to be held within normal working hours, from 9.00 am to 6.00 pm during a non-sitting week. Considerable cost savings to the administration of Parliament resulted from this scheduling.

Committee examination of the budget estimates began with an initial round of hearings in October 2008. The hearings were conducted by the GPSCs according to their portfolio responsibilities, and were attended by the relevant ministers and accompanying departmental officials.

Following the initial round of hearings, seven supplementary hearings were held. The seven supplementary hearings held in 2008/09 compare to two held the previous financial year, and 14 the year before that. In total, 1800 questions were placed on notice, up from 800 the previous year.

Committee examination of the 2009/10 budget estimates will be covered in the next Annual Report.

Improving service delivery

Survey of inquiry participants

During 2008/09 the committee survey of inquiry participants continued. Witnesses who gave evidence at committee hearings were asked for their feedback on the work of committee staff in dealing with witnesses and arranging hearings⁶.

Completed questionnaires were received from 194 witnesses. Seventy-seven percent of witnesses gave evidence in a representative capacity, while the remaining gave evidence as private citizens. The results of the survey are summarised in the following table:



The Honourable Amanda Fazio and Stephen Frappell, Committee Clerk at a Budget Estimates Hearing.

⁶ The questionnaire was based on a witness survey used in the Scottish Parliament. It was initiated by Ms Merrin Thompson, Principal Council Officer, who participated in a staff exchange to Scotland in 2005/06.

Survey of inquiry participants

	Number	Percentage
Questionnaire responses	194	100
	Number	% (of respondents)
First-time witnesses	110	57
Committee staff professional and helpful		
– agreed	70	36
– strongly agreed	121	62
Committee staff approachable at hearings		
– agreed	55	28
– strongly agreed	136	70
Satisfaction with witness experience		
– Good/very good	172	89
– Neither good nor bad	13	7
– Poor/bad	7	4

Other service delivery initiatives

Committee staff met with a number of groups throughout the year, to promote the work of the Council and make the parliamentary process more accessible to the public, including:

- visiting parliamentary delegations from Australian and overseas jurisdictions
- students participating in the Education Department's secondary schools program.

A Committee staff member also gave presentations to students in the Public Interest Advocacy Centre's 'Practising in the Public Interest' course.

Standing Committees

The Legislative Council has three policy-oriented standing committees: the Standing Committee on Social Issues, the Standing Committee on State Development, and the Standing Committee on Law and Justice. These committees tend to conduct detailed inquiries into complex matters of public policy.

The Social Issues and State Development committees were appointed in 1988, and the Law and Justice Committee in 1995. The fourth standing committee, the Privileges Committee, was appointed in 1988. In addition to the four standing committees, the current standing orders adopted in 2004 provide that the Procedure Committee is to be appointed at the commencement of each Parliament.

The responsibilities of each of the four standing committees, plus the Procedure Committee, are outlined below:

- **Standing Committee on Social Issues**

Conducts inquiries on matters concerned with the social development of the people of New South Wales, including health, education, housing, ageing, disability, and children's and community services provided by the government and non-government sector. Exercises statutory functions under the Motor Accidents Compensation Act 1999 and the Motor Accidents (Lifetime Care and Support) Act 2006.

- **Standing Committee on State Development**

Conducts inquiries in the following key areas: economics and finance, commerce, infrastructure and planning, energy and utilities, natural resources, transportation, tourism, public administration, local government, primary industry, agriculture and fisheries, mineral resources, industrial and technological developments, science and medical research, environmental issues, and issues unique to, or predominant in, rural areas.

- **Standing Committee on Law and Justice**

Conducts inquiries on matters concerned with legal and constitutional issues including law reform, parliamentary matters, criminal and administrative law and the criminal justice system, police, corrective services and juvenile justice, industrial relations, emergency services and fair trading.

- **Privileges Committee**

Considers matters relating to parliamentary privilege referred to it by the House or the President; considers citizens' rights of reply to statements made about them in the House; and undertakes functions relating to members' ethical standards under Part 7A of the Independent Commission Against Corruption Act 1988. Known as the Standing Committee on Parliamentary Privilege and Ethics between 1995 and 2003.

- **Procedure Committee**

Required by standing order to consider any amendments to the standing orders; propose changes in practice and procedures of the House; and consider any matter relating to the procedures referred to it by the House or the President.



Standing committee membership

Membership of the five standing committees is summarised in the following table:

Member	Party	Social Issues Committee	State Development Committee	Law and Justice Committee	Privileges Committee	Procedure Committee
Ajaka, John	LP			Member		
Brown, Robert	S					Member
Catanzariti, Tony	ALP		Chair			
Clarke, David	LP			Deputy Chair		
Della Bosca, John	ALP					Member
Donnelly, Greg	ALP	Member		Member	Member	Member
Fazio, Amanda	ALP			Member	Member	Member
Ficara, Marie	LP	Member				
Gallacher, Michael	LP					Member
Gardiner, Jenny	N				Deputy Chair	
Gay, Duncan	N					Member
Griffin, Kayee	ALP				Chair	
Hale, Sylvia	G			Member		
Harwin, Don	LP				Member	Deputy Chair
Kaye, John	G	Member				
Kelly, Tony	ALP					Member
Khan, Trevor	N	Deputy Chair				
Macdonald, Ian	ALP					Member
Mason-Cox, Matthew	LP		Member			
Nile, Fred	CDP		Member		Member	Member
Pavey, Melinda	N		Deputy Chair			
Primrose, Peter	ALP					Chair
Robertson, Christine	ALP		Member	Chair		
Veitch, Mick	ALP	Member	Member			
West, Ian	ALP	Chair				

• ALP – Australian Labor Party • CDP – Christian Democratic Party • G – The Greens • LP – Liberal Party • N – The Nationals
• I – Independent • SP – Shooters Party

Standing committee activity

The activities of the five standing committees in 2008/09 are summarised in the following table:

Overview of standing committee activity

	Social Issues	State Development	Law and Justice	Privileges	Procedure
Inquiries	2	2	6	1	1
Submissions	81	112	395	0	0
Meetings	20	13	21	4	1
Hearings	3	9	8	0	0
Witnesses	101	75	97	0	0
Public forums	0	0	0	0	0
Forum speakers	0	0	0	0	0
Site visits	4	0	1	0	0
Reports tabled	1	1	3	1	1

Standing Committee on Social Issues inquiry

Inquiry into overcoming Indigenous disadvantage in NSW

Referred by: Minister for Aboriginal Affairs

Date: 25 September 2007

Report date: 27 November 2008

Hearings: 3

Submissions: 89

Inquire into and report on policies and programs within Australia and internationally aimed at closing the lifetime expectancy gap between Aboriginal and non-Aboriginal people.

Summary of terms of reference:

Inquire into and report on policies and programs being implemented both in Australia and internationally aimed at closing the gap between the lifetime expectancy between aboriginal and non-aboriginal people.

Summary of report/recommendations:

In its final report, the committee recognised that numerous inquiries and reviews have been conducted into Indigenous disadvantage with many suggestions for change, and yet Indigenous disadvantage remains. The 23 recommendations built on existing frameworks and tools and identified areas for improvement, including the way that government engages with Aboriginal communities and the way that restrictive bureaucratic systems result in a failure to address inherent problems within Aboriginal communities. The Committee also identified greater flexibility in service design, provision and implementation as a high priority for every government department.

Government response: Received 27 May 2009

Inquiry into Homelessness and low cost rental: Social Issues Committee

Referred by: Minister for Housing and Western Sydney

Date: 3 December 2008

Report date: Inquiry still proceeding at 30 June 2009

Hearings: 6

Submissions: 66

Summary of terms of reference:

Inquire into and report on policies and programs outside of mainstream public housing that are being implemented within Australia and internationally to reduce homelessness and increase the availability of key worker accommodation.

Standing Committee on State Development inquiries**Inquiry into nanotechnology in New South Wales**

Referred by: Minister for Science and Medical Research

Date: 5 December 2007

Report date: 29 October 2008

Submissions: 26

Hearings: 5

Summary of terms of reference:

Inquire into and report on issues relating to the emerging area of research and development in nanotechnology in NSW, including current and future applications, the appropriateness of current regulatory frameworks, the level of community understanding and engagement, and the support required to capture the benefits of nanotechnology while addressing health, safety and environmental concerns.

Summary of report/recommendations:

The report noted that the area of nanotechnology is as broad as science itself and that it is an area under constant development. Many of the issues the Committee examined were still, and continue to be, investigated and acted on by international, national and state agencies and departments.

The Committee reported that any new regulatory frameworks for the management of nanomaterials over their life cycle will be most effective if they are implemented nationally and applied consistently at the State and Territory level, with a clear and consistent national response.

The Committee made a number of recommendations to improve the State's capacity to foster research in nanotechnology and to improve public awareness of this field.

Other comments and background to the inquiry:

The Inquiry examined the impact on NSW of the Australian Government's National Nanotechnology Strategy, part of which included a review of the current national regulatory frameworks for nanomaterials.

Government response: Received 29 April 2009

Inquiry into the New South Wales planning framework

Referred by:	Minister for Planning
Date:	24 June 2008
Report date:	Inquiry still proceeding at 30 June 2008
Submissions:	114
Hearings:	8

Summary of terms of reference:

Inquire into and report on national and international trends in planning and the need for further development of the NSW planning framework and its underpinning legislation.

Other comments and background to the inquiry:

The NSW Parliament passed amendments to the Environmental Planning and Assessment Act 1979. During debate in Parliament on these amendments, the issue of whether there was a need for a systematic review of the NSW planning system as a whole was raised. This was the catalyst for the Inquiry being referred to the Committee.

Standing Committee on Law and Justice inquiries

Inquiry into the exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Ninth Review

Referred by:	Statutory review under section 210 of the Motor Accidents Compensation Act 1999 (NSW)
Date:	The Committee resolved to commence the Inquiry on 5 March 2008
Report date:	1 September 2008
Submissions:	10
Hearings:	1

Summary of terms of reference:

The Committee has an ongoing role in reviewing the exercise of the functions of the Motor Accidents Authority (MAA) and the Motor Accidents Council (MAC). The MAA is a statutory corporation that regulates the NSW Motor Accidents Scheme. It was established under the Motor Accidents Act 1988 on 10 March 1989 and continues to be constituted under the Motor Accidents Compensation Act 1999.

Summary of report/ recommendations:

In this Review the Committee focused on the Claims Assessment and Resolution Service (CARS), an early dispute resolution service for compensation matters. The Committee reported that the MAA and the MAC continue to perform their functions in a competent and effective manner and that CARS is performing well. The Committee made 16 recommendations relating to CARS and other aspects of the Scheme.

Other comments and background to the inquiry:

The Committee made a recommendation to the Legislative Council to consider amending the resolution designating its review role, so that reviews of the MAA and MAC were carried out biennially instead of annually. The Legislative Council supported this recommendation and the resolution was amended on 22 October 2008.

Government response: Received 10 March 2009

Inquiry into the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – First Review

Referred by	Statutory review under the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)
Date:	The Committee resolved to commence the Inquiry on 5 March 2008
Report date:	30 October 2008
Submissions:	9
Hearings:	1

Summary of terms of reference:

The Act requires a committee of the Legislative Council to 'supervise the exercise of the functions' of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. The Lifetime Care and Support Scheme commenced operation in October 2006.

Summary of report/ recommendations:

In this First Review the Committee explored a range of issues that have emerged since the Lifetime Care and Support Scheme's commencement, a number of which it has suggested should be monitored as implementation proceeds. It recommended extending the interim participation of children in the Scheme and that consideration be given to the independent review of decisions, and the provision of independent advocacy for participants in the Scheme.

Government response: Received 4 May 2009

Inquiry into legislation on altruistic surrogacy in NSW

Referred by:	Attorney General and Minister for Justice
Date:	22 July 2008
Report date:	27 May 2009
Submissions:	40
Hearings:	4

Summary of terms of reference:

Inquire into and report on whether NSW legislation requires amendment to better deal with altruistic surrogacy and related matters.

Summary of report/ recommendations:

The report noted the limited regulation of altruistic surrogacy in NSW and the contentious and divisive nature of the issue. The Committee adopted the principle of minimal government intervention, focusing its recommendations on areas where the process could be improved, rather than involving itself in the establishment of suitability and eligibility criteria.

Recommendations were made to improve the process by which parties enter into altruistic surrogacy arrangements, by way of appropriate counselling and legal advice, and to facilitate the transferral of parentage from the birth parent(s) to the intending parent(s).

Government response: Due 27 November 2009

Inquiry into adoption by same-sex couples

Referred by:	Minister for Community Services
Date:	27 November 2008
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	341
Hearings:	2 Full days and 1 half day

Summary of terms of reference:

Inquire into and report on law reform issues regarding whether NSW adoption laws should be amended to allow same-sex couples to adopt.

Second Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council

Referred by:	Statutory review under the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)
Date:	The Committee resolved to commence the Inquiry on 19 March 2009
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	14
Hearings:	1

Summary of terms of reference:

The Act requires a committee of the Legislative Council to 'supervise the exercise of the functions' of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. The Lifetime Care and Support Scheme commenced operation in October 2006.

Privileges Committee

Citizen's right of reply

Under standing orders 202 and 203, any person who has been referred to in the House by name, or in such a way as to be readily identified, may make a submission in writing to the President requesting that they should be able to include an appropriate response in the parliamentary record. The President then has the prerogative to refer the submission to the Privileges Committee for inquiry and report.

During the reporting period, the Committee tabled one report concerning a citizen's right of reply. Following a resolution of the House, the recommended reply was incorporated into Hansard. The right of reply was in response to comments made in an answer to a question on notice published in the Questions and Answers Paper.

Other activities

During the reporting period, the Committee met with the members of the Tasmanian Select Committee on Ethical Conduct as part of the Tasmanian Committee's inquiry into ethical conduct.

The Committee also met with the Parliamentary Ethics Adviser, Mr Ian Dickson, in accordance with the resolution of the House of 28 June 2007 appointing the Parliamentary Ethics Adviser.

Procedure Committee

Inquiry into limiting debate, tabling of papers when the House is prorogued, absence of a quorum and rules in the galleries

Referred by: Self reference under SO 205(2)(a)

Report date: 12 March 2009

Submissions: 0

Hearings: 0

Summary of terms of reference:

The Committee adopted this reference in response to various matters raised by the President, arising in the House and raised by the Clerk.

Summary of report/ recommendations:

The Committee recommended that:

- Standing order 198 be amended by way of sessional order to require that the subsequent procedural motion on the suspension of standing orders be put without amendment or debate.
- Standing order 55 be amended by way of sessional order to clarify arrangements for the tabling of documents when the House is prorogued.
- Standing order 106 concerning a question before the House interrupted by the lack of a quorum be amended by way of sessional order to address any inconsistency with SO 176(4).
- The House adopt by resolution of continuing effect rules for visitors to the President's Gallery and Visitor's Gallery.

Other comments:

Following the tabling of the report, the above four recommendations were placed on the Notice Paper as Business of the House. Following consultation between the parties, the first three items were adopted by the House on 3 June 2009. The other item relating to rules for visitors remained on the Notice Paper at the end of the reporting period.



General Purpose Standing Committees

The Legislative Council has five General Purpose Standing Committees (GPSCs), with each committee allocated responsibility for overseeing specific government portfolios. These accountability-oriented committees were appointed in 1997. A distinguishing feature of the GPSCs is that, in addition to receiving references from the House, they have the power to self-refer matters for inquiry. The GPSCs are also distinctive in not having a majority of Government members, thereby reflecting the composition of the House.

The ministerial portfolio responsibilities of each GPSC are outlined in the following table:

GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Premier	Health	Police	Transport	Energy
Arts	Central Coast	Rural Affairs	Illawarra	Mineral Resources
Treasury	Ageing	Lands	Planning	Primary Industries
The Legislature	Disability Services	Local Government	Redfern Waterloo	State Development
Regulatory Reform	Aboriginal Affairs	Mental Health	Fair Trading	Climate Change and the Environment
Infrastructure	Education and Training	Attorney General	Citizenship	Commerce
Finance	Women	Industrial Relations	Emergency Services	Water
Ports and Waterways	Community Services	Corrective Services	Small Business	Regional Development
Roads		Public Sector Reform	Science and Medical Research	Housing
		Special Minister of State	Tourism	Western Sydney
		Gaming and Racing	Hunter	
		Sport and Recreation	Health (Cancer)	
		Juvenile Justice		
		Volunteering		
		Youth		
		Veterans' Affairs		



General Purpose Standing Committee membership

Membership of the five GPSCs is summarised in the following table:

Member	Party	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Ajaka, John	LP			Deputy Chair		
Brown, Robert	S					Member
Catanzariti, Tony	ALP		Member			Member
Clarke, David	LP				Member	
Cohen, Ian	G					Chair
Colless, Rick	N					Deputy Chair
Donnelly, Greg	ALP		Member	Member		
Fazio, Amanda	ALP			Chair		
Ficara, Marie	LP		Member			
Gardiner, Jenny	N				Chair	
Griffin, Kayee	ALP	Deputy Chair			Member	
Hale, Sylvia	G				Member	
Kaye, John	G	Member				
Khan, Trevor	N			Member		
Lynn, Charlie	LP					Member
Mason-Cox, Matthew	LP	Member				
Moyes, Gordon	CDP		Member			
Nile, Fred	CDP	Chair				
Parker, Robyn	LP		Chair			
Pavey, Melinda	N	Member				
Rhiannon, Lee	G			Member		
Robertson, Christine	ALP		Deputy Chair			
Sharpe, Penny	ALP	Member	Member			
Smith, Roy	S			Member	Member	
Tsang, Henry	ALP				Member	
Voltz, Linda	ALP				Deputy Chair	Member
West, Ian	ALP	Member				
Westwood, Helen	ALP			Member		Member

- ALP – Australian Labor Party • CDP – Christian Democratic Party • G – The Greens • LP – Liberal Party
- N – The Nationals • S – Shooters Party

General Purpose Standing Committee activity

GPSC inquiries are generally initiated by the committees themselves, under their power to make a self-reference. GPSCs may also receive terms of reference from the House. In addition to undertaking inquiries into specific issues, GPSCs are responsible for the annual examination of the Budget Estimates. The activities of the five GPSCs in 2008/09 are summarised in the following table:

	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Inquiries	2	5	2	2	3
Submissions	0	265	453	185	0
Meetings	16	34	23	15	14
Hearings	12	21	11	9	9
Witnesses	51	145	75	69	55
Public forums	0	0	0	0	0
Forum speakers	0	0	0	0	0
Site visits	0	3	4	0	0
Reports tabled	2	4	2	2	2

General Purpose Standing Committee No 1 inquiry

Inquiry into Budget Estimates 2008-09: GPSC 1

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	5 March 2009
Hearings:	11
Submissions	0

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Roads, Ports and Waterways, Finance, Infrastructure, Regulatory Reform, The Legislature, Treasury, Premier, Arts.

Inquiry into the need for a mini-budget

Referred by:	Self-referred
Date:	24 September 2008
Report date:	30 October 2008
Submissions:	0
Hearings:	1

Summary of terms of reference:

Inquire into and report on the need for a mini-budget.

Summary of report/recommendations:

The Committee examined the need for a special mini-budget to reflect the changed fiscal outlook for New South Wales.

Other comments and background to the inquiry:

The Committee did not call for submissions given the short timeframe for the Inquiry.

Government response:

The report did not include any recommendations.

General Purpose Standing Committee No 2 inquiries

Inquiry into Budget Estimates 2008-09: GPSC 2

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	3 March 2009
Submissions:	0
Hearings:	8

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Health, Central Coast, Ageing, Disability Services, Aboriginal Affairs, Education and Training, Women, Community Services.

The management and operation of the NSW ambulance service

Referred by:	Self-referred
Date:	15 May 2008
Report date:	20 October 2008
Submissions:	96 (120 in 2007/08)
Hearings:	3
Site visits:	1

Summary of terms of reference:

Inquire into and report on the management and operations of the NSW Ambulance Service, including its management structure and staff responsibilities; recruitment; training and retention; occupational health and safety; and operational issues.

Summary of report/recommendations:

Key issues raised during the Inquiry included serious concerns about the Ambulance Service's management and culture, particularly the occurrence of bullying and harassment. The Committee made 45 recommendations. The Committee emphasised that the Minister for Health and Director General of Health are responsible for ensuring that the Service's senior executive are fulfilling their duties.

Other comments and background to the inquiry:

The Committee recommended that GPSC 2 conduct a review of the recommendations of the report in October 2009.

Government response: Received 4 May 2009

Inquiry into the Program of Appliances for Disabled People

Referred by:	Self-referred
Date:	26 June 2008
Report date:	15 December 2008
Submissions:	77
Hearings:	3

Summary of terms of reference:

Inquire into and report on the Program of Appliances for Disabled People (PADP), including adequacy of funding, impact of client waiting lists on other health sectors, effects of centralising lodgement centres, appropriateness and equity of eligibility requirements, and future departmental responsibility for the PADP.

Summary of report/recommendations:

The Committee made 21 recommendations. The key recommendations were to boost the program's funding and offer the program on an entitlement rather than eligibility basis. Other recommendations were designed to improve the provision of services and administration to more adequately support the needs of people with a disability.

Other comments and background to the inquiry:

In 2006 PricewaterhouseCoopers prepared a report for the NSW Government, following a major review of the program. The NSW Government supported and had begun implementing 21 of the 30 recommendations, including centralising PADP functions.

Government response: Received 15 June 2009

Inquiry into the governance of NSW universities

Referred by:	Self-referred
Date:	13 October 2008
Report date:	1 June 2009
Submissions:	35
Hearings:	4

Summary of terms of reference:

Inquire into and report on the current state of governance of NSW universities.

Summary of report/recommendations:

The report made 12 recommendations to improve university governance in NSW. The Committee recommended greater flexibility for university governing bodies to tailor their governance arrangements to meet their specific needs. Other recommendations included that universities be able to remunerate governing body members and to have access to an effective mechanism to dismiss a Chancellor.

Government response: Due 1 December 2009

Inquiry into bullying of children and young people

Referred by:	Self-referred
Date:	4 December 2008
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	57
Hearings:	3
Site visits:	1

Summary of terms of reference:

Inquire into and report on best practice approaches to reduce bullying of children and young people.

General Purpose Standing Committee No 3 inquiry**Inquiry into Budget Estimates 2008-09: GPSC 3**

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	9 December 2008
Submissions:	0
Hearings:	8

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Local Government, Mental Health, Police, Lands, Emergency Services, Attorney General, Justice, Industrial Relations, Gaming and Racing, Sport and Recreation, Juvenile Justice, Volunteering, Youth

Inquiry into the privatisation of prisons and prison-related services

Referred by:	Self-referred
Date:	17 December 2008
Report date:	5 June 2009
Submissions:	453
Hearings:	4
Site visits:	3

Summary of terms of reference:

Inquire into and report on the impact, costs and experiences of privatisation of prisons and prison-related services in NSW and other jurisdictions.

Summary of report/recommendations:

The Inquiry arose after a decision was made by the NSW Government to privatise Parklea and Cessnock prisons and the Court Escort Security Unit (CESU). The Committee made 18 recommendations, which included extending plans to delay privatisation of the CESU, improving transparency and accountability in prisons, and allowing privately run prisons to revert to public management should they fail to meet fundamental contractual obligations.

Other comments and background to the inquiry:

After submissions had been made to the Inquiry the NSW Government reversed its decision to privatise Cessnock prison. It re-confirmed its decision to privatise Parklea, and put a six-month hold on the privatisation of the Court Escort Security Service.

Government response: Due 5 December 2009

General Purpose Standing Committee No 4 inquiry

Inquiry into Budget Estimates 2008-09: GPSC 4

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	5 March 2009
Submissions:	0
Hearings:	6

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Transport, Illawarra, Planning, Redfern Waterloo, Fair Trading, Citizenship, Small Business, Science and Medical Research, Tourism, Hunter.

Inquiry into the transport needs of Sydney's North-West sector

Referred by:	Self-referred
Date:	29 August 2008
Report date:	19 December 2008
Submissions:	185
Hearings:	3

Summary of terms of reference:

Inquire into and report on the requirements and plans for an integrated transport system in the North-West sector; the proposed funding for transport including the distribution of developer and State infrastructure levies; and the plans and funding for the North-West Metro and the NSW Government's decision not to proceed with the North-West heavy rail link.

Summary of report/recommendations:

The report confirmed that for some time the North-West sector had been disadvantaged from a lack of significant and adequate public transport infrastructure. The report made 11 recommendations related to continued and improved planning for major rail transport infrastructure in the sector; and for a number of immediate enhancements to road and bus services.

Other comments and background to the inquiry:

At the time the Inquiry was established the NSW Government was committed to delivering the North-West Metro in preference to its previous commitment to a North-West heavy rail link. Examination of this decision was part of the terms of reference for the Inquiry. However, during the course of the Inquiry the Government announced that the implementation of the Metro was indefinitely deferred.

Government response: Received 23 June 2009

General Purpose Standing Committee No 5 inquiries

Inquiry into Budget Estimates 2008-09: GPSC 5

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	November 2008
Submissions:	0
Hearings:	7

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Climate Change and the Environment, Commerce, Primary Industries, Mineral Resources, Energy, State Development, Water, Rural Affairs, Regional Development, Housing, Western Sydney.

Inquiry into the former uranium smelter at Hunter's Hill

Referred by:	Self-referred
Date:	14 May 2008
Report date:	30 September 2008
Submissions:	0 (23 in 2007/08)
Hearings:	2

Summary of terms of reference:

Inquire into and report on the Radium Hill uranium smelter site in Nelson Parade, Hunters Hill.

Summary of report/recommendations:

The operation of a uranium refinery between 1911 and 1915 in Hunter's Hill resulted in radioactive contamination of the refinery site and nearby properties. The Committee's 12 recommendations addressed the need for thorough retesting of all properties on Nelson Parade and nearby streets, with the cost of remediating all contaminated areas to be borne by the NSW Government.

Government response: 26 March 2009

The Government indicated it was either in the processing of undertaking or will undertake all of the Committee's recommendations.

Inquiry into rural wind farms

Referred by:	Self-referred
Date:	25 June 2009
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	0
Hearings:	0

Summary of terms of reference:

Inquire into and report on the social, environmental and economic costs and benefits of rural wind farms.

Select committees

Select committees are appointed by the Council to inquire into a particular issue. Joint select committees, made up of members from both Houses, can also be formed by either the Council or the Legislative Assembly. Once a Select Committee reports on the matter that it was established to inquire into, the committee ceases to exist.

There were no select committees appointed by the Council during 2008/09.

Performance on issues identified in Future Outlook 2007/08

Issues identified in Future Outlook 2007/08	Progress in 2008/09
Continue to strive for excellence in the provision of services to members	<ul style="list-style-type: none"> • Provided sound advice on a number of high-profile and procedurally challenging inquiries • Produced well-developed policy recommendations in relation to complex and challenging subject matter
Continue to strive for excellence in making the parliamentary process accessible to the public	<ul style="list-style-type: none"> • Continued surveys to measure witness satisfaction with the role of committee staff and the committee process • Engaged with visitors and students in Education Department programs and presented to students in the Public Interest Advocacy Centre's 'Practising in the Public Interest' course
Staff will benefit from the standardisation of committee practices	<ul style="list-style-type: none"> • Continued consistency of minutes and administrative practices across committees, due to implementation of a standardised minutes templates and the Manual on Administrative Practices for Staff of the LC committees
Staff will become increasingly flexible in their work practices as they are required to work across several committee inquiries simultaneously	<ul style="list-style-type: none"> • Staff structure continued to meet shifting workloads between committees, maintaining a high level of service delivery to all committees and ensuring an equitable distribution of work between staff
Staff will continue to maintain their high service standards following changes to staff structure in 2006/07	<ul style="list-style-type: none"> • Continued to successfully operate with the new staff structure of three rather than four committee directors, while maintaining current levels of support to staff and members

Future Outlook 2009/10

Legislative Council committees will continue to strive for excellence in the provision of services to the members and making the parliamentary process accessible to the public. Staff will continue to:

- align committee training materials and procedural advice with NSW Legislative Council Practice
- deliver training programs to, and engage with, members and staff from other Parliaments, with a focus on parliamentary committee systems in the Asia Pacific region
- engage with stakeholders to improve understanding of committee processes, through the delivery of structured workshops and seminars to target groups.

Video conferencing facility in Parliament House

During 2009 several inquiries, particularly involving the Law and Justice Committee, took evidence from interstate witnesses by use of teleconference. Members requested access to video conference facilities, a request raised with the IT section of the Department of Parliamentary Services. In May 2009 a project group was established involving the IT section and committee staff of both the Legislative Council and the Legislative Assembly, to work with a consultant to establish in-house video conferencing facilities. A business case was prepared by the consultant and approved by the Presiding Officers. Equipment was purchased and installed in the Waratah Room for use by committees of both Houses.

An implementation team is currently working on preparing guidelines for use of the facilities and training of staff. These facilities will be used for committee inquiries in 2009/10. Considerable savings in witness expenses are expected, as witnesses will no longer need to travel to Sydney for hearings. These facilities will also enhance the ability to draw upon interstate experience without the need for committee travel.

Footage of Budget Estimates

During the 2008/09 Budget Estimates inquiry the Committee Office contracted Greg Kay Productions to film footage of Estimates hearings. This footage has been edited and is used in various training activities such as training of Legislative Council staff, and members and their staff in Estimates procedures, seminars delivered to staff in the Department of Parliamentary Services and the Legislative Assembly, and training staff from overseas parliaments as part of the Department's capacity building initiatives.

Participation in Strengthening Parliament activities

A feature of 2008/09 was the growing involvement of Committee staff in Strengthening Parliament activities within the Pacific region. Details of these activities are reported elsewhere in the Annual Report.

Assistance provided to Queensland Legislative Assembly

In March 2009 Steven Reynolds, Clerk Assistant Committees was invited to provide expert assistance to a management consultant, Mr Wayne Bovey, in undertaking a review of the Queensland Committee Office. Mr Reynolds attended and assisted in interviews of committee and other parliamentary staff held in the week 16-20 March and provided advice to Mr Bovey in the formulation of his report delivered to the Clerk of the Parliaments, Queensland Legislative Assembly in April 2009. The report's recommendations are currently being implemented.





Protocol

Overview	57
Overseas delegations and visitors to the Parliament	57

Protocol

Overview

The protocol functions for the Legislative Council are the responsibility of the Usher of the Black Rod. This involves co-ordination of ceremonial events related to the House, delegations and consular visits, room booking approvals, management of chamber and support services and management of the Fountain Court exhibitions.

During the past year the protocol functions of the Usher were supported by the Senior Council Officer – Protocol, and exhibitions were coordinated by the Council Officer Assistant – Office of the Clerk.

Overseas delegations and visitors to the Parliament

On 1 September 2008, the President hosted a lunch for Baroness Ashton of Upholland, Lord President and Leader of the House of Lords on a visit to New South Wales to meet their opposite numbers in the state government, observe and learn from other second chambers, visit organisations with close working links to the United Kingdom and engage with organisations on human rights and constitutional renewal.

On 5 September a delegation from the Riksdag Committee on Civil Affairs, Sweden visited the Parliament. The delegation consisted of nine members of the Riksdag and two officials, led by Deputy Chair of the Committee, Ms Inger René. The group were taken on a tour of the building including both chambers. The group also viewed the rooftop solar panels and the other environmental initiatives of the Parliament.

Also on 5 September, the President hosted a lunch for the Honourable John O'Donoghue, Speaker of the House of Oireachtas, and a delegation of members from the Irish Parliament followed by a tour of the building.

A delegation from the Cook Islands Parliament visited the Parliament on Monday 22 September 2008. The delegation of seven, led by the Honourable Mapu Taia OBE, Speaker, included members and the Clerk of the Cook Islands Parliament. Both the President and the Deputy Speaker hosted a lunch in the Strangers' dining room and the Consul General, Sir Ian Turbott, also joined the group.

A delegation of four members of Parliament from the Namibian National Council visited the Parliament on 27 and 28 November 2008. The members - the Hon Hafeni Ludwig Ndemula MP, the Hon Phillemon Ndjambula MP, the Hon Leevi Shiimi Katoma MP and the Hon Rosalia Mwadina Mwashekele-Sibiya MP - are all members of the committees of the Namibian National Council, and were accompanied by Committee Clerk, Ms Mara Bessinger. The delegation met with staff of the Legislative Council committees on both days, discussing the work and functions of the Legislative Council's Standing Committees. The visit provided an excellent opportunity for staff of the Legislative Council committees to learn more about the similarities and differences between the two Upper Houses.

An official parliamentary delegation from the Parliament of the Republic of Indonesia visited the Parliament on 3 December 2008. The official trip was organised by the Federal Parliament and included a visit to Question Time in the Legislative Council. The leader of the delegation, His Excellency Mr Agung Laksono, Speaker of the House of Representatives of the Parliament of the Republic of Indonesia, was invited to take a chair on the dais and was welcomed into the House by the President. Following the visit to the Chamber, the delegation attended an official lunch in the President's dining room, hosted by the President and Speaker.



His Excellency Mr Agung Laksono, Speaker of the House of Representatives of the Parliament of the Republic of Indonesia on the floor of the House.

On Friday 5 December, a seven member Taiwanese parliamentary delegation, arranged through the office of the Honourable Duncan Gay MLC, spent the morning at Parliament, was given a Chamber talk in both Houses and met with various parliamentary staff.

On 10 February 2009 Ms Loraine Abernethie, Principal Research Officer from Legislative Assembly of the Western Australian parliament met with the Clerk Assistant Committees and Usher of the Black Rod, Steven Reynolds, followed by a meeting with committee staff members, Rachel Simpson and Teresa Robinson.

On 23 February 2009 the Legislative Council co-hosted a delegation of 15 Clerks from countries around the world for a day-long program on the NSW Parliament. The Inter-Parliamentary Study Group is organised by the House of Representatives as an annual event, and includes visits to state legislatures. This year, as part of the Legislative Council's program, delegates were taken to view a hearing of the inquiry into privatisation of prisons.

Following a reference by the Legislative Council of Victoria that the Standing Orders Committee inquire into the establishment of a new committee structure, on Thursday 26 March 2009 the committee visited the Legislative Council to examine the number, composition, structure and functions of our committees, together with the staffing and resources required for the effective operation of the committees. The Standing Orders Committee met with committee chairs, including Ms Christine Robertson (Law and Justice), Mr Tony Catanzariti (State Development, Mr Ian West (Social Issues), Reverend Mr Fred Nile (GPSC1), Ms Robyn Parker (GPSC2), Ms Amanda Fazio (GPSC3), Miss Jennifer Gardiner (GPSC4) and Mr Ian Cohen (GPSC5). They also met with the Clerk Assistant – Committees and Usher of the Black Rod, Steven Reynolds, committee staff, and Whips, including Mr Greg Donnelly, Mr Michael Veitch, Mr Don Harwin and Mr Richard Colless. The delegation was escorted on a tour of the building and attended sittings of both Houses.

Events in the Parliament 2008/2009

During July 2009, the Fountain Court hosted "Homage to the Olympic Spirit", an exhibition of 29 poems, rendered in calligraphy by the artist Liang Xiao Ping and her students. Following the exhibition, Liang Xiao Ping, on behalf of the Australian Academy of Chinese Calligraphy, presented two books to the Parliament. The books, presented on 29 July, included "Paeon to the Beijing Olympiad", a 132-page volume similar to the book presented to the Chinese Central Government by Mr John Coates of the Australian Olympic Committee and "Homage to the Olympic Spirit", a 116-page volume of the calligraphy exhibition held in the Fountain Court. These beautiful publications have now been added to the collection of the Parliamentary Library.



Parliamentary Librarian Greig Tillotson, Mr William Lai, artist Liang Xiao Ping with the Speaker, the Honourable Richard Torbay MP.

In the chamber on 18 December 2008 the United Nations Association of Australia (New South Wales) held "In his lifetime", an event covering migration from Australia's days of settlement to the present day. The event aimed to enhance harmony and unity across the State. The President welcomed participants at the commencement of proceedings.

Macquarie Night Lights

To enhance the festive spirit within the city, the Parliament again took part in the Macquarie Night Lights—a nightly series of projections portraying striking images of Sydney in summer. The Parliament participated in the program which ran from the end of November until Christmas and signifies the NSW Government's commitment to and support of the City of Sydney's "Christmas in Sydney" program.

On Thursday 16 October, an event titled "Paint the Town Read" was held in the chamber. This event followed on from the success of the project "Paint the West Read", a book relay staged in western New South Wales, visiting over 60 towns and travelling over 5,500 kilometres. The project commenced in Parkes and has spread across western New South Wales aimed at developing early literacy skills in children using a community capacity building model. The team from Parkes, which included a Fire Truck, Reading Bug and Wild Thing mascots, arrived at Parliament and were greeted by visitors dressed in red. The reading event then took place in the Legislative Council chamber.



Fire Truck and Town Crier arriving at Parliament for the reading event "Paint the Town Read".



'Paint the Town Read' event.

Australia Day

On 26 January Parliament House again opened its doors for Australia Day. Visitors enjoyed viewing the two chambers, and staff in both Houses gave informative talks during the day. This year the Mace was displayed on the table in the Legislative Assembly chamber. The many visitors also enjoyed the exhibition in the Fountain Court commemorating the 30-year jubilee of the historical Wieliczka Salt Mine in Poland, while a string trio played chamber music in the area. Approximately 4500 people visited Parliament as part of the Sydney-wide celebration coordinated by the Australia Day Council.



Simon Johnston with visitor, Angela Sun, in the Legislative Council chamber.

Commonwealth Day

On the second Monday in March each year 'Commonwealth Day' is celebrated and once again the NSW Parliament was the venue for a gala luncheon, with over 100 school students participating in activities prior to and during the luncheon.

On Monday 9 March the day's activities commenced with a student debate in the Legislative Assembly chamber. Her Excellency the Governor and Sir Nicholas Shehadie were met by the Speaker, President and Mrs Janet Stewart, President of the Commonwealth Day Council, and approximately 50 students from Scots College Pipes and Drums formed an honour guard and played a Vice-Regal Salute. The official party moved through a flag display in the Fountain Court before moving to the Strangers' Dining Room for lunch. A number of VIP's attended including the Honourable Philip Ruddock MP and former President of the Legislative Council, the Honourable Max Willis.



The Governor inspecting the honour guard on Commonwealth Day.

Fountain Court exhibitions

The Fountain Court is the venue for free monthly art exhibitions which are relevant to New South Wales and hosted by a sitting member of Parliament. The exhibitions are coordinated through the office of the Usher of the Black Rod and Chamber and Support staff provide assistance through the installation of works. This year 15 organisations exhibited in the Fountain Court. An application form for exhibitions is now available on the Parliament's website at www.parliament.nsw.gov.au.

Fountain Court exhibitions during the year included:

- Academy of Chinese Calligraphy featuring specially written poetry relating to the Beijing Olympic Games
- John Richardson School of Art presented an exhibition forming part of the Keelong Juvenile Justice Centre Visual Arts programme
- Fort Street High School exhibited artworks using drawings, photography, digital graphics and paintings to develop meanings that communicate ideas and interests about the city of Sydney
- Australian Egyptian Council Forum presented "Fraternite", an exhibition comprising oil paintings, Coptic icons and photographs
- COPMI Quilt (COPMI being an anagram for Children of parents with a mental illness) with artwork displayed on the quilt produced by 17 children from the Sutherland Shire in Sydney who live with families affected by mental illness
- Manly Village Public School displayed a time line of the history of the school as part of their celebrations to commemorate 150 years of continuous public education
- a group of artists from the south-west precinct of Sydney who have a strong connection to the University of Wollongong and to the Sydney College of the Arts
- Consulate General of the Republic of Poland presented an exhibition to commemorate the 30-year jubilee celebration of the historical Wieliczka Salt Mine
- Newtown Neighbourhood Centre presented an exhibition showcasing the work of 15–20 artists
- Royal Art Society of New South Wales – Lavender Bay Gallery displayed paintings by members of the Royal Art Society
- an artist co-operative located mainly on the northern beaches of Sydney celebrated sustainable diversity in its "Northern Expressions in Session" exhibition
- an exhibition by a group of local artists with Latin American backgrounds acknowledging the 50th Anniversary of the Cuban Revolution.

Art Prizes displayed in the Fountain Court

During the month of October the works of finalists of the 2008 Indigenous Art Prize were displayed in the Fountain Court. The New South Wales Parliament, in conjunction with Campbelltown Arts Centre, sponsors this annual acquisitive prize. On Wednesday 22 October the winner of the fourth Indigenous Art Prize, awarded to an Indigenous visual artist over the age of 18, was announced at a function held in the Fountain Court. The winning entry "My Reconciliation" by Mr Danny Eastwood takes a nostalgic look at the urban Aboriginal experience and celebrates the way in which Aboriginal communities survived and thrived in the inner city. Following the Fountain Court exhibition, Museums and Galleries NSW selected works from the 2008 finalists and arranged a touring exhibition of country galleries within New South Wales.

During the year, the Legislative Council assisted in the handover of the art prize to the Department of Parliamentary Services, which will organise the event in the future.



Mr Danny Eastwood's 'My Reconciliation'.

The second year of the acquisitive Parliamentary Plein Air Art Prize was displayed in the Fountain Court area throughout the month of May. The term 'en plein air' refers to the practice of painting out of doors, in direct engagement with nature, where the transitory effects of light can be observed and recorded.

This year's judge was the Director of the Art Gallery of New South Wales, Mr Edmund Capon AM, OBE. The winner of the prize was Mr Rodney Pople with his oil on wooden board "St Mary's Cathedral at 4.00am". The winning painting will join Euan Macleod's winning entry from last year and form part of an ever growing and significant permanent collection held within Parliament House in perpetuity for the people of the New South Wales.

Public areas of the Legislative Council

At the beginning of 2009 a television monitor was placed in the Legislative Council foyer. This newly installed monitor allows for live broadcast of proceedings of the Legislative Council. This allows ministerial staff, government advisers and members of the public to follow the proceedings in the chamber from the foyer.

The Legislative Council has also seen a number of changes in relation to current and historic photographs in the public areas.

In line with the President's request to profile current members of the Legislative Council more clearly in the public areas of level 7, a large photoboard, displaying current members in alphabetical order, was produced and now hangs in the entrance. Following an election or the resignation of a member, the design of the board allows for a change in photograph and details. Beautiful detailed paintings of waratahs, the floral emblem of the State, have been included along with hand painted calligraphy. Current members are now also portrayed in the current House in Session photograph, located next to the members' photoboard.

Also in the entrance, we now have a full photographic record of all Presidents of the Legislative Council from 1856 to the present day.

For archival purposes three historic photoboards had their backing replaced and the glass replaced with perspex. These photoboards now hang at the Legislative Council entrance to the Fountain Court. They include:

1. 150th Anniversary of Australia, 26 January 1938.
2. The Opening of Parliament by Her Majesty Queen Elizabeth II, 4 February 1954.
3. 175th Anniversary of the Founding of Australia, 26 January 1963.

The more recent photoboards including the commemoration of the Centenary of Federation in 2001 and the Sesquicentenary of Responsible Government in 2006 now hang in the antechamber at the entrance to the chamber.

Individual framed photographs of Chairs of Committees have now been reframed in a collage, similar to that of Chairs prior to 1912, and this now hangs in the antechamber at the entrance to the chamber. This montage also includes a hand painted waratah.



Current members photoboard in the Legislative Council entrance.

Chamber and Support

Overview	64
A history of the attendant staff	64
Talks to visitors	64

Chamber and Support

Overview

The Chamber and Support staff of the Legislative Council provide a vital role in supporting members and the public through a range of duties including:

- Providing a front of house function on level 7, including assisting visitor inquiries by person and by phone
- Assisting in various aspects of the chamber during sittings, including setup, distribution of amendments to bills, relaying of tabled documents, messages and assisting the Procedure Office and Hansard
- Delivering talks to schools and other groups in the chamber on a daily basis
- Making room bookings and set up of rooms for committee meetings and other functions
- Assisting committee hearings, including the Budget Estimates hearings
- Logistic support for the monthly Fountain Court exhibitions.

On 2 April 2009 the Manager of Chamber and Support Services, Maurice Rebecchi, celebrated his 25-year anniversary of working in the Legislative Council. The Clerk of the Parliaments recognised the milestone with a morning tea, attended by Maurice's friends and colleagues from the Council.

A History of the Attendant Staff

In October 2008 a booklet was produced detailing the almost 180 year history of the Legislative Council Attendant staff.

This booklet documents the history of the Attendant staff since 1829 when the Legislative Council moved to its present site by occupying part of the northern wing of the Sydney 'Rum' Hospital, now Parliament House.

The booklet highlights continuity and tradition of the Department, even though over the years the duties and roles have changed and expanded to fill the needs of the parliamentary administration, the members and the public.

Talks to visitors

Approximately 25,000 visitors attended the parliamentary precinct to view the public areas and attend chamber talks. These visitors included students from various educational institutions, members of clubs, senior citizens and special interest groups. However, the majority of visitors were students from primary and secondary schools within New South Wales.



Maurice Rebecchi, Manager Chamber and Support with Lynn Lovelock, Clerk of the Parliaments and Steven Reynolds, Clerk Assistant Committees and UBR, celebrates 25 years of service.



Lucy Smith, Chamber and Support, attending at the LC Foyer.



Chamber and Support staff members.

Corporate Management and Activities

Transfer of Corporate Support	66
Staffing	66
Equal Employment Opportunity	66
Occupational Health and Safety	67
Employee Assistance Program	67
Professional Development and Training	67
Conferences and Seminars	68
Code of Conduct	69
Working in the Legislative Council Professional Development Program	69
NSW Aboriginal and Torres Strait Islander Cadetship	69
Overseas Travel	70
Use of Consultants	70
Records Management	70
Farewell to a friend and colleague	71
Management committees and corporate activities	72
Results and Services Plan	72
Audit	73
Insurance	73

Corporate Management and Activities

Transfer of Corporate Support

During the reporting year the Presiding Officers of the Parliament made a decision, based on the findings of an Internal Audit Bureau review, to centralise the functions of human resources and members services under the newly established Department of Parliamentary Services (DPS). This involved the transfer of both staff and services from the House Departments to DPS on 1 January 2009.

The Legislative Council worked in cooperation with the Legislative Assembly and DPS to develop and deliver an implementation process that resulted in minimal levels of disruption to the corporate services provided to members and staff. The Legislative Council commends the high level of professionalism that staff members demonstrated during this period and wish all staff who transferred success in their new Department.

Staffing

The Department of the Legislative Council has 39 staff members charged with providing advisory, research and support services to the House and its committees from the principal program areas of Procedure and Committees.

In addition, the Department employs 47 Secretary/ Research Assistants who provide administrative support in the offices of members of the Legislative Council.

Equal Employment Opportunity (EEO)

The Department of the Legislative Council is committed to providing a workplace that provides equal employment opportunity for potential and existing employees. The Department's commitment is evidenced by:

- **Merit Selection** – the Department's recruitment processes are underpinned by the principles of merit selection
- **Flexible work practices** – the Department provides employees with access to a range of flexible work practices to assist staff to achieve a balance between their professional and personal life. Many of our staff have returned from maternity leave on a part-time basis. Other flexible work practices and family friendly conditions of employment used by staff include working from home arrangements, variations to working hours, family and community service leave, and flex time.
- **Fair work practices and procedures** – the Department has a raft of policies in place that provide for a harassment free workplace, grievance mechanisms, performance development and workplace diversity. The implementation of these policies has been supported through training for staff and managers.

The Department contributes EEO data for the Department of Premier and Cabinet's Workforce profile, which measures performance in meeting NSW Government employment benchmarks for employees from EEO minority groups.

EEO Benchmark Data 2009

Representation	Legislative Council	Benchmark/ Government Target
Women	57%	50%
Aboriginal or Torres Strait Islanders	1.4%	2%
People whose Language first spoken as a child not English	18%	20%
People with a disability	2%	12%
People with a disability requiring work-related adjustment	N/A	7%

Women are well represented within the Department and occupy six of the 10 management/supervisory positions the Department has on its establishment.

The Department will use the data in planning and developing EEO initiatives to increase representation across all minority groups.

The Parliament of New South Wales has an agency sponsorship agreement with Nanbaree Child Centre, located in Margaret St, Sydney. This agreement gives the staff of the Department priority of access to the childcare facilities Nanbaree provides for children aged 0-5 years of age. In addition, the Department will pay a subsidy of \$10 per day to staff for each day of childcare they use at Nanbaree.

Occupational Health and Safety

The Department of the Legislative Council is committed to ensuring workplace health and safety for our employees. During the year, the Department arranged for training for two of our staff members to equip them with the necessary skills to undertake workplace ergonomic assessments. These assessments are undertaken for new employees as part of their induction process. Existing staff who have changed work locations or who are experiencing discomfort at their existing workstation may also arrange for a workplace ergonomic assessment.

The Department of the Legislative Council is a party to the Parliament's Occupational Health and Safety Policy and is represented on the Parliament's Occupational Health and Safety Committee.

During the reporting year, the Department achieved its goal of zero work-related injuries. There was however, one injury that occurred during a journey between the work place and the employee's home, which resulted in a workers' compensation claim.

The Department received three reports of work place incidents and four reports of non work-related incidents, none of which resulted in the lodgement of a workers compensation claim.

Employee Assistance Program

In conjunction with the Legislative Assembly and the Department of Parliamentary Services, the Department engages the services of Davidson Trahaire Corpsych to provide counselling and avenues of support for staff who may be experiencing personal or work related problems. The service is completely confidential and voluntary. During the reporting year, three Legislative Council staff members used the service.

Professional Development and Training

Internal Training

As mentioned previously (see Section: Report on Performance, page 27), the Procedural Research and Training Unit was established during the year. A principal responsibility of the Unit is to develop programs to enhance the procedural knowledge and skills of staff of the Legislative Council.

Since its establishment, the Unit has developed and delivered training for staff covering topics such as the NSW system of government, the conduct of proceedings in the Legislative Council, the legislative process, parliamentary privilege, and delegated and financial legislation.

Executive Development Program

The Executive Development Program, supported by the Department of Premier and Cabinet, aims to build the skills and attributes of future leaders in the NSW Public Sector. This year, Ms Rachel Callinan - Committee Director was selected by the Department of the Legislative Council to participate in the Program. The program, delivered over 10 months, involves three intensive modules, a number of 'fireside chats' at which participants hear from an inspirational leader, and completion of a work-based project. Rachel said of her experience:

'The EDP has been an excellent opportunity to contextualise my work practices and experience within the broader public sector. It is really beneficial to take time out of my working life to analyse my 'leadership' skills and identify how they can be developed. I have greatly appreciated the Legislative Council supporting my participation in the program'.

Parliamentary Law, Practice and Procedure Program

Each year the Australian and New Zealand Association of Clerks at the Table (ANZACATT), the professional development body for Australasian parliamentary officers, sponsors the Parliamentary Law, Practice and Procedure Program. The Program is a university-accredited professional development opportunity that develops an understanding of the fundamental principles of parliamentary law, practice and procedure, and of the place of parliaments in the systems of government of Australia and New Zealand. In addition to a sound theoretical grounding, the program provides an opportunity to learn from the practical experiences of officers from the different parliaments.

The lecture and tutorial component of the Program was presented over seven days in July 2008 at the Queensland University of Technology, Brisbane. The Program was attended by officers from all of the Australian and New Zealand Houses of Parliament. The Legislative Council supported the attendance of two staff members, Simon Johnston and Madeleine Foley.

Conferences and Seminars

2008 Conference on Bicameralism: Australia in Comparative Context

In October 2008, the Clerk, Lynn Lovelock, and the Director of the Procedural Training and Research Unit, Stephen Frappell, attended the 2008 Conference on Bicameralism, held at Parliament House in Canberra and hosted by the Parliamentary Studies Centre at the Australian National University.

At the conference, the Clerk delivered a paper on 'Bicameralism in New South Wales', focusing on key achievements of the Legislative Council within the bicameral New South Wales Parliament.

2009 ANZACATT Professional Development Seminar

In January 2009, the Clerk, Lynn Lovelock, and staff of the Procedural Training and Research Unit and the Table Office attended the ANZACATT Professional Development Seminar, hosted by the Parliament of Norfolk Island. The ANZACATT conference is an opportunity for table officers and parliamentary staff to develop their knowledge and expertise in procedural practice. The seminar was held over four days, with a theme of parliamentary privilege.

The Clerk and the Director of the Procedural Training and Research Unit, Stephen Frappell, led a workshop entitled 'Members' documents, parliamentary privilege and search warrants', which canvassed the law of parliamentary privilege as it relates to members' documents, and in particular the difficulties that may arise where investigative authorities such as the police or anti-corruption bodies attempt to seize members' documents through the execution of a search warrant. The Director Table, Susan Want, acted as rapporteur for the workshop. The workshop received very favourable feedback from participants, who felt the matters discussed were particularly topical.

Table Office staff also participated in workshops relating to interference with members in carrying out their duties, defamation and effective repetition, unauthorised disclosure of committee proceedings, interference with witnesses, information and communications technologies, control of parliamentary precincts, procedures for citizens' rights of reply, and inquiries into matters of privilege.

Multicultural Policies and Services

The Department of the Legislative Council respects the cultural diversity of our staff, members and visitors. This year the Department sought expressions of interest from staff who are able to speak a second language and who were willing to use their language skills in the workplace to assist clients and visitors. As a result, the Department now has two staff, Maurice Rebecchi (Italian) and Shu-Fang Wei (Mandarin) who are able to use their language skills to provide assistance when needed.

The Parliament publishes an information brochure that is available in languages other than English, including Greek, Japanese, Korean, Italian, Indonesian, Arabic, Chinese, French, Hindi and Dinka.

The Department will continue to develop initiatives that will provide the greatest opportunity for all individuals to participate in the activities and programs of the Parliament and will make provision for the culture, language and religion of individuals where necessary.

Code of Conduct

The Parliament of New South Wales has a strong ethical framework which includes a separate code of conduct for staff, members and members' staff. Each of the codes, while different, incorporates the common principles of honesty, integrity, and confidentiality, and require the appropriate use of public resources.

All new members and staff are provided with copies of the relevant Code of Conduct.

Working in the Legislative Council Professional Development Program

The Legislative Council provides an annual development opportunity for staff of government departments through the 'Working in the Legislative Council' program. The program, which began in 2004, allows participants to gain experience working in the Legislative Council, and facilitates an exchange of ideas and experiences between participants, sponsorship agencies and the Council.

The successful applicants for the 2008/2009 program were Claire Allen from the Department of Environment and Climate Change and Rebecca Hay from NSW Treasury. Claire worked on the State Development Committee's inquiry into the NSW planning framework and the Inquiry by General Purpose Standing Committee No. 3 into the privatisation of prisons and prison related services. Rebecca worked on the Inquiry into Budget Estimates 2008/2009 and the Inquiry by General Purpose Standing Committee No. 4 into the transport needs of Sydney's North West Sector. Rebecca had this to say about her experience:



Rebecca Hay

"Working with the Legislative Council Committee Secretariat was a wonderful experience. The first project of my three-month secondment was to help manage the Inquiry into the 2008-09 Budget Estimates. Being from Treasury, this was a great opportunity to observe Parliamentary scrutiny of the Budget Papers.

I then worked with a small team on the Inquiry into the transport needs of the North-West sector. I really enjoyed researching this issue and reading submissions from a variety of stakeholders. The public hearings also gave a great insight into the issues faced by local residents and businesses in the North-West. The report of the inquiry was tabled on the last

day of my secondment, so I was fortunate to see the inquiry through to the end.

I also spent a week working with the Procedure Office, learning about how Parliament is run on a day-to-day basis. This was a real highlight of my secondment, especially the times I sat with the Deputy Clerk in the Chamber.

Working in the Legislative Council has been very interesting and all of the people I worked with made my secondment even more enjoyable. I'm looking forward to returning to Treasury and sharing the insights I have learned about Parliamentary Committees."

New South Wales Aboriginal and Torres Strait Islander Cadetship

In 2003 Luke Hockey commenced work in the Legislative Council, successfully gaining a position through the New South Wales Aboriginal and Torres Strait Islander cadetship programme. This program was a joint initiative between the Legislative Council and the Department of Premier and Cabinet.

During Luke's time with the Council he had the opportunity to work in Committees, Procedure, Chamber and Support Services, and Members' Services. Luke also completed a one-week work experience position with the then newly elected member for Canterbury, the Honourable Linda Burney MP in 2003.

Whilst working in the Council, Luke was involved with many and varied projects. In his initial years he carried out research and writing tasks for New South Wales Legislative Council Practice. During Luke's time in committees he assisted with research and writing tasks during the preliminary stages of the Waterloo and Redfern inquiry, and wrote a draft briefing paper for the WorkChoices inquiry carried out by the Social Issues committee.

In 2008 Luke completed his Bachelor of Arts and Law degree, and whilst working with the Council undertook his College of Law (or Practical Legal Training) part-time. Luke was admitted as a solicitor of the Supreme Court of New South Wales on 5 December 2008. He is now proud to be a solicitor member of the New South Wales Law Society. Luke's university achievements include coming first in the year for Evidence Law at the University of Wollongong for which he was presented with an award.

Luke left the Council on 20 February 2009 to commence employment with the Legal Aid Commission of New South Wales in their Career Development Programme, which is a two year rotational programme giving Luke the opportunity to work in the Civil Law and Criminal Law divisions, as well as being part of a policy project of strategic importance for the commission.

When asked about his personal experience of working in the Legislative Council Luke reported that he loved working in the Council, and found the staff he worked with to be extremely friendly and supportive. During his time in the Procedure Office, Luke valued the support provided by all staff who contributed to his development. Luke loved interacting with the members and their staff, and enjoyed working in the stressful and sometimes highly demanding environment.



Cadet Luke Hockey being farewelled by The Honourable Peter Primrose MLC, President and Lynn Lovelock, Clerk of the Parliaments.

Overseas Travel

The Department's strategic priority to participate in capacity building projects with other Parliaments in the Asia-Pacific Region and our 'twinning' arrangement with the Parliaments of the Solomon Islands and Bougainville have necessitated some overseas travel by staff members (further detail of which is provided in pages 15-16). A significant proportion of this travel has been funded by the Centre for Democratic Institutions (CDI). The total cost to the Department of overseas travel taken by staff members in support of the capacity building program was \$11,900.

In August 2008, the Clerk, Lynn Lovelock attended the Canadian Association of Clerks at the Table 2008 Professional Development Seminar in Winnipeg, Manitoba. The associated cost was \$10,909.

Use of Consultants

The Department expended \$6,132 on consultants during 2008/09 for the purpose of receiving legal advice.

Records management

Following the creation of the Department of Parliamentary Services, there was a need for a change in the records management system utilised by the Legislative Council. A review of all files was carried out to identify material relating to areas that would now be managed by the new Department of Parliamentary Services.

A new system within TRIM for the future management of Legislative Council records was developed and training and policy development are currently taking place.

Farewell to a colleague and friend

One of the Parliament's long serving staff members, Sandra Vella, was regrettably diagnosed with secondary breast cancer towards the end of 2008, which had metastasized in her liver and vertebrae. Sandra fought against the cancer and subjected herself to many chemotherapy sessions and other drugs in an attempt to prolong her life.

Her friends and colleagues at Parliament House rallied to support Sandra and a number of fundraising activities were organised by staff to help Sandra meet her treatment costs, including two very successful barbecues held at Parliament House. The barbecues, raffles, silent auctions and donations organised by her colleagues raised over \$12,000, which made a significant contribution to her treatment costs.

Unfortunately, the cancer was aggressive and our dear friend passed away on Sunday 26 July 2009 at Calvary Hospital. A memorial service held on 6 August 2009 was well attended by many of her friends and colleagues from Parliament, including the President of the Legislative Council and the Clerk of the Parliaments. Many people spoke at the service and the common thread throughout was that Sandra was a loving mother, wife, daughter and sister and a generous, dependable and giving friend. She will be remembered for her humour, honesty, integrity and empathy. Sandra leaves behind her loving husband Steve and her two gorgeous boys, Ben and Ryan. We will miss our friend and colleague.



Sandra Vella and the Honourable Peter Primrose MLC, President at the fundraising barbecue in May 2009.

Management Committees and Corporate Activities

Parliament of NSW Audit and Risk Committee

The Clerk of the Parliaments is a member of the Parliament of NSW Audit and Risk Committee, along with the Clerk of the Legislative Assembly and the Executive Manager Parliamentary Services. Mr Jim Mitchell is the independent Chairperson of the Committee.

The Committee's Terms of Reference are to provide assurance to the Presiding Officers as to the adequacy of the Parliament's financial reporting practices, business ethics, policies and practices, accounting policies and financial controls, and management and internal controls.

Results and Services Plan

The Parliament of NSW 2008-2009 Results and Services Plan was developed to set out the services and results that the Parliament will deliver within the forward estimates approved by the Budget Committee.

Fraud and Corruption Prevention Plan

Work commenced on the development of a Fraud and Corruption Prevention Plan for the Parliament's operations. In addition, a separate Plan will be developed for members' entitlements in recognition of the recommendations included in the Internal Audit Bureau Report on the Management of Members' Entitlements. Deloitte Touche Tohmatsu has been engaged to work with the staff of the Parliament to develop these plans.

Business Continuity Planning

The Department of the Legislative Council is working cooperatively with the Department of the Legislative Assembly and the Department of Parliamentary Services to develop an overarching business continuity plan for the Parliament.

Waste

The Parliament is supportive of the NSW Government's Waste Reduction and Purchasing Policy (WRAPP) and is committed to reducing waste in the areas of paper products, office equipment and components, vegetation material; and construction and demolition material, and increasing the recycled content of purchased materials. The Parliament reports biennially to the Department of Climate Change and Water on progress made against strategies to reduce waste and purchase materials with a recycled content.

In the last report provided to DCCW for the period 2008/2009, the Parliament reported that it had purchased 14,098 reams of A4 Copy paper of which 59% contained recycled content. In comparison, 19,900 reams were purchased in 2006/2007. The Parliament also reported a reduction in the number of toner cartridges purchased in 2008/2009. A total of 757 cartridges were purchased, 76% of which contained recycled content. This compares to 1405 cartridges purchased in 2006/2007 of which 70% contained recycled content.

The Parliament increased the amount of paper recycled during 2008/2009 with 69.5 tonnes of paper recycled in comparison with 64.3 tonnes in 2006/2007.

The Department of the Legislative Council will work with the Department of Parliamentary Services to implement initiatives to achieve further reductions in waste and in making purchases that comply with the standards specified in the NSW Government Sustainability Policy.

Audit

The NSW Parliament engaged the internal audit services of Deloitte Touche Tohmatsu during the reporting year. During 2008/09, Deloitte Touche Tohmatsu completed an internal audit of the Parliament's Legislative Compliance Process and a separate audit of the Parliament's Business Continuity Planning.

The Internal Audit Bureau (IAB) completed a comprehensive review of the administration of members' additional entitlements during the reporting year. Following extensive consultation with relevant parties, the IAB presented a report to the Presiding Officers in December 2008. The Presiding Officers accepted the recommendations of the IAB and as result the administration of members' entitlements was centralised under the Department of Parliamentary Services (DPS) from 1 January 2009. In addition, a risk management approach to the administration of entitlements has been adopted. Consistent with the Parliamentary Remuneration Act 1989, accountability for managing and claiming entitlements will be the responsibility of individual members. A structured internal audit program will support the new approach.

The Parliament will seek expressions of interest in the new reporting year from audit firms on the NSW Government panel contract No. 7174 for the provision of audit and related services.

Insurance

The NSW Parliament's insurance cover is provided by the NSW Government Treasury Managed Fund Self Insurance Scheme. This fund provides coverage for the following categories of insurance:

- Workers' compensation
- Liability
- Motor vehicle
- Property
- Miscellaneous – including members' personal accident, travel and misappropriation of funds cover.



Finances

Financial commentary	75
Independent Audit report.	76
Financial statements for the year ended 30 June 2009.	78
Department of the Legislative Council unaudited financial statements	99

Financial commentary

The Parliament

The net cost of services allocation to the Parliament in the 2008/09 budget was \$116.093 million.

The Parliament continued to implement productivity efficiency savings introduced as a result of the 2006 budget cuts referred to in the 2006/07 and 2007/08 annual reports. However the creation of a Department of Parliamentary Services with the transfer of members' entitlements and human resources functions from the two House Departments into a centralised unit should contribute to savings to the Parliament in future years.

During the reporting period, the end of the year financial result for the Parliament for 2008/08 was a small surplus of \$273,000.

Department of the Legislative Council

The budget of the Legislative Council (including members' programs and the Department of the Legislative Council) represents 21.5% of the Parliament's total budget, a similar proportion to last year. The budget for the Department of the Legislative Council alone (ie. Procedure, Corporate Support and Committees, but excluding expenditure on Legislative Council members' program) represents 4.9% of the Parliament's total budget. This amount will reduce significantly in 2009/10 as a result of the transfer of staff formerly in the corporate support section to DPS. The end of year financial result for the Department of the Legislative Council (operations and committees) for 2008/09 was a surplus of \$157,000. This was primarily the result of continuation of the effect of savings achieved from restructures within the Department following the 2006 budget cuts.

Outlook

The Parliament's net cost of services budget for 2009/10 is \$118.602 million. This includes additional funding for parliamentary security. The Parliament has received \$3.836 million in capital works funding in 2009/10, including \$1.400 million for security upgrades. The overall outlook, both for the Parliament as a whole, and for the Department of the Legislative Council, is of continued financial pressure, with the Parliament to be required to achieve further productivity efficiency savings in the future years. The need to find the unfunded portion of public sector wage increases from within existing funding will pose particular challenges for a small agency such as the Department of the Legislative Council.



GPO BOX 12
Sydney NSW 2001

INDEPENDENT AUDITOR'S REPORT

The Legislature

To Members of the New South Wales Parliament

I have audited the accompanying financial report of the Legislature, which comprises the balance sheet as at 30 June 2009, the operating statement, statement of recognised income and expense, cash flow statement, service group statements and a summary of compliance with financial directives for the year then ended, a summary of significant accounting policies and other explanatory notes.

Auditor's Opinion

In my opinion, the financial report:

- presents fairly, in all material respects, the financial position of the Legislature as at 30 June 2009, and its financial performance for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- is in accordance with section 45E of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2005.

My opinion should be read in conjunction with the rest of this report.

The Clerks' and Executive Manager's Responsibility for the Financial Report

The Clerk of the Legislative Assembly, the Clerk of the Parliaments and the Executive Manager Parliamentary Services are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the PF&A Act. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Legislature's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Legislature's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Clerks and the Executive Manager Parliamentary Services, as well as evaluating the overall presentation of the financial report.

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

My opinion does *not* provide assurance:

- about the future viability of the Legislature,
- that it has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

Independence

In conducting this audit, the Audit Office of New South Wales has complied with the independence requirements of the Australian Auditing Standards and other relevant ethical requirements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Achterstraat
Auditor-General

4 November 2009
SYDNEY



29 October 2009

File ref: DPS490

The Legislature

**Financial Statements for the Year ended
30 June 2009**

Statement by Department Heads

We state that:

- a. the accompanying financial statements have been prepared on an accrual basis in accordance with applicable Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the Urgent Issues Group Consensus Views and the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies;
- b. the statements exhibit a true and fair view of the financial position and transactions of The Legislature; and
- c. there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.


Russell D. Grove
Clerk of the Legislative Assembly

Date: 29 October, 2009


Lynn Lovelock
Clerk of the Parliaments

Date: 29 October 2009


Brian Ward
Executive Manager
Parliamentary Services

Date: 29 October 2009

THE LEGISLATURE

Operating Statement for the Year Ended 30 June 2009

	Notes	Actual 2009 \$000	Budget 2009 \$000	Actual 2008 \$000
Expenses excluding losses				
Operating expenses				
Employee related	2(a)	53,582	52,289	49,766
Other operating expenses	2(b)	25,785	25,401	23,784
Depreciation and amortisation	2(c)	5,184	4,009	4,505
Other expenses	2(d)	<u>39,337</u>	<u>40,579</u>	<u>39,232</u>
Total Expenses excluding losses		<u>123,888</u>	<u>122,278</u>	<u>117,287</u>
Less:				
Revenue				
Sale of goods and services	3(a)	4,241	4,855	4,332
Investment revenue	3(b)	237	115	148
Grants and contributions	3(c)	832	865	1,160
Other revenue	3(d)	<u>1,194</u>	<u>350</u>	<u>1,374</u>
Total Revenue		<u>6,504</u>	<u>6,185</u>	<u>7,014</u>
Gain / (loss) on disposal	4	<u>(30)</u>	<u>-</u>	<u>(51)</u>
Net Cost of Services	20	<u>117,414</u>	<u>116,093</u>	<u>110,324</u>
Government Contributions				
Recurrent appropriation	5	101,753	102,443	98,567
Capital appropriation	5	5,557	5,557	4,134
Acceptance by the Crown Entity of employee benefits and other liabilities	6	<u>10,377</u>	<u>10,506</u>	<u>10,092</u>
Total Government Contributions		<u>117,687</u>	<u>118,506</u>	<u>112,793</u>
SURPLUS/(DEFICIT) FOR THE YEAR		<u>273</u>	<u>2,413</u>	<u>2,469</u>

The accompanying notes form part of these statements.

THE LEGISLATURE

Statement of Recognised Income and Expense for the Year Ended 30 June 2009

	Notes	Actual 2009 \$000	Budget 2009 \$000	Actual 2008 \$000
Net increase / (decrease) in property, plant and equipment asset revaluation reserve		<u>(14,627)</u>	<u>-</u>	<u>9,532</u>
TOTAL INCOME AND EXPENSE RECOGNISED DIRECTLY IN EQUITY		<u>(14,627)</u>	<u>-</u>	<u>9,532</u>
Surplus / (Deficit) for the year		<u>273</u>	<u>2,413</u>	<u>2,469</u>
TOTAL INCOME AND EXPENSE RECOGNISED FOR THE YEAR	16	<u>(14,354)</u>	<u>2,413</u>	<u>12,001</u>

The accompanying notes form part of these statements.

THE LEGISLATURE

Balance Sheet as at 30 June 2009

	Notes	Actual 2009 \$000	Budget 2009 \$000	Actual 2008 \$000
ASSETS				
Current Assets				
Cash and cash equivalents	8	3,318	3,946	3,926
Receivables	9	1,732	1,766	1,766
Inventories	10	105	165	165
Total Current Assets		<u>5,155</u>	<u>5,877</u>	<u>5,857</u>
Non-Current Assets				
Property, Plant and Equipment	11			
- Land and Buildings		124,855	140,375	140,510
- Plant and Equipment		12,104	15,508	10,556
- Collection Assets		41,862	38,117	40,480
Total Property, Plant and Equipment		178,821	194,000	191,546
Intangible Assets	12	111	110	151
Total Non-Current Assets		<u>178,932</u>	<u>194,110</u>	<u>191,697</u>
Total Assets		<u>184,087</u>	<u>199,987</u>	<u>197,554</u>
LIABILITIES				
Current Liabilities				
Payables	13	5,541	4,842	5,042
Provisions	14	4,903	4,731	4,511
Other	15	-	13	13
Total Current Liabilities		<u>10,444</u>	<u>9,586</u>	<u>9,566</u>
Non-Current Liabilities				
Provisions	14	44	35	35
Total Non-Current Liabilities		<u>44</u>	<u>35</u>	<u>35</u>
Total Liabilities		<u>10,488</u>	<u>9,621</u>	<u>9,601</u>
Net Assets		<u>173,599</u>	<u>190,366</u>	<u>187,953</u>
EQUITY				
Reserves	16	27,199	41,826	41,826
Accumulated Funds		146,400	148,540	146,127
Total Equity		<u>173,599</u>	<u>190,366</u>	<u>187,953</u>

The accompanying notes form part of these statements.

THE LEGISLATURE

Cash Flow Statement for the Year Ended 30 June 2009

	Notes	Actual 2009 \$000	Budget 2009 \$000	Actual 2008 \$000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(50,468)	(50,223)	(47,625)
Other		<u>(60,506)</u>	<u>(57,520)</u>	<u>(56,890)</u>
Total Payments		<u>(110,974)</u>	<u>(107,743)</u>	<u>(104,515)</u>
Receipts				
Sale of goods and services		4,098	4,855	4,535
Interest received		232	115	133
Other		<u>4,949</u>	<u>1,215</u>	<u>3,299</u>
Total Receipts		<u>9,279</u>	<u>6,185</u>	<u>7,967</u>
Cash Flows From Government				
Recurrent appropriation	5	101,753	102,443	98,567
Capital appropriation	5	<u>5,557</u>	<u>5,557</u>	<u>4,147</u>
Net Cash Flows From Government		<u>107,310</u>	<u>108,000</u>	<u>102,714</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	<u>5,615</u>	<u>6,442</u>	<u>6,166</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of land and buildings, plant and equipment		-	-	-
Purchases of land and buildings, plant and equipment		<u>(6,223)</u>	<u>(6,422)</u>	<u>(4,749)</u>
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(6,223)</u>	<u>(6,422)</u>	<u>(4,749)</u>
NET INCREASE / (DECREASE) IN CASH		(608)	20	1,417
Opening cash and cash equivalents		<u>3,926</u>	<u>3,926</u>	<u>2,509</u>
CLOSING CASH AND CASH EQUIVALENTS	8	<u>3,318</u>	<u>3,946</u>	<u>3,926</u>

The accompanying notes form part of these statements.

THE LEGISLATURE

Service Group Statement

Expenses and Revenues for the year ended 30 June 2009

	Chamber and Committee Support		Members' Support		Community Access		Non-attributable	
	2009 \$000	2008 \$000	2009 \$000	2008 \$000	2009 \$000	2008 \$000	2009 \$000	2008 \$000
THE LEGISLATURE'S EXPENSES & REVENUES								
Expenses excluding losses								
Operating expenses								
· Employee related	7,073	6,569	43,616	40,510	2,892	-	-	53,581
· Other operating expenses	3,404	3,140	20,989	19,361	1,392	-	-	25,785
Depreciation and amortisation	684	595	4,220	3,667	280	-	-	5,184
Other expenses	5,192	5,179	32,020	31,935	2,126	-	-	39,338
Total Expenses excluding losses	16,353	15,483	100,845	95,473	6,690	-	-	123,888
Revenue								
Sale of goods and services	560	572	3,453	3,526	229	-	-	4,242
Investment revenue	31	20	193	120	13	-	-	237
Grants and contributions	110	153	677	944	45	-	-	832
Other revenue	158	181	971	1,119	64	-	-	1,193
Total Revenue	859	926	5,294	5,709	351	-	-	6,504
Gain / (loss) on disposal	(4)	(7)	(24)	(41)	(2)	-	-	(30)
Net Cost of Services	15,498	14,564	95,575	89,805	6,341	-	-	117,414
Government contributions**	-	-	-	-	-	-	117,687	112,793
NET EXPENDITURE ((REVENUE) FOR THE YEAR	15,498	14,564	95,575	89,805	6,341	(117,687)	(112,793)	(273)

*The name and purpose of each program is summarised in note 7.

**Appropriations are made on an agency basis and not to individual programs. Consequently, government contributions must be included in the "not attributable" column.

The assets and liabilities of the Legislature are such that they cannot be attributed to specific service groups.

THE LEGISLATURE

SUMMARY OF COMPLIANCE WITH FINANCIAL DIRECTIVES

	2009				2008			
	Recurrent Appropriation \$000	Expenditure / Net Claim on Consolidated Fund \$000	Capital Appropriation \$000	Expenditure / Net Claim on Consolidated Fund \$000	Recurrent Appropriation \$000	Expenditure / Net Claim on Consolidated Fund \$000	Capital Appropriation \$000	Expenditure / Net Claim on Consolidated Fund \$000
ORIGINAL BUDGET APPROPRIATION / EXPENDITURE								
< Appropriation Act	102,443	101,753	5,557	5,557	96,844	96,808	3,240	3,240
< Additional Appropriations	-	-	-	-	-	-	-	-
< s21A PF&AA – special appropriation	-	-	-	-	-	-	-	-
< s24 PF&AA – transfers of functions between departments	-	-	-	-	-	-	-	-
< s26 PF&AA – Commonwealth specific purpose payments	102,443	101,753	5,557	5,557	96,844	96,808	3,240	3,240
OTHER APPROPRIATIONS / EXPENDITURE								
< Treasurer's Advance	-	-	-	-	2,812	1,759	958	894
< Section 22 – expenditure for certain works and services	-	-	-	-	-	-	-	-
< Transfers to/from another agency (s32 – Appropriation Act)	-	-	-	-	-	-	-	-
Total Appropriations / Expenditure / Net Claim on Consolidated Fund (includes transfer payments)	102,443	101,753	5,557	5,557	99,656	98,567	4,198	4,134
Amount drawn down against Appropriation		101,753		5,557		98,567		4,147
Liability to Consolidated Fund*		-		-		-		13

The Summary of Compliance is based on the assumption that Consolidated Fund monies are spent first (except where otherwise identified or prescribed).

*The Liability to Consolidated Fund represents the difference between the "Amount drawn down against Appropriation" and the "Total Expenditure / Net Claim on Consolidated Fund".

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Legislature, as a reporting entity, comprises all the operating activities of the Parliament of New South Wales, including the House Committee, under the direction and control of the Executive Manager Parliamentary Services. It includes all the functions of parliamentary representation undertaken by the Legislative Council and the Legislative Assembly, and the Department of Parliamentary Services. The House Committee provides food and beverage services for Members of Parliament, their guests and staff. It also caters for functions held at Parliament House.

The Legislature is a not-for-profit entity (as profit is not its principal objective) and has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector.

This financial report for the year ended 30 June 2009 has been authorised for issue by the Clerk of the Legislative Assembly, the Clerk of the Parliaments and the Executive Manager Parliamentary Services on 29 October 2009.

(b) Basis of Preparation

The Legislature's financial report is a general purpose financial report which has been prepared in accordance with:

- ❖ Applicable Australian Accounting Standards which include Australian Accounting Interpretations;
- ❖ The requirements of the *Public Finance and Audit Act 1983* and Regulation, and
- ❖ The Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies, or issued by the Treasurer.

Property, plant and equipment, assets (or disposal groups) held for sale and financial assets held at fair value through profit or loss and available for sale are measured at fair value. Other financial report items are prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations, management has made are disclosed in the relevant notes to the financial report.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards which include Australian Accounting Interpretations.

(d) Income Recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below:

(i) Parliamentary Appropriations and Contributions

Parliamentary Appropriations and contributions from other bodies (including grants and donations) are generally recognised as income when The Legislature obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions are normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are accounted for as liabilities rather than revenue. The liability is disclosed in note 15 as part of "Current liabilities – Other". The amount will be repaid and the liability will be extinguished next financial year.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

Maintenance work on Parliament House undertaken and paid for by the Department of Commerce has been recognised as income with the corresponding expenditure reflected in maintenance costs. (Refer notes 2(b) and 3(c)).

(ii) Sales of Goods

Revenue from the sale of goods is recognised as revenue when The Legislature transfers the significant risks and rewards of ownership of the assets.

(iii) Rendering of Services

Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).

(iv) Investment Revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*. Rental revenue is recognised in accordance with AASB 117 *Leases* on a straight-line basis over the lease term.

(v) Other Revenue

Those items classified as other revenue are recognised as revenue according to the most applicable policy listed above, having regard for the type of revenue received.

(e) **Employee Benefits and other provisions**

(i) Salaries and Wages, Annual Leave, Sick Leave and On- Costs

Liabilities for salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date are recognised and measured in respect of employees' services up to the reporting date at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.

Long-term annual leave that is not expected to be taken within twelve months is not measured at present value in accordance with AASB 119 *Employee Benefits* as the amount involved is not considered material.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

(ii) Long Service Leave and Superannuation

The Legislature's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Legislature accounts for the liability as having been extinguished; resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Entity of employee benefits and other liabilities". Prior to 2005/06 the Crown Entity also assumed the defined contribution superannuation liability.

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 09/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(iii) Other Provisions

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

Other provisions exist when: The Legislature has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; a reliable estimate can be made of the amount of the obligation.

(f) Insurance

The Legislature's insurance activities are conducted through the NSW Treasury Managed Fund Scheme self-insurance for Government agencies. The expense (premium) is determined by the Fund Manager based on past claim experience.

(g) Accounting for the Goods and Services Tax (GST)

Revenue, expenses and assets are recognised as net of the amount of GST, except where:

- ❖ the amount of GST incurred by The Legislature as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense.
- ❖ receivables and payables are stated with the amount of GST included.

(h) Acquisitions of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Legislature. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the specific requirements of the Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, i.e. the deferred payment amount is effectively discounted at an asset-specific rate.

(i) Capitalisation Thresholds

Property, plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

(j) Revaluation of Property, Plant and Equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Asset Fair Value" Policy and Guidelines Paper (TPP 07-1). This policy adopts fair value in accordance with *AASB 116 Property, Plant and Equipment*.

Property, plant and equipment is measured on an existing use basis, where there are no feasible alternative uses in the existing natural, legal, financial and socio-political environment. However, in the limited circumstances where there are feasible alternative uses, assets are valued at their highest and best use.

Fair value of property, plant and equipment is determined based on the best available market evidence including current market selling prices for the same or similar assets. Where there is no available market evidence, the asset's fair value is measured at its market buying price, the best indicator of which is the depreciated replacement cost.

The Legislature revalues each class of property, plant and equipment at least every five years or with sufficient regularity to ensure that the carrying amount of each asset in the class does not differ materially from its fair value at reporting date. The last revaluation for each class of asset is set out below and was based on an independent assessment.

Land	30 June 2009	Valustate Pty Ltd
Buildings	30 June 2009	D P Martin Pty Ltd
Plant & Equipment		

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

(Building Technical Services Assets)	30 June 2009	D P Martin Pty Ltd
Collection Assets:		
Library Collection	30 June 2009	Simon Storey Valuers
Archives Collection	30 June 2009	Simon Storey Valuers
Antiques	30 June 2009	Simon Storey Valuers
Artworks	30 June 2009	Simon Storey Valuers

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

When revaluing non-current assets by reference to current prices for assets newer than those being revalued (adjusted to reflect the present condition of the assets), the gross amount and the related accumulated depreciation are separately restated.

For other assets, any balances of accumulated depreciation at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are then increased or decreased by the revaluation increments or decrements.

Revaluation increments are credited directly to the asset revaluation reserve, except that, to the extent that an increment reverses a revaluation decrement in respect of that class of asset previously recognised as an expense in the surplus / deficit, the increment is recognised immediately as revenue in the surplus / deficit.

Revaluation decrements are recognised immediately as expenses in the surplus / deficit, except that, to the extent that a credit balance exists in the asset revaluation reserve in respect of the same class of assets, they are debited directly to the asset revaluation reserve.

As a not-for-profit entity, revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

Where an asset that has previously been revalued is disposed of, any balance remaining in the asset revaluation reserve in respect of that asset is transferred to accumulated funds.

(k) Impairment of Property, Plant and Equipment

As a not-for-profit entity with no cash generating units, The Legislature is effectively exempted from *AASB 136 Impairment of Assets* and impairment testing. This is because AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.

(l) Depreciation of Property Plant and Equipment

Except for the archive, antique and artwork collections, depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to The Legislature.

All material separately identifiable components of assets are depreciated over their shorter useful lives.

Land is not a depreciable asset. Certain heritage assets have an extremely long useful life, including archive, antique and artwork collections. Depreciation for these items cannot be reliably measured because the useful life and the net amount to be recovered at the end of the useful life cannot be reliably measured. In these cases, depreciation is not recognised. The decision not to recognise depreciation for these assets is reviewed annually.

The Parliament House Building	1.64-20 percent
Plant and Machinery	5-50 percent
Office Equipment	5-20 percent
Computer Equipment	10-50 percent
Library Monograph Collection	5 percent

(m) Maintenance

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

(n) Leased Assets

A distinction is made between finance leases, which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is recognised at its fair value at the commencement of the lease term. The corresponding liability is established at the same amount. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are charged to the Operating Statement in the periods in which they are incurred.

(o) Intangible Assets

The Legislature recognises intangible assets only if it is probable that future economic benefits will flow to the Legislature and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Legislature's intangible assets, the assets are carried at cost less any accumulated amortisation.

The Legislature's intangible assets are amortised using the straight line method over a period of three years.

In general, intangible assets are tested for impairment where an indicator of impairment exists. However, as a not-for-profit entity with no cash generating units, the agency is effectively exempted from impairment testing (refer Note (k)).

(p) Loans and Receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are accounted for in the Operating Statement when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(q) Inventories

Inventories held for distribution are stated at the lower of cost and current replacement cost. Inventories (other than those held for distribution) are stated at the lower of cost and net realisable value. Cost is calculated using the weighted average cost or "first in first out" method.

The cost of inventories acquired at no cost or for nominal consideration is the current replacement cost as at the date of acquisition. Current replacement cost is the cost the Legislature would incur to acquire the asset. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

(r) Other Assets

Other assets are recognised on a cost basis.

(s) Impairment of financial assets

All financial assets, except those measured at fair value through profit and loss, are subject to an annual review for impairment. An allowance for impairment is established when there is objective evidence that the entity will not be able to collect all amounts due.

For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate. The amount of the impairment loss is recognised in the Operating Statement.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

When an available for sale financial asset is impaired, the amount of the cumulative loss is removed from equity and recognised in the Operating Statement, based on the difference between the acquisition cost (net of any principal repayment and amortisation) and current fair value, less any impairment loss previously recognised in the Operating Statement.

Any reversals of impairment losses are reversed through the Operating Statement, where there is objective evidence, except reversals of impairment losses on an investment in an equity instrument classified as “available for sale” must be made through the reserve. Reversals of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

t) Payables

These amounts represent liabilities for goods and services provided to The Legislature and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

u) Budgeted Amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effects of additional appropriations, s 21A, s 24 and / or s 26 of the *Public Finance and Audit Act 1983*.

The budgeted amounts in the Operating Statement and the Cash Flow Statement are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Balance Sheet, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts; i.e. per the audited financial report (rather than carried forward estimates).

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

2. EXPENSES EXCLUDING LOSSES

(a) Employee Related Expenses	2009	2008
	\$000	\$000
Salaries and wages (including recreation leave)	41,244	40,051
Superannuation – defined benefit plans	1,217	1,221
Superannuation – defined contribution plans	2,802	2,575
Payroll tax and fringe benefits tax	2,697	2,709
Long service leave	1,494	812
Worker’s compensation insurance	838	680
Employment agency staff	3,132	1,742
Other	158	(24)
	<u>53,582</u>	<u>49,766</u>

(b) Other Operating Expenses including the following:	2009	2008
	\$000	\$000
Auditor's remuneration		
– Audit of the financial reports	57	52
– Audit of Members' additional entitlements under Parliamentary Remuneration Tribunal Determination	56	55
Cost of Sales - House Committee	917	870
Operating Lease Rental Expense-Minimum Lease Payments	4,993	4,754
Maintenance	1,663	2,060
Insurance	243	261
Printing and stationery	6,634	5,435
Telecommunication costs	1,126	1,247
Travel expenses	1,821	1,879
Computer costs	2,295	2,181
Stores	566	507
Postage	761	733
Miscellaneous	1,763	1,386
Energy charges	1,064	1,100
Cleaning and laundry	620	602
Contract and other fees	1,206	662
	<u>25,785</u>	<u>23,784</u>

Reconciliation – Total maintenance

	2009	2008
	\$000	\$000
Maintenance expense – contracted labour and other (non-employee related), as above	1,663	2,060
Maintenance undertaken by Dept of Commerce	-	919
Employee related maintenance expense included in Note 2 (a)	3,582	3,013
Total maintenance expenses included in Note 2(a) + 2(b)	<u>5,245</u>	<u>5,992</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

(c) Depreciation and Amortisation expense	2009	2008
	\$000	\$000
Depreciation:		
– buildings	1,422	1,279
– plant and equipment	2,594	1,917
– collection assets	174	146
	4,190	3,178
Amortisation:		
– leasehold improvements	928	890
– intangibles	66	273
	994	1,163
Total Depreciation and Amortisation Expense	5,184	4,505

(d) Other Expenses	2009	2008
	\$000	\$000
Salaries and allowances of Members of Parliament	28,988	28,612
Superannuation entitlements – Members	7,671	7,951
Payroll tax & fringe benefits tax – Members’ entitlements	2,300	2,361
Special Projects	378	308
	39,337	39,232

3. REVENUE

(a) Sale of Goods and Services	2009	2008
	\$000	\$000
<u>Sale of Goods</u>		
House Committee sales of food and beverages	2,641	2,771
Energy recoup from Sydney Hospital and State Library	470	497
Sale of publications	21	24
	3,132	3,292
<u>Rendering of Services</u>		
Rent on Parliament House ministerial offices	909	841
Miscellaneous	200	199
	1,109	1,040
	4,241	4,332

(b) Investment Revenue	2009	2008
-------------------------------	-------------	-------------

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

	\$000	\$000
Interest revenue on operating accounts	237	148
	<u>237</u>	<u>148</u>
(c) Grants and Contributions	2009	2008
	\$000	\$000
Department of Environment – energy and water savings project	832	241
Department of Commerce maintenance work	-	919
	<u>832</u>	<u>1,160</u>
(d) Other Revenue	2009	2008
	\$000	\$000
Increment from asset valuation offsetting prior decrement	494	702
Assets recognised for first time	358	-
Contribution of assets	-	256
Miscellaneous	342	416
	<u>1,194</u>	<u>1,374</u>
4. GAIN/(LOSS) ON DISPOSAL	2009	2008
	\$000	\$000
Loss on disposal of plant and equipment		
Proceeds from disposal	-	-
Written down value of assets disposed	(30)	(51)
Net gain/(loss) on disposal of plant and equipment	<u>(30)</u>	<u>(51)</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

5. APPROPRIATIONS	2009	2008
Recurrent Appropriations	\$000	\$000
Total recurrent drawdowns from Treasury (per Summary of Compliance)	101,753	98,567
Less: Liability to Consolidated Fund (per Summary of Compliance)	–	–
	101,753	98,567
Comprising:		
Recurrent Appropriations (per Operating Statement)	101,753	98,567
	2009	2008
Capital Appropriations	\$000	\$000
Total capital drawdowns from Treasury (per Summary of Compliance)	5,557	4,147
Less: Liability to Consolidated Fund (per Summary of Compliance)		13
	5,557	4,134
Comprising:		
Capital Appropriations (per Operating Statement)	5,557	4,134

6. ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE BENEFITS AND OTHER LIABILITIES

The following liabilities and/or expenses have been assumed by the Crown Entity:

	2009	2008
Employees	\$000	\$000
Superannuation	1,217	1,221
Long service leave	1,494	813
Payroll tax on superannuation	74	73
	2,785	2,107
Members		
Superannuation	7,171	7,533
Payroll tax on superannuation	421	452
	7,592	7,985
	10,377	10,092

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

7. SERVICE GROUPS OF THE LEGISLATURE

Service Group 1.1 Chamber and Committee Support

**Service
Description:**

This service group covers procedural support (specialist advice, information and research services to Members); chamber support (operational support for the chambers to carry out their business); committee support (the provision of a secretariat for each committee, the provision of advice and information on its operation and on its enquiry and the provision of mechanisms to allow for public consultation) and Parliamentary reporting (Hansard services to the Houses and to committees).

**Linkage to
Results:**

This service group contributes to the Parliament of New South Wales fulfilling its role as a representative and legislative body by working towards a range of intermediate results that include the effective functioning of the Parliament and its committees and supporting Members of Parliament to fulfill their Parliamentary roles.

Service Group 1.2 Members' Support

**Service
Description:**

This service group covers Members' services (the provision of human resources services to Members and the administration of Members' entitlements); facilities management (maintenance of Members' offices, the Parliament House building and associated services such as security, catering, building services) financial services and information services. With regard to the Legislative Assembly Members, it includes management of electorate offices lease, fitout and maintenance of equipment and amenities.

**Linkage to
Results:**

This service group contributes to the Parliament of New South Wales fulfilling its role as a representative and legislative body by working towards a range of intermediate results that include the effective functioning of the Parliament and its committees and supporting Members of Parliament to fulfill their Parliamentary roles.

Service Group 1.3 Community Access

**Service
Description:**

This service group covers community education services such as school tours, visitor tours and open days and education in service sessions for teachers; exhibition services (historical displays, art exhibitions, expositions); public events and functions, particularly utilising the building's function rooms; webstreaming of the proceedings in both Houses and Members' newsletters to constituents.

**Linkage to
Results:**

This service group contributes to the Parliament of New South Wales fulfilling its role as a representative and legislative body by working towards the intermediate result of Community access and awareness of the role and functions of the Parliament.

The Legislature
Notes to and forming part of the Financial Statements for year ended 30 June 2009

8. CURRENT ASSETS – CASH AND CASH EQUIVALENTS

For the purposes of the Cash Flow Statement, cash and cash equivalents include cash on hand and cash at bank. Cash and cash equivalents at the end of the financial year as shown in the Cash Flow Statement is reconciled to cash and cash equivalents in the Balance Sheet as follows:

	2009	2008
	\$000	\$000
Cash at Bank and on hand	3,318	3,926
	3,318	3,926

The Legislature has the following banking facilities as at 30 June 2009:

- Cheque cashing authority of \$20,000, which is the total encashment facility provided to enable recoupment of advance account activities.
- Tape negotiation authority of \$3,000,000. This facility authorised the bank to debit The Legislature's operating bank account up to the above limit when processing the electronic payroll and vendor files.
- MasterCard facility of \$731,000.

Refer to Note 21 for details regarding credit risk, liquidity risk and market risk arising from financial statements.

9. CURRENT ASSETS – RECEIVABLES	2009	2008
	\$000	\$000
Sales of goods and services	797	627
Less: Allowance for impairment	35	8
	762	619
G.S.T. recoverable from A.T.O.	650	707
Other debtors	10	10
Prepayments	215	340
Investment income	95	90
	1,732	1,766
	2009	2008
	\$000	\$000
<i>Movement in the allowance for impairment</i>		
Balance at July 1	8	16
Amounts written off during the year	-	-
Amounts recovered during the year	(1)	(15)
Increase/ (decrease) in allowance recognised in profit or loss	28	7
Balance at 30 June	35	8

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

10. CURRENT ASSETS – INVENTORIES	2009	2008
	\$000	\$000
Food and beverage stock at cost	105	165
	105	165

11 NON-CURRENT ASSETS - PROPERTY, PLANT AND EQUIPMENT

	Land and Buildings	Plant and Equipment	Collection Assets	Total
	\$000	\$000	\$000	\$000
At 1 July 2008 – fair value				
Gross carrying amount	185,376	46,630	49,767	281,773
Accumulated depreciation and impairment	<u>44,866</u>	<u>36,074</u>	<u>9,287</u>	<u>90,227</u>
Net Carrying Amount	<u>140,510</u>	<u>10,556</u>	<u>40,480</u>	<u>191,546</u>
At 30 June 2009 – fair value				
Gross carrying amount	174,568	48,875	51,322	274,765
Accumulated depreciation and impairment	<u>49,713</u>	<u>36,771</u>	<u>9,460</u>	<u>95,944</u>
Net Carrying Amount	<u>124,855</u>	<u>12,104</u>	<u>41,862</u>	<u>178,821</u>

Reconciliation

A reconciliation of the carrying amount of each class of property, plant and equipment at the beginning and end of the current reporting period is set out below.

	Land and Buildings	Plant and Equipment	Collection Assets	Total
	\$000	\$000	\$000	\$000
Year ended 30 June 2009				
Net carrying amount at start of year	140,510	10,556	40,480	191,546
Additions	3,280	2,912	363	6,555
Disposals	-	(1,267)	-	(1,267)
Net revaluation increments less revaluation decrements	(16,808)	1,483	1,193	(14,132)
Accumulated depreciation written back on disposal	-	1,237	-	1,237
Internal transfers	223	(223)	-	-
Depreciation Expense	<u>(2,350)</u>	<u>(2,594)</u>	<u>(174)</u>	<u>(5,118)</u>
Net carrying amount at end of year	124,855	12,104	41,862	178,821

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

	Land and Buildings	Plant and Equipment	Collection Assets	Total
	\$000	\$000	\$000	\$000
At 1 July 2007				
Gross Carrying Amount	174,059	42,555	47,508	264,122
Accumulated depreciation and impairment	<u>40,799</u>	<u>33,306</u>	<u>9,141</u>	<u>83,246</u>
Net Carrying Amount	<u>133,260</u>	<u>9,249</u>	<u>38,367</u>	<u>180,876</u>
At 30 June 2008				
Gross Carrying Amount	185,376	46,630	49,767	281,773
Accumulated depreciation and impairment	<u>44,866</u>	<u>36,074</u>	<u>9,287</u>	<u>90,227</u>
Net Carrying Amount	<u>140,510</u>	<u>10,556</u>	<u>40,480</u>	<u>191,546</u>

Reconciliation

A reconciliation of the carrying amount of each class of property, plant and equipment at the beginning and end of the current reporting period is set out below.

	Land and Buildings	Plant and Equipment	Collection Assets	Total
	\$000	\$000	\$000	\$000
Year ended 30 June 2008				
Net carrying amount at start of year	133,260	9,249	38,367	180,876
Additions	2,137	2,573	9	4,719
Disposals	(565)	(484)	-	(1,049)
Net revaluation increments less revaluation decrements	7,282	702	2,250	10,234
Accumulated depreciation written back on disposal	565	433	-	998
Transfers				
Depreciation Expense	<u>(2,169)</u>	<u>(1,917)</u>	<u>(146)</u>	<u>(4,232)</u>
Net carrying amount at end of year	<u>140,510</u>	<u>10,556</u>	<u>40,480</u>	<u>191,546</u>

The Legislature
Notes to and forming part of the Financial Statements for year ended 30 June 2009

12. INTANGIBLE ASSETS

Software

At 1 July 2008	\$000
Cost (gross carrying amount)	2,442
Accumulated amortisation and impairment	2,291
Net carrying amount	<u>151</u>
At 30 June 2009	
Cost (gross carrying amount)	2,468
Accumulated amortisation and impairment	2,357
Net carrying amount	<u>111</u>
Reconciliation	
Year ended 30 June 2009	
Net carrying amount at start of year	151
Additions	26
Disposals	-
Accumulated amortisation written back on disposal	-
Amortisation (recognised in depreciation and amortisation)	(66)
Net carrying amount at end of year	<u>111</u>
At 1 July 2007	
Cost (gross carrying amount)	2,380
Accumulated amortisation and impairment	2,017
Net carrying amount	<u>363</u>
At 30 June 2008	
Cost (gross carrying amount)	2,442
Accumulated amortisation and impairment	2,291
Net carrying amount	<u>151</u>
Reconciliation	
Year ended 30 June 2008	
Net carrying amount at start of year	363
Additions	61
Disposals	-
Accumulated amortisation written back on disposal	-
Amortisation (recognised in depreciation and amortisation)	(273)
Net carrying amount at end of year	<u>151</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

13. CURRENT LIABILITIES – PAYABLES	2009	2008
	\$000	\$000
Accrued wages, salaries and on-costs	2,000	2,065
Creditors	3,541	2,977
	<u>5,541</u>	<u>5,042</u>
14. CURRENT AND NON-CURRENT LIABILITIES – PROVISIONS	2009	2008
	\$000	\$000
(a) Current		
Recreation leave	3,787	3,587
On-cost on employee benefits	1,116	924
	<u>4,903</u>	<u>4,511</u>
(b) Non-Current		
On-cost on employee benefits	44	35
	<u>44</u>	<u>35</u>
(c) Aggregate employee benefits and related on-costs:		
Provisions – Current	4,903	4,511
Provisions - Non-Current	44	35
Accrued salaries, wages and on-costs (note 13)	2,321	2,065
	<u>7,268</u>	<u>6,611</u>

Of employee benefits for recreation leave \$2,777,000 is expected to be settled within twelve months and \$1,010,000 is expected to be settled after twelve months. All accrued wages and salaries are expected to be settled within twelve months.

The Legislature pays for rail travel benefits for the spouses/approved relatives of certain former Members of Parliament. The cost of this travel is generally less than \$20,000 per annum.

15. CURRENT LIABILITIES – OTHER	2009	2008
	\$000	\$000
Liability to Consolidated Fund	-	13
	<u>-</u>	<u>13</u>

The Legislature
Notes to and forming part of the Financial Statements for year ended 30 June 2009

16. CHANGES IN EQUITY

	Accumulated		Asset Revaluation		Total Equity	
	Funds		Reserve			
	2009	2008	2009	2008	2009	2008
	\$000	\$000	\$000	\$000	\$000	\$000
Balance at the beginning of the financial year	146,127	143,658	41,826	32,294	187,953	175,952
<u>Changes in equity - other than transactions with owners as owners</u>						
Surplus/(Deficit) for the year	273	2,469	-	-	273	2,469
Increment/(Decrement) on revaluation of:						
• Land and Buildings	-	-	(16,808)	7,282	(16,808)	7,282
• Plant and Equipment			988	-	988	-
• Collection Assets	-	-	1,193	2,250	1,193	2,250
<u>Total</u>	<u>273</u>	<u>2,469</u>	<u>(14,627)</u>	<u>9,532</u>	<u>(14,354)</u>	<u>12,001</u>
<u>Transfers within equity</u>						
Asset revaluation reserve balance transferred to accumulated funds on disposal of asset	-	-	-	-	-	-
<u>Total</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Balance at the end of the financial year	146,400	146,127	27,199	41,826	173,599	187,953

Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets. This accords with the Legislature's policy on the "Revaluation of Property, Plant and Equipment", as discussed in note 1(j).

17. COMMITMENTS FOR EXPENDITURE

(a) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

	2009	2008
	\$000	\$000
Not later than one year	4,786	3,839
Later than one year but not later than five years	6,848	6,311
Later than five years	90	106
Total (including GST)	11,724	10,256

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

The Legislature is the lessee of 96 properties throughout N.S.W., 94 being electorate offices and 2 being office accommodation for parliamentary committee staff. The leases are mostly standard commercial leases based on the Law Society template and are generally for four years with a four year option.

The above total includes GST input tax credits of \$1,036,000 (\$900,000 – 2008), which will be recoverable from Australian Taxation Office (ATO).

Legislative Assembly Electorate Offices included in the above figures represent the following commitments:

	2009	2008
	\$000	\$000
Not later than one year	4,093	3,668
Later than one year but not later than five years	5,843	6,311
Later than five years	90	106
Electorate Office Lease Commitments (including GST)	10,026	10,085

The above total includes GST input tax credits of \$882,000 (\$884,000 – 2008), which will be recoverable from the ATO.

(b) Other Expenditure Commitments

Aggregate other expenditure contracted for at balance date and not provided for:

	2009	2008
	\$000	\$000
Not later than one year	95	1,510
Total (including GST)	95	1,510

The above total for 2009 includes GST input tax credits of \$9,000 (\$137,000 – 2008) that will be recoverable from the ATO.

18. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Legislature had no contingent assets or contingent liabilities at reporting date.

19. BUDGET REVIEW

Net Cost of Services

Net Cost of Services was \$1,321,000 higher than budget because of higher employee and depreciation expenses and lower than estimated revenue.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

Assets and Liabilities

Total assets were less than budget by \$15,900,000 due to a valuation decrement to land of \$16,300,000. Liabilities exceeded budget by \$867,000 due to higher trade creditors and an increase in the value of employee entitlements.

Cash Flows

Net cash inflows from operating activities were \$827,000 less than budget due to higher operating expenses.

20 RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES:

	2009	2008
	\$000	\$000
Net Cash used in operating activities	5,615	6,166
Depreciation	(5,184)	(4,505)
(Increase) / decrease in provisions	(402)	58
(Decrease) / increase in receivables, inventories and other assets	(93)	65
(Increase) / decrease in creditors and other liabilities	(458)	(222)
Gain / (Loss) on sale of non-current assets	(30)	(51)
Asset acquired via grant / donation	-	256
Valuation increment recognised in Operating Statement	494	702
Assets recognised for first time	358	-
Long Service Leave	(1,494)	(813)
Superannuation	(8,387)	(8,754)
Payroll tax on superannuation	(496)	(525)
Less cash flows from government:		
Capital Allocation	(5,557)	(4,134)
Recurrent Allocation	(101,753)	(98,567)
Net Cost of Services	(117,414)	(110,324)

21. FINANCIAL INSTRUMENTS

The Legislature's principal financial instruments are outlined below. These financial instruments arise directly from the Legislature's operations or are required to finance the Legislature's operations. The Legislature does not enter into or trade financial instruments for speculative purposes. The Legislature does not use financial derivatives.

Cash

Cash comprises cash on hand and bank balances within the Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate adjusted for a management fee to Treasury.

At period end the deposits were earning 2.9% (6.25% in 2008) while the effective interest rate during the reporting period was 4.45% (5.87% in 2008).

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2009

Receivables

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts, which are known to be un-collectable, are written off. An allowance for impairment is raised when there is objective evidence that the Legislature will not be able to collect all amounts.

The credit risk is the carrying amount (net of any provision for doubtful debts). As at balance date, the greatest risk was represented by receivables, totalling \$137,000 (\$144,000 in 2008), which had been outstanding for more than 90 days.

Interest is charged on House Committee trade debtors after 60 days at 2% per month. No interest is charged to any other debtors.

The carrying amount approximates net fair value. House Committee sales are made on 7 or 60 day terms. Other sales are made on either 14 or 30 day terms.

Bank Overdraft

The Legislature does not have any bank overdraft facility.

Trade Creditors and Accruals

These liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are not secured) are settled in accordance with Treasurer's Direction 219.01. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

Fair value

Financial instruments are carried at cost which approximates their fair value.

22. After Balance Sheet Date Events

There are no after balance sheet date events.

End of Financial Statements

Department of the Legislative Council unaudited financial statements

Legislative Council

	2008/2009 ACTUAL \$000	2008/2009 BUDGET \$000	2007/2008 ACTUAL \$000
<i>Expenses</i>			
Staff Salaries and Related Payments	8,875	9,803	8,857
Other Operating Expenses	2,541	2,799	2,369
Depreciation and amortisation	179	191	258
Other Expenses	12,225	12,636	12,231
Total Expenses	23,820	25,429	23,715
<i>Revenue</i>			
Sale of Goods and Services	448	415	427
Other Revenue	22	45	27
Total Revenue	470	460	454
Gain (loss) on sale of assets	-	0	(10)
NET COST OF SERVICES	23,350	24,969	23,271
Less:			
Depreciation and amortisation	179	191	258
Long Service Leave	261	253	108
Superannuation	2,682	2,827	2,787
NET CONTROLLABLE COST OF SERVICES	20,228	21,698	20,118
CAPITAL WORKS EXPENDITURE	55	50	0

Estimated Expenditure and Revenue for 2009/2010:

LEGISLATIVE COUNCIL

Description	\$000
Salaries and related payments	9,311
Other operating expenses	2,844
Depreciation and amortisation	193
Other expenses	12,705
<i>Total Expenses</i>	25,053
Less Retained Revenue	475
Less Non-controllable items	3,112
Net Controllable Cost of Services	21,466

Department of the Legislative Council unaudited financial statements

Parliamentary Representation - Legislative Council

	2008/2009 ACTUAL \$000	2008/2009 BUDGET \$000	2007/2008 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	4,317	5,051	4,445
Other Operating Expenses	1,609	1,857	1,516
Depreciation and amortisation	122	143	141
Other Expenses	12,225	12,636	12,231
Total Expenses	18,273	19,687	18,333
Revenue			
Sale of Goods and Services	448	415	427
Other Revenue	20	20	18
Total Revenue	468	435	445
Gain (loss) on sale of assets	-	-	(3)
NET COST OF SERVICES	17,805	19,252	17,891
Less:			
Depreciation and amortisation	122	143	141
Long Service Leave	64	83	(1)
Superannuation	2,532	2,661	2,617
NET CONTROLLABLE COST OF SERVICES	15,087	16,365	15,134
CAPITAL WORKS EXPENDITURE	14	15	-

Estimated Expenditure and Revenue for 2008/2009:

Parliamentary Representation L.C.

Description	\$000
Salaries and related payments	5,165
Other operating expenses	1,896
Depreciation and amortisation	144
Other expenses	12,705
<i>Total Expenses</i>	19,910
Less Retained Revenue	465
Less Non-controllable items	2,737
Net Controllable Cost of Services	16,708

Department of the Legislative Council unaudited financial statements

Operation of the Legislative Council

	2008/2009 ACTUAL \$000	2008/2009 BUDGET \$000	2007/2008 ACTUAL \$000
<i>Expenses</i>			
Staff Salaries and Related Payments	2,688	2,976	2,598
Other Operating Expenses	358	261	383
Depreciation and amortisation	32	23	26
Total Expenses	3,078	3,260	3,007
<i>Revenue</i>			
Sale of Goods and Services	-	-	-
Other Revenue	1	20	8
Total Revenue	1	20	8
Gain (loss) on sale of assets	-	-	(7)
NET COST OF SERVICES	3,077	3,240	3,006
Less:			
Depreciation and amortisation	32	23	26
Long Service Leave	124	120	43
Superannuation	150	143	165
NET CONTROLLABLE COST OF SERVICES	2,771	2,954	2,772
CAPITAL WORKS EXPENDITURE	41	35	-

Estimated Expenditure and Revenue for 2009/2010:

OPERATION of the LC

Description	\$000
Salaries and related payments	2,360
Other operating expenses	266
Depreciation and Amortisation	26
Other Expenses	-
<i>Total Expenses</i>	2,652
Less Retained Revenue	10
Less Non-controllable items	278
Net Controllable Cost of Services	2,364

Department of the Legislative Council unaudited financial statements

Legislative Council Committees

	2008/2009 ACTUAL \$000	2008/2009 BUDGET \$000	2007/2008 ACTUAL \$000
<i>Expenses</i>			
Staff Salaries and Related Payments	1,870	1,776	1,814
Other Operating Expenses	566	658	452
Depreciation and amortisation	25	25	91
Total Expenses	2,461	2,459	2,357
<i>Revenue</i>			
Sale of Goods and Services	-	-	-
Other Revenue	1	5	1
Total Revenue	1	5	1
Gain (loss) on sale of assets	-	-	-
NET COST OF SERVICES	2,460	2,454	2,356
Less:			
Depreciation and amortisation	25	25	91
Long Service Leave	73	50	66
Superannuation	-	23	5
NET CONTROLLABLE COST OF SERVICES	2,362	2,356	2,194
CAPITAL WORKS EXPENDITURE			-

Estimated Expenditure and Revenue for 2008/2009:

LC COMMITTEES

Description	\$000
Salaries and related payments	1,786
Other operating expenses	659
Depreciation and Amortisation	23
Other Expenses	-
<i>Total Expenses</i>	2,468
Less Retained Revenue	-
Less Non-controllable items	97
Net Controllable Cost of Services	2,371

Department of the Legislative Council unaudited financial statements

Other Services - L.C.

	2008/2009 ACTUAL \$000	2008/2009 BUDGET \$000	2007/2008 ACTUAL \$000
<i>Expenses</i>			
Staff Salaries and Related Payments			
Other Operating Expenses	8	23	18
Depreciation			
Total Expenses	8	23	18
<i>Revenue</i>			
Sale of Goods and Services	-	-	-
Other Revenue			
Total Revenue	-	-	-
Gain (loss) on sale of assets	-	-	-
NET COST OF SERVICES	8	23	18
Less:			
Depreciation	-	-	-
Long Service Leave	-	-	-
Superannuation	-	-	-
NET CONTROLLABLE COST OF SERVICES	8	23	18
CAPITAL WORKS EXPENDITURE	-	-	-

Estimated Expenditure and Revenue for 2009/2010:

SPECIAL PROJECTS

Description	\$ 000's
Salaries and related payments	
Other operating expenses	23
Depreciation and Amortisation	
Other Expenses	
<i>Total Expenses</i>	23
Less Retained Revenue	-
Less Non-controllable items	-
Net Controllable Cost of Services	23



Appendices

Appendix 1	Members of the Legislative Council	111
Appendix 2	Legislative Council members' travel	113
Appendix 3	Committee travel expenses 2008/09	114
Appendix 4	MLC attendance at Legislative Council committee meetings 2008/09	118
Appendix 5	MLC membership of joint committees administered by the Legislative Assembly	119
Appendix 6	Committee reports and government responses	120

Appendix 1

Members of the Legislative Council

Ajaka ^B The Honourable John George	LIB	Lynn ^B The Honourable Charlie John Stuart psc	LIB
Brown ^A The Honourable Robert Leslie ⁴	SP	Maddonald ^B The Honourable Ian Michael	ALP
Catanzariti ^A The Honourable Antonio	ALP	BA (Hons)	
Clarke ^A The Honourable David	LIB	<i>Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development</i>	
Cohen ^A Mr Ian BA DipEd	G	Mason-Cox ^B The Honourable Matthew Ryan ⁹	LIB
Colless ^A The Honourable Richard Hargrave	NAT	Deputy Leader of the Liberal Party	
HD App		Moyes ^A The Reverend the Honourable	CDP
Sci(Agric)		Dr Gordon	
<i>Deputy Opposition Whip</i>		Keith Mackenzie AC BA DD LLD LitD FAIM	
Costa ^A The Honourable Michael	ALP	FRGS FAICD MACE	
<i>Treasurer, Minister for Infrastructure, and Minister for the Hunter</i>		*Nile ^B The Reverend the Honourable	CDP
Cusack ^A The Honourable Catherine Eileen	LIB	Frederick John	
BEC(SocSc)		ED LTh	
Della Bosca ^B The Honourable John Joseph BA	ALP	<i>Assistant President</i>	
<i>Member for Leader of the Government, and Minister for Health, and Minister for the Central Coast, and Vice President Executive Council</i>		Obeid ^B The Honourable Edward Moses OAM	ALP
Donnelly ^A The Honourable Gregory John	ALP	Parker ^A The Honourable Robyn Mary	LIB
BEC MIR ²		<i>Temporary Chair of Committees</i>	
<i>Government Whip</i>		Pavey ^B The Honourable Melinda Jane	NAT
Fazio ^B The Honourable Amanda Ruth	ALP	Pearce ^A The Honourable Gregory Stephen	LIB
<i>Deputy President and Chair of Committees</i>		BA LLB	
Ficarra ^B The Honourable Marie Ann BSc(Hons)	LIB	Primrose ^A The Honourable Peter Thomas	ALP
Gallacher ^A The Honourable Michael Joseph	LIB	B SocStud(Syd)	
BProf St		<i>President</i>	
<i>Leader of the Opposition</i>		Rhiannon ^B Ms Lee	G
Gardiner ^B The Honourable Jennifer Ann BBus	NAT	Robertson ^A The Honourable Christine Mary	ALP
<i>Deputy Leader of the Nationals</i>		BHlthSc(Nurs)	
Gay ^A The Honourable Duncan John	NAT	<i>Temporary Chair of Committees</i>	
<i>Deputy Leader of the Opposition</i>		Robertson ^A The Honourable John Cameron	ALP
Griffin ^A The Honourable Kayee Frances	ALP	<i>Minister for Corrective Services Minister for Public Sector Reform, and Special Minister of State</i>	
Hale ^A Ms Sylvia Phyllis	G	Roosendaal ^A The Honourable Eric Michael	ALP
<i>Temporary Chair of Committees</i>		BA LLB ¹	
Harwin ^B The Honourable Donald Thomas	LIB	<i>Treasurer</i>	
BEC(Hons)		Sharpe ^A The Honourable Penelope Gail ³	ALP
<i>Opposition Whip</i>		Smith ^B The Honourable Roy Anthony	SP
Hatzistergos ^B The Honourable John BEC LLM	ALP	Tsang ^B The Honourable Henry OAM BArch(NSW)	ALP
<i>Attorney General, and Minister for Industrial Relations</i>		DipBdgSc(Syd) DUniv(CSU)	
Kaye ^B Dr John	G	<i>Parliamentary Secretary</i>	
Kelly ^A The Honourable Anthony Bernard ALGA	ALP	Veitch ^B The Honourable Michael Stanley	ALP
<i>Minister for Lands, Minister for Rural Affairs, Minister for Police, and Leader of the House</i>		<i>Deputy Government Whip</i>	
Khan ^B The Honourable Trevor John B Juris	NAT	Voltz ^B The Honourable Lynda Jane	ALP
LLB (UNSW)		West ^A The Honourable Ian William	ALP
		Westwood ^B The Honourable Helen Mary	ALP
		<i>Temporary Chair of Committees</i>	

A. Elected Members whose term of service expires on dissolution or expiry of 54th Parliament.

B. Elected Members whose term of service expires on dissolution or expiry of 55th Parliament.

**QUORUM — 8 members (in addition to the
PRESIDENT or other MEMBER presiding)**

Party representation: house of 42 members

ALP – Australian Labor Party	19
CDP – Christian Democratic Party (Fred Nile Group)	1
G – The Greens	4
IND – Independent	1
LIB – Liberal Party of Australia (NSW Division)	10
NAT – The Nationals	5
SP – Shooters Party	2
Total	42

Appendix 2

Legislative Council members' travel

Member	2008/09 Total \$	Members' LSA Travel \$	Members' Spouse / Approved Relative LSA Travel \$	Members' Staff LSA Travel \$	Members' Home Travel \$
Ajaka	767	767	-	-	-
Brown,R	11,819	11,819	-	-	-
Catanzariti	34,443	10,688	6,306	927	16,522
Clarke	464	464	-	-	-
Cohen	21,184	8,402	-	401	12381
Colless	27,893	13,619	1,258	847	12,167
Costa	-	-	-	-	-
Cusack	33,992	11,283	1,836	220	20654
Della Bosca	-	-	-	-	-
Donnelly	8,487	8,487	-	-	-
Fazio	10,812	6,492	653	3,667	-
Ficarra	2,550	2,311	239	-	-
Gallacher	615	615	-	-	-
Gardiner	37,065	16,535	-	77	20453
Gay	13,257	10,483	1,003	1,354	417
Griffin	874	874	-	-	-
Hale	5,894	5,894	-	-	-
Harwin	11,713	5,479	-	184	6,050
Hatzistergos	-	-	-	-	-
Kaye	6,637	6637	-	-	-
Kelly	29,529	3,181	7,849	-	18,498
Khan	23,155	1,861	1,461	1,093	18,740
Lynn	1,498	1,498	-	-	-
Macdonald	568	-	-	-	568
Mason-Cox	24,378	8,620	425	-	15332
Moyes	12,965	5540	1,150	-	6,275
Nile,F	7,860	228	-	-	7,632
Obeid	-	-	-	-	-
Parker	13,183	3,572	-	-	9,611
Pavey	29,044	9975	35	-	19,034
Pearce	11,790	6,103	280	-	5,407
Primrose	1,161	1,161	-	-	-
Rhiannon	12,901	10,864	740	1297	-
Robertson,C	27,571	4,899	4,350	-	18,322
Robertson,J	-	-	-	-	-
Roosendaal	-	-	-	-	-
Sharpe	5,527	5,053	-	474	-
Smith, R	11,268	8,516	2,470	282	-
Tsang	827	618	-	209	-
Veitch	26,880	8465	55	-	18360
Voltz	9,587	7,069	-	2518	-
West	1,120	1,120	-	-	-
Westwood	1,843	1,341	502	-	-
TOTALS	481,121	210,533	30,612	13,550	226,423

Appendix 3

Committee travel expenses 2008/09

The following tables set out all travel expenditure incurred by committee members, committee staff and Hansard staff for 2008-2009. Committees not represented in these tables incurred no travel related expenses in the reporting period.

Total for all committee travel expenses – \$90,214.13

Standing Committee on Law and Justice

Date	Inquiry	Minute No.	Destination	Activity	In attendance	Travel Expenses ⁷
19 December 2008	NSW Attorney General invitation to Justice Health Forensic Hospital and the Long Bay Correctional Centre Hospital	25	Long Bay	Site Visit	Robertson Fazio Ajaka Hale Secretariat staff (3)	\$625.00
TOTAL						\$625.00

⁷ Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, taxi fares etc.

Standing Committee on Social Issues

Date	Inquiry	Minute No.	Destination	Activity	In attendance	Travel Expenses ⁸
5-7 August 2008	Overcoming Indigenous Disadvantage in NSW	19,20,21	Coleambally, Griffith, Broken Hill and Armidale	Site visits and round table discussion	West Khan Donnelly Kaye Veitch Secretariat staff (3) Hansard staff (3)	\$33,214.44
20 May 2008	Homelessness and low-cost rental accommodation	32	Pyrmont	Site visit	West Khan Donnelly Kaye Veitch Secretariat staff (3)	\$175.80
TOTAL						\$33,389.44

⁸ Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, taxi fares etc.

Standing Committee on State Development

Date	Inquiry	Minute No.	Destination	Activity	In attendance	Travel Expenses ⁹
1 May 2009	NSW planning framework	28	Orange	Hearing	Catanzariti Nile Robertson Veitch Griffin Secretariat staff (3) Hansard staff (3)	\$7,120.28
19 May 2009	NSW planning framework	29	Queanbeyan	Hearing	Catanzariti Pavey Mason-Cox Nile Robertson Veitch Secretariat staff (3) Hansard staff (3)	\$5,267.50
21 May 2009	NSW planning framework	30	Tamworth	Hearing	Catanzariti Pavey Mason-Cox Nile Robertson Veitch Secretariat staff (3) Hansard staff (3)	\$9,057.34
26 May 2009	NSW planning framework	31	Ballina	Hearing	Catanzariti Pavey Nile Robertson Veitch Secretariat staff (3) Hansard staff (3)	\$6,436.73
29 May 2009	NSW planning framework	32	Albury	Hearing	Catanzariti Pavey Nile Robertson Veitch Secretariat staff (3) Hansard staff (3)	\$8,116.63
TOTAL						\$35,998.48

⁹ Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, cabcharge fares etc.

General Purpose Standing Committee No. 2

Date	Inquiry	Minute No.	Destination	Activity	In attendance	Travel Expenses ¹⁰
1 July 2008	The management and operation of the NSW Ambulance Service	17	Penrith and Eveleigh	Site Visit	Parker Robertson Donnelly Catanzariti Ficarra Moyes Rhiannon Secretariat staff (3)	\$770.00
17 March 2009	The governance of NSW universities	38	Armidale	Public Hearing	Parker Robertson Donnelly Ficarra Moyes Kaye Sharpe Secretariat staff (3) Hansard staff (3)	\$11,965.63
23 March 2009	The governance of NSW universities	39	Darlington	Public Hearing	Parker Robertson Donnelly Catanzariti Ficarra Moyes Kaye Secretariat staff (3) Hansard staff (3)	\$1,170.70
TOTAL						\$13,906.33

¹⁰ Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, taxi fares etc.

General Purpose Standing Committee No. 3

Date	Inquiry	Minute No.	Destination	Activity	In attendance	Travel Expenses ¹¹
9 April 2009	The privatisation of prisons and prison-related services	28	Parklea and Dillwynia	Site visits	Fazio Ajaka Hale Khan Smith Westwood Secretariat staff (3)	\$725.00
15 April 2009	The privatisation of prisons and prison-related services	29	Cessnock	Site visit	Fazio Ajaka Donnelly Hale Khan Smith Westwood Secretariat staff (3)	\$ 954.00
21-22 April 2009	The privatisation of prisons and prison-related services	30	Junee	Site visit	Ajaka Catanzariti Hale Khan Smith Westwood Secretariat staff (3)	\$4,615.88
TOTAL						\$6,294.88

¹¹ Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, taxi fares etc.

Appendix 4

MLC attendance at Legislative Council committee meetings 2008/09

Denotes attendance as a participating member

* Denotes attendance as a substitute member

The figures in the following table do not include members' participation in joint committees administered by the Legislative Assembly.

	Member	L & J	SI	SD	GPSC1	GPSC2	GPSC3	GPSC4	GPSC5	Privileges	Procedures	Total	
GOVERNMENT MEMBERS	Catanzariti			13		18	3*	2*	10			46	
	Della Bosca											0	
	Donnelly	16	18			29	15	1*		3	1	83	
	Fazio	17			2*		23	1*		2	1	44	
	Griffin			1	15	4*		9	3*	4		36	
	Kelly										1	1	
	Macdonald											0	
	Obeid				1*	1*	2*		4* 1#				9
	Primrose										1		1
	C Robertson	18		12		33		3*	1*				67
	J Robertson					1*		2*					3
	Sharpe				16	3*		1*	1*				21
	Tsang					3*	2*	13	1*				19
	Veitch		20	12		4*	2*	1*	2*				41
	Voltz					1*	1*	13	8				23
	West		20		14		1*		1*	3			39
Westwood					3*	19		11				33	
OPPOSITION MEMBERS	Ajaka	18					19	1*				38	
	Clarke	17			1*		1*	8	3*			30	
	Colless								11			11	
	Cusack				2*	2*	1*	1*				6	
	Ficara		13		4*	26			2*			45	
	Gallacher						2*	1#				3	
	Gardiner							15		4		19	
	Gay				4*		2*				1	7	
	Harwin				1*		1*	1*		1	1	5	
	Khan		13		2*		16		4*			35	
	Lynn					1*			7			8	
	Mason-Cox			10	9		1*	3*	1*			24	
	Parker					34	1*					35	
	Pavey			12	5	4*	2*	1*				24	
	Pearce				4*							4	
	CROSS BENCH MEMBERS	Brown								14		1	15
Cohen						7*	1*		13			21	
Hale		16			1*		3* 1#	6	1#			28	
Kaye			20		9	15*		1* 1#	2#			48	
Moyes						25						25	
Nile		1		11	16					4	1	33	
Rhiannon					6*	9	7	5*				27	
Smith							21	14				35	

Appendix 5

MLC membership of joint committees administered by the Legislative Assembly in 2008/09

The following table sets out MLC membership of the joint committees administered by the Legislative Assembly. MLCs who are not members of these committees do not appear. For information about the activities of these committees see the Legislative Assembly's Annual Report 2008/09.

Member	Committee on Children and Young People	Committee on Electoral Matters	Committee on Health Care Complaints	Committee on the ICAC	Legislation Review Committee	Office of the Valuer General	Office of the Ombudsman and the PIC	Road Safety (Staysafe)
GOVERNMENT MEMBERS								
Donnelly				•				
Fazio		•			•			
Griffin	•					•		
Robertson							•	
Voltz								
West								•
Westwood			•					
Ajaka	•							
Clarke			•					
Colless								•
Cusack								
Gardiner		•						
Harwin		•						
Khan				•				
Lynn							•	
Mason-Cox						•		
Parker					•			
Brown								•
Cohen								
Hale					•		•	
Moyes								
Niile	•		•					
Rhiannon								
Smith								
CROSS BENCH MEMBERS								

Appendix 6

Committee reports and government responses

The following table sets out all reports that have been tabled by Legislative Council committees in the reporting period, government responses received or due to be received in the reporting period, and government responses received during the period for reports tabled during earlier reporting periods.

Committee	Report no.	Report title	Date tabled	Government response due	Government response tabled
Law and Justice	35	The publication of names of children involved in criminal proceedings	21/04/08	21/10/08	30/10/08
	36	Review of the exercise and functions of the Motor Accidents Authority and the Motor Accidents Council: Ninth report	01/09/08	2/03/09	10/03/09
	37	Review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council: First Report	30/10/08	30/04/08	04/05/09
	38	Legislation on altruistic surrogacy in NSW	27/05/09	27/11/09	-
	39	Adoption by same sex couples	08/07/09	08/01/10	-
Social Issues	40	Overcoming indigenous disadvantage. Interim report	27/06/08	N/A	N/A
	41	Overcoming indigenous disadvantage	27/11/08	27/05/09	27/05/09
State Development	33	Nanotechnology in New South Wales	27/10/08	29/04/09	29/04/0
GPSC 1	33	Budget Estimates 2008-2009	05/03/09	N/A	N/A
	32	The need for a mini-budget	30/10/08	N/A	N/A
GPSC 2	29	Budget Estimates 2008-2009	03/03/09	N/A	N/A
	27	The management and operations of the Ambulance Service of NSW	20/10/08	20/04/09	04/05/09
	28	The Program of Appliances for Disabled People	15/12/08	15/06/09	15/06/09
	30	Governance of NSW universities	01/06/09	01/12/09	N/A
GPSC 3	20	Budget Estimates 2008-2009	09/12/08	N/A	N/A
	21	The privatisation of prisons and prison-related services	05/06/09	05/12/09	-
GPSC 4	20	Budget Estimates 2008-2009	05/03/09	N/A	N/A
	19	The transport needs of Sydney's North-West sector	19/12/08	19/06/09	23/06/09
GPSC 5	29	Budget Estimates 2008-2009	26/11/08	N/A	N/A
	28	The former uranium smelter site at Hunter's Hill	30/09/08	30/03/09	26/03/09
Privileges Committee	46	Citizen's Right of Reply (Mr M Tebbutt)	29/10/08	N/A	N/A
Procedure Committee	3	Report relating to formal business, pecuniary interest, quorum and broadcasting of proceedings	06/03/08	N/A	N/A
	4	Report relating to limiting debate, tabling of papers when the House is prorogued, absence of a quorum and rules in the galleries	12/03/09	N/A	N/A
Select Committee on Electoral and Political Party Funding in NSW	1	Electoral and political party funding in New South Wales	19/06/08	19/12/08	19/12/08



Parliamentary Calendar

'Parliaments'

The duration of a Parliament is limited by section 24 of the *Constitution Act 1902* to four years.

Under section 10 of the *Constitution Act 1902* the Governor has the power to prorogue the Legislative Council and prorogue or dissolve the Legislative Assembly. This is done by proclamation. The Legislative Council is a House with continuing membership (only half of the total 42 Members are elected at each periodic Legislative Council election) and cannot be dissolved. Under section 22F of the *Constitution Act 1902* the Legislative Council cannot meet while the Legislative Assembly is dissolved.

'Sessions'

Each Parliament is divided into sitting periods called sessions. It is the Governor's duty to prorogue or discontinue a session until the next session. The House is said to be in recess after it is prorogued.

The effect of prorogation is to terminate all the current business of Parliament. An exception to this is the passing of Parliamentary committees enabling legislation which permits specified committees to continue to function during prorogation and during the following session of Parliament.

Section 11 of the *Constitution Act 1902* states that it is mandatory for a session of Parliament to be held each year so that a period of 12 months will not intervene between sittings. During a session, the Council on its own motion may adjourn from one sitting day to the next.

'Sittings'

There are normally two distinct sitting periods during the course of a year. The Autumn sittings are usually held between February and May. These sittings usually commence with the Governor's opening speech outlining the Government's legislative program for the coming year. The address-in-reply follows the Governor's speech. The sittings from August to December are called the Budget or Spring sittings because it is during this period that the State Budget is presented. A wide ranging debate occurs on its provisions. The address-in-reply and budget debates may take several weeks to conclude.



LEGISLATIVE COUNCIL

Legislative Council
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000
www.parliament.nsw.gov.au
Ph (02) 9230 2111
Fax (02) 9230 2876