



LEGISLATIVE COUNCIL FACT SHEETS

FACT SHEET 9: THE DEPARTMENT OF THE LEGISLATIVE COUNCIL

The Clerk

The administrative head of the Department of the Legislative Council is the Clerk of the Parliaments who also has the title of Clerk of the Legislative Council. The Clerk is responsible to the President of the Council for the efficient and effective administration of the department. The Clerk provides expert advice on the proceedings of the Council to the President, Deputy President, ministers and members of the Council and committees on parliamentary law, practice and procedure. As Chief Executive Officer, the Clerk manages Parliament House and everything within its precincts separately or jointly with the Clerk of the Assembly.

The Clerk is appointed by the Governor by letters patent, on the recommendation of the President to the Premier.

In the House, the Clerk sits at the table of the Council on the President's right. The Clerk is responsible for calling each item of business as it is reached and keeps watch generally over the conduct of business. The Clerk is also responsible for the preparation and publication of the Minutes of Proceedings, Notice Paper and Questions and Answers Paper (SO 49). The Clerk has custody of the journals, records and documents tabled in the House and they may only be taken from the office of the Clerk by resolution of the House (SO 50). The Clerk also ensures that a Hansard record is kept of debates in the House (SO 51). Orders for the production of documents are also signed by the Clerk (SO 52).

Whenever the office of President becomes vacant, the Clerk acts as Chair of the House for the election of the President and has the powers of the President under the standing orders when so acting (SO 12).

The Clerk also certifies bills sent to the Assembly (SO 151) or returned to the Assembly, with or without amendment (SO 155). A bill originated in the Council which has finally passed both Houses is certified by the Clerk before presentation to the Governor for assent (SO 160).

The role and functions of the Department

The Department of the Legislative Council provides procedural, administrative and other support services to assist the members of the Council in performing their parliamentary duties, including their work within the House, on various committees and within the community.

Under the Council's charter, the three principal program areas of the department are procedure, committees and corporate support.

The Procedure Office provides advice to members on parliamentary practice and procedure, prepares documentation for use in the House and produces records of proceedings of the House and its committees.

The Corporate Office provides administrative and support services include provision of support staff and equipment for members, and administration of members' salaries, allowances and entitlements. It also provides corporate management services including corporate/strategic management, budget development, monitoring and reporting, personnel and training, and industrial/employee relations management.

The Committee Office provides the following services:

- advice to committee chairs and members on parliamentary procedure and committee procedure;
- advice on committee procedure to witnesses and advisers appearing before committees, and members of the public wishing to make submissions;
- project management of committee inquiries, including liaison with stakeholders, and advising members of the most effective means of public consultation;
- research, analysis and drafting of committee reports and arranging for their presentation to the House;
- preparing agendas and business papers and making arrangements for committee meetings, including arranging the attendance of witnesses; and
- preparing minutes of committee meetings.

The Chamber and Support Services staff attend in the chamber when the House is sitting and support the orderly operations of the House by dealing with documents, messages and visitors. The staff also deal with members' mail and equipment, receive and escort Members' guests, conduct tours of the Chamber and vestibule area, address school groups about the operations of the Council and support committees travelling to locations within Sydney.

The department is accountable to the President. The department is also independent of the New South Wales public service, although many public sector policies and practices are adapted or followed by the department.