

DEPARTMENT OF THE LEGISLATIVE COUNCIL

annual report

2010

DEPARTMENT OF THE LEGISLATIVE COUNCIL
NEW SOUTH WALES

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 2010.

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

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**(Between 9.00am and 5.00pm weekdays,
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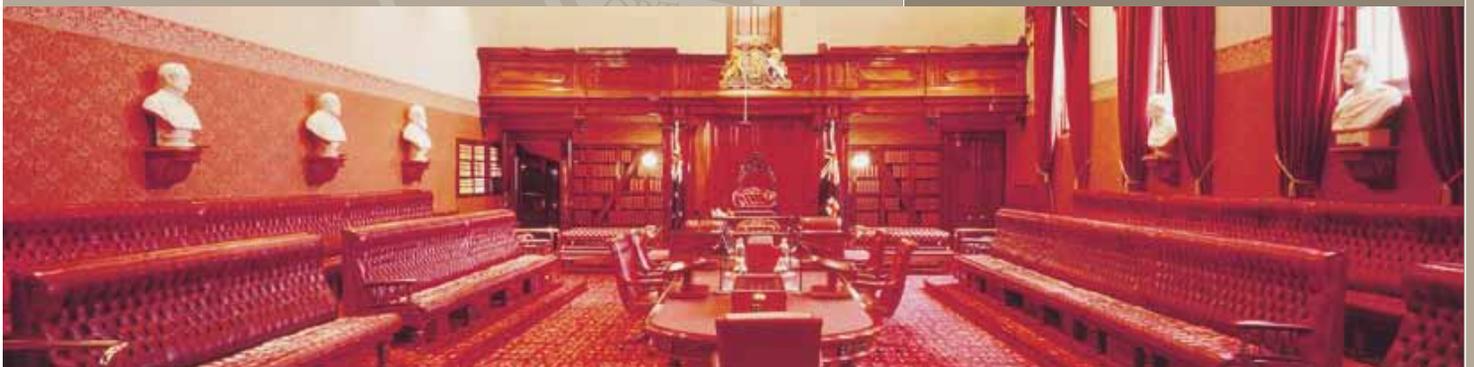
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Access to the chamber

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

I am pleased to report that the new strategic directions and structure of the Department of the Legislative Council detailed in last year's annual report have now been consolidated.

A number of new initiatives designed to improve access to information about the Legislative Council and its committees to enhance community understanding of the role of the Council have now been implemented. Two new publications, the *House in Review* and the *Running Record* (details of which are outlined on page 26 of this report) have been well received and are now part of our core business. Another promising initiative to enhance community understanding of the Council was a pilot program of regional visits designed to engage with secondary schools (see page 35).

Our renewed emphasis upon procedural training has been taken to another level during the reporting year, with two 'Legislative Council in Practice' seminars for public servants fully subscribed, and a number of outreach events to provide advice to community groups to assist them to engage with the parliamentary committee process (see pages 36 and 44).

The NSW Parliament's twinning arrangements with the National Parliament of the Solomon Islands and the Bougainville House of Representatives have been formalised and are now supported through funding from AusAid under the Pacific Public Sector Linkages Program (see page 18).

The House and its committees

During 2009/2010 the House saw a marked increase in the number of bills initiated in the Council and a return to the sorts of numbers of orders for the production of state papers experienced in the last Parliament. (A comprehensive report on the work of the Procedure Office in supporting the sittings of the House is provided at pages 27 to 32). Twenty-seven committee inquiries dealing with a range of complex public policy issues were supported during the reporting period. There was a significant increase in the number of submissions received and the Legislative Council's committees continued the recent trend of making every effort to take evidence in regional NSW where appropriate. (A comprehensive report on the work of the Committee Office in supporting the work of the Council's committees is provided at pages 38 to 67).

Comings and goings

It was with considerable sadness that the Council marked the deaths of three former members during 2009/10. The Honourable Virginia Chadwick, the first female President of the Council, was one of the first group of members directly elected after the democratic reforms in 1978, and served in the House for 20 years, including seven years as a minister. The Honourable Jeff Shaw QC was a member of the House from 1990 to 2000, including five years as Attorney General and Minister for Industrial Relations. The Honourable Andy Manson was a member from 1988 until 2000. The text of the condolence debates in relation to each of these former members can be found at www.parliament.nsw.gov.au/hansard.

In November 2009 the Honourable Peter Primrose resigned as President in order to take up a position in the ministry, and the Deputy President, the Honourable Amanda Fazio was elected as the Legislative Council's new President. The Honourable Kayee Griffin was elected Deputy President.

Two long standing ALP members resigned from the Council during the year: the Honourable Ian Macdonald, a member since 1988, and the Honourable Henry Tsang, a member since 1999. The casual vacancies created by their resignations were filled by the Honourable Luke Foley and the Honourable Shaoquett Moselmane respectively.

2010/2011

Since the end of the reporting period a further three members have resigned and been replaced, and a further change in the membership of the Council has been necessitated through the tragic death in office of a member. Further details will be provided in the 2010/2011 annual report.

This year has seen considerable recent change in the political environment, and there will be further change associated with the forthcoming end of the 54th Parliament, the election in March 2011 and the meeting of the new Parliament. I trust that one important source of stability that all of our members and other stakeholders will continue to find helpful will be the ongoing professionalism and outstanding work of the staff of the Department of the Legislative Council in the provision of accurate, timely and impartial procedural, analytical and administrative support.

Lynn Lovelock

Clerk of the Parliaments

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Our Charter

The Legislative Council

The Legislative Council has a traditional role as a House of Review, 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 Council also has an active committee system.

The Legislative Council is the 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. In addition, the Legislative Council's committee system 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.

On 30 June 2010, the membership of the House was comprised of:

- 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 Family First Party) members.

The House sits for approximately 16-20 weeks each year. In addition, Legislative Council committees conduct upwards of 30 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 the Procedure Office and Committee Office. The Department has an establishment of 39 full time equivalent (FTE) staff. There are also 51 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 17 November 2009, the Honourable Peter Primrose MLC vacated his position as President of the Legislative Council. Following this, the House elected the Honourable Amanda Fazio MLC as its President from 24 November 2009.

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
- 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'.

Section 5 General legislative powers

Section 5 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 7A Referendum for Bills with respect to Legislative Council and certain other matters

In 1929 the Act was amended to include Section 7A which provided that the Legislative Council 'shall not be abolished or dissolved, nor shall its powers be altered...' until a bill for this purpose has been presented to and supported by the electors through a referendum process.

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.

Part 3, 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 divisions.¹

The President also has administrative responsibility for operation of the Department of the Legislative Council, including the appointment and dismissal of staff.²

Parliamentary Electorates and Elections Act 1912

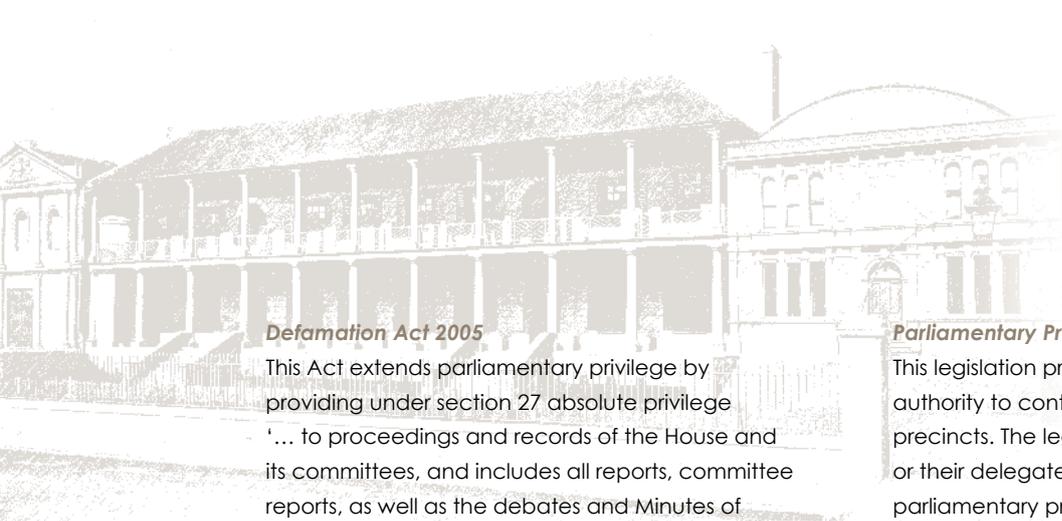
This Act legislates the New South Wales election process, including the timing and registration of political parties and other matters relating to conduct.

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 New South Wales 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 under section 27 absolute privilege '... to proceedings and records of the House and its committees, and includes all reports, committee reports, as well as the debates and Minutes of Proceedings of either House and committees, the Notice Paper, the Questions and Answers Paper and the Statutory Rules Paper.³

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.

³ *Ibid*, p 76.

The year at a glance

	2009/2010	2008/2009	2007/2008	2006/2007	2005/2006
Department staff	39FTE	39FTE	49FTE	50FTE	47FTE
Secretary Research Assistants	51FTE	46FTE	46FTE	43FTE	50FTE
Sitting days	51	47	47	40	47
Sitting hours	389	377	343	344	401
Bills passed	125	115	128	107	99
Amendments to bills (circulated)	226	355	374	267	270
Amendments to bills (agreed to)	80	78	62	100	66
Orders for papers	35	20	15	38	44
Notices of motion given	319	310	262	208	322
Committee inquiries	27	26	29	22	39
Committee reports tabled	18	19	22	15	28
Submissions to committees	2273	1491	681	245	1021
Inquiry witnesses (hearings and forums)	581	668	622	399	774

Legislative Council financial summary

	2009/2010	2008/2009	2007/2008	2006/2007	2005/2006
Net cost of services for the Legislative Council	20,946,000	23,350,000	23,271,000	24,093,000	23,054,000
Operational, Committees and other costs	5,137,000	5,545,000	5,380,000	5,403,000	6,265,000



Overview

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Strategic Priorities for the Department of the Legislative Council

The Department of the Legislative Council's Strategic Plan 2009-2011 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.

The Department's Strategic Plan and supporting business plans are available on the Parliament's website by accessing the Legislative Council webpage.



Operational imperatives 2010

The Department identified ten operational imperatives for achievement in 2010 and significant progress has been accomplished to meet those imperatives during the reporting year.

The imperatives are listed below, along with an overview of progress to date.

1. Procedural training and support for members and their staff and other stakeholders

Further develop and deliver the procedural training program for members and their staff, including public servants and ministerial staff, non-government clients and universities.

Progress

The 'Legislative Council Procedure and Practice Course' was developed in 2009 to provide members and staff with practical information on the fundamentals of Legislative Council practice and procedure. The course attracted more than 50 participants over the reporting period.

In May 2010, staff of the Department delivered a new program, the 'Legislative Council in Practice,' designed for public servants and other external clients who have a direct interest in the role of the Legislative Council as a House of Review. Due to a high level of interest the program was delivered again in June 2010.

Quotes from participants who attended the 'Legislative Council in Practice':

'One of the most interesting courses I have ever attended'.

'The practical insight was invaluable'.

'The staff were great and very informative'.

During 2010, Committee Office staff delivered training workshops on participating in committee inquiries to the Council of Social Services of New South Wales, Public Interest Advocacy Centre, NSW Young Lawyers and Community Legal Centres New South Wales.

2. Professional development and training

Complete the development of a professional development and training module to enhance the knowledge of staff of the Department of the Legislative Council in parliamentary practice and procedure.

Progress

The Department has developed two training programs, which will be conducted annually and designed to increase the professional skills of our staff. The table officer training program, consisting of four one and a half hour sessions, is directed at those staff who work, or are likely to work as table officers in the House. Topics include financial legislation; delegated legislation; parliamentary privilege; and committees.

The second program involves a series of staff seminars conducted over five one and a half hour sessions. The seminar program was conducted to coincide with the winter recess with sessions scheduled between July and August 2009. Topics included Conduct of Proceedings; Parliamentary Privilege; the Inquiry Power/Committees, and Relations between the two Houses.

3. Induction program for new members

Commence preparation for the induction of new members in 2011, including development of a revised Members' Guide, a guide for committee members and a new members' training program.

Progress

The Department will work together with the Department of the Legislative Assembly and the Department of Parliamentary Services to develop a system that will facilitate a seamless and efficient entry and exit process for members and staff, joining and leaving the Parliament as a result of the March 2011 Election. Work will commence in the first quarter of the 2010/2011 reporting year.

4. AusAID grant and twinning arrangements

Implement programs funded by the recently awarded AusAID grant to the New South Wales Parliament for the project, *Strengthening parliamentary institutions in the Solomon Islands and Bougainville* including secondments, training and mentoring programs.

Progress

In May 2010 the Parliament appointed Mr Simon Johnston as Project Coordinator to develop and deliver programs and activities that meet the stated objective to build capacity and strengthen parliamentary democracy in the Solomon Islands and Bougainville. Mr Johnston was previously employed by the New South Wales Legislative Council in Procedure and in the Committee Offices.

Priority areas for activities in both twinned parliaments were identified in the AusAID-approved activity project plan and focus on enhancing the services provided by functions such as hansard, library, procedure and committees that support the sittings of Parliament and provide procedural assistance to members.

A number of activities were undertaken in the reporting year, including the participation of staff from the New South Wales Parliament in the Bougainville House of Representatives induction program for newly elected members. In addition, the Project Coordinator consulted with the Clerks and staff of the Bougainville and Solomon Islands to clarify project activities to be conducted for the 2010/2011 financial year.

5. House in Review and Running Record

Refine and promote two new Council publications, the *House in Review* and the *Running Record*, and review and enhance other procedural documents produced by the Department, including procedural highlight summaries and fact sheets.

Progress

The *House in Review*, introduced in September 2009, is published on the Parliament's website on the Friday afternoon of a sitting week. Feedback from recipients has been very positive and will be used where appropriate to enhance this publication.

The *Running Record* provides a live written record of the decisions and actions of the Legislative Council, as they happen each sitting day. The *Running Record* is still evolving, and enhancements such as providing attachments, are being explored.

Further information on these new resources is available on page 26.

6. Engaging visitors to the Parliament

Enhance visitor information material and explore new ways to provide access to information including audio-visual displays in the Parliament foyer and Legislative Council antechamber, touch-screen technologies and the website.

Progress

The Procedure team is currently working on a number of projects aimed at attracting and engaging people interested in the role and

functions of the Legislative Council. The team is working on redesigning information currently available on our website, including fact sheets and brochures. Work will commence early in the new reporting year on sourcing and applying audio-visual and touch-screen technologies in the chamber foyer and entrance to the public gallery.

7. Bulletin Board

Develop and trial Bulletin Board technology to allow for electronic access to information relating to the business of the House and committees for use by members, Department staff and others.

Progress

In June 2010, a trial of the Bulletin Board Lotus Notes based program, *QuickR* commenced involving a small group of Department staff from the Office of the Clerk, Procedure and the Committee Office. The trial group will work with the Parliament's information technology staff to further develop *QuickR*.

8. Accommodation of committee staff

Relocate off-site committee staff, centralising committee administration in one location at Parliament House.

Progress

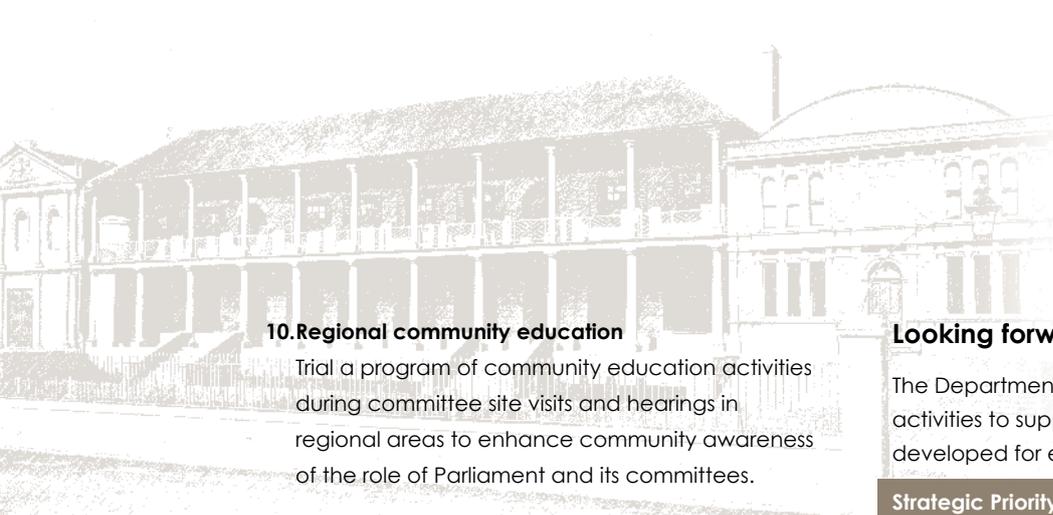
Committee staff have been relocated to Parliament House and the previously occupied premises at 139 Macquarie St have been vacated.

9. Technological improvements to enhance community access to committee documents

Improve community access to committee documents, both electronically and by other means, particularly to address the needs of people with disability and young people.

Progress

In April 2010 software was purchased to improve access to committee documents and facilitate participation by persons with reading difficulties such as dyslexia and vision impairment. Committees now have the ability to convert word or PDF files to other formats such as MP3 and Braille. The software will be used to translate committee documentation such as terms of reference, media releases, submissions, transcripts and report recommendations.



10. Regional community education

Trial a program of community education activities during committee site visits and hearings in regional areas to enhance community awareness of the role of Parliament and its committees.

Progress

In May 2010, staff from the Department's Procedural Research and Training Unit and the Parliamentary Education and Community Relations Office accompanied the Select Committee on Recreational Fishing on regional hearings held in Batemans Bay and Griffith. Staff conducted sessions at these locations to more than forty secondary students, providing an overview of the New South Wales Parliament and system of government; the Legislative Council as a House of review; and the role and process of committee inquiries.

The students provided very positive feedback and the schools involved enthusiastically embraced the opportunity. The Department intends to conduct more of these regional sessions in the future.

Looking forward to 2010/2011

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

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 March 2011 election and the establishment of the 55th Parliament will be a significant focus of the Department's activities over the coming reporting period. A steering committee has been established comprising of representatives from the three Departments: the Department of the Legislative Council, the Department of the Legislative Assembly and the Department of Parliamentary Services. The steering committee will ensure a consolidated and timely plan is in place to enable a coordinated and efficient entry and exit process for members and staff joining and separating from the Parliament as a result of the election. Part of the plan will involve the development of training and supporting resources that will assist new members to develop knowledge of the procedures of the Legislative Council, and additionally their responsibilities and entitlements as members. Training will also be provided for new staff members to enable them to assist members in the execution of their duties.

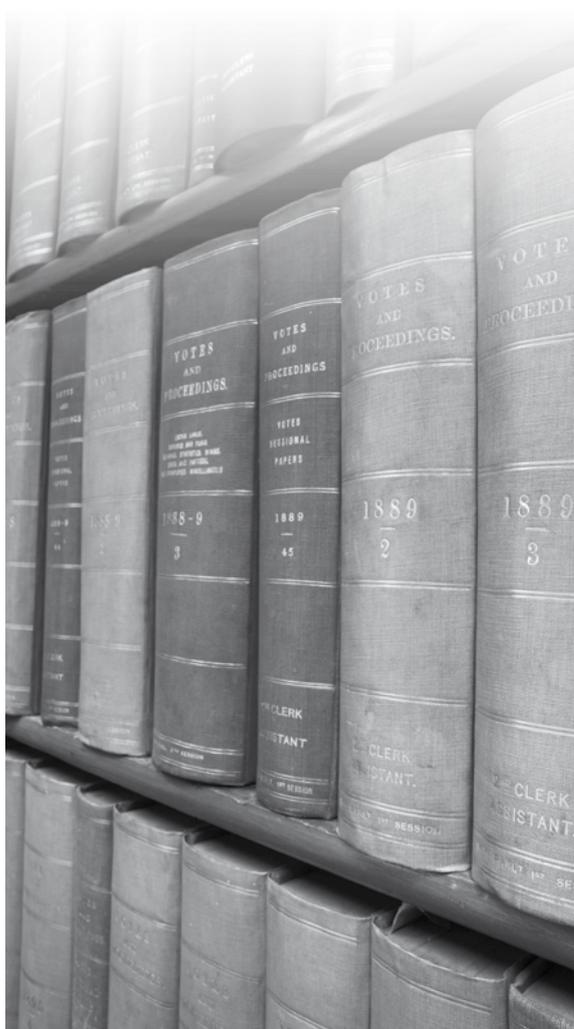
Objective

To utilise new technology to improve processes.

Actions

The Department will continue to enhance the publications of the *Running Record* and the *House in Review* and use technology to ensure their accessibility. In addition, *QuickR*, the Bulletin Board Lotus Notes based program, will be further developed. Other Bulletin Board platforms are also being considered, involving site visits to organisations currently using these programs to good effect.

Work will commence shortly to source audio-visual and touch-screen displays for the Legislative Council foyer and public gallery. The Parliament's website is also being reviewed, with an intended finalisation by the end of 2010.



Objective

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

Actions

The Department will commence work early in the following reporting period on the development of new resources, including several guides for members on House practice and procedure, the role and process of committee inquiries, and individual entitlements and responsibilities. The information will be supported by a program of training, including new member induction training, and regular seminars on topics of relevance.

Objective

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

Actions

The Department will continue to provide a professional development program for staff and will use the expertise of the Clerk of the Parliaments and other senior staff to deliver seminars on both historical and current parliamentary practice and procedure.

Strategic Priority – Enhancing procedural knowledge and skills**Objective**

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

Actions

The Department plans to deliver training to the Clerks at the Table early in the new reporting year. The training will be conducted in the chamber and will provide a comprehensive insight into the role and responsibility of chamber and table office staff. In addition, the Department will support the attendance of staff at Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT) conferences, workshops and courses.

Objective 2

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

Actions

The Department will schedule the 'Legislative Council Procedure and Practice' course for members and staff after the commencement of the new Parliament in 2011. In addition, Procedure staff will continue to provide high level one on one training for members and their staff on the business of the House.

As noted previously, the Department will develop an induction program and associated resources for new members commencing as a result of the 2011 election.

Strategic Priority – Community access and engagement**Objective**

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

Actions

The Department will explore further ways of enhancing awareness and accessibility of the *House in Review* and the *Running Record*.

The Department will complete its current project to redesign its public information on the Parliament's website, including fact sheets and brochures. In addition, the Parliament's current website review will provide for improved community access, through enhanced design, navigation tools, and graphics.

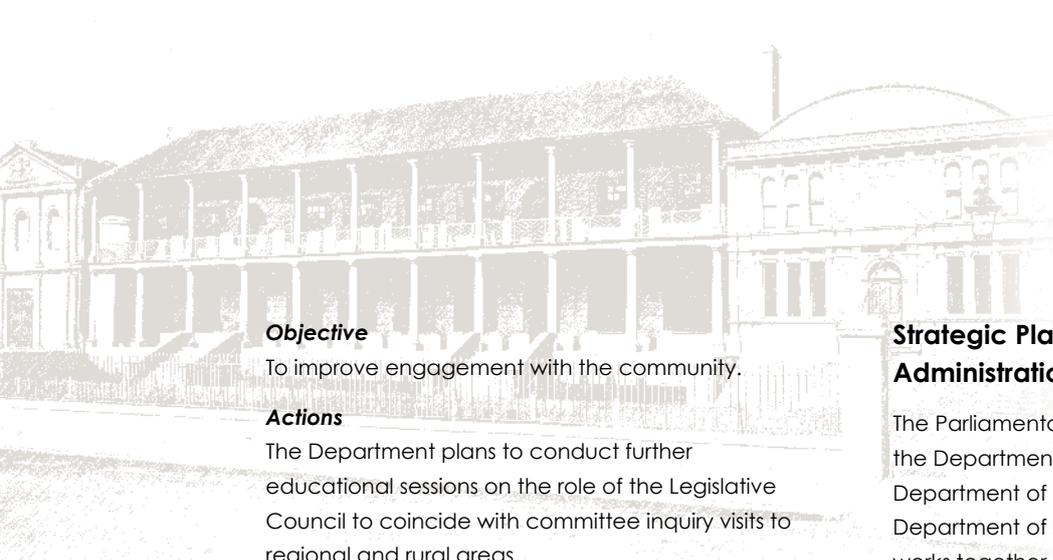
Objective

To improve awareness of the role of the Legislative Council.

Actions

The Department intends to install audio-visual and touch screen displays in the Legislative Council foyer and public gallery that will provide easy access to information about the role of the Legislative Council for visitors to the Parliament.

The Department plans to conduct the 'Legislative Council in Practice' information session twice yearly. The session targets individuals who have a direct interest in the functions of the New South Wales Parliament, including public servants, academics, students and representatives of community and business organisations. The session provides practical information on how the Legislative Council performs its legislative, representative and scrutiny functions.



Objective

To improve engagement with the community.

Actions

The Department plans to conduct further educational sessions on the role of the Legislative Council to coincide with committee inquiry visits to regional and rural areas.

Strategic Priority – Capacity building to strengthen parliamentary democracy

Objective

To assist in parliamentary strengthening programs in the Asia Pacific.

Actions

The Department will work with the Department of the Legislative Assembly and the Project Coordinator to implement programs funded through the AusAID grant to the New South Wales Parliament and will support activities that will strengthen the parliamentary institutions in the Solomon Islands and Bougainville.

One of the priorities identified is to enhance the procedural support arrangements of both the National Parliament of Solomon Islands and the Bougainville House of Representatives. The Department will provide staff and other resources to support secondments of staff from both Parliaments to the Procedure team.

In addition, the Department is committed to working closely with existing parliamentary strengthening initiatives in the region, coordinated by organisations including the United Nations Development Program/ Regional Assistance Mission to the Solomon Islands Parliamentary Strengthening Program, the Centre for Democratic Institutions, the Commonwealth Parliamentary Association and the La Trobe University Public Sector Governance and Accountability Research Centre.

Objective

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

Actions

The Department will provide staff with opportunities to work in different political, procedural and cultural environments. Staff will also provide assistance and training to staff seconded to the Legislative Council from the twinned parliaments. These opportunities will develop the skills and knowledge of our staff.

Strategic Plan for Parliamentary Administration 2009-2018

The Parliamentary Administration, comprised of the Department of the Legislative Council, the Department of the Legislative Assembly and the Department of Parliamentary Services, collectively works together to provide services that ensure:

- the effective functioning of the Parliament and its committees
- members of Parliament are supported to fulfil their parliamentary roles
- community access and awareness of the role and functions of the Parliament.

In support of these services, the Parliamentary Administration is committed to organisational capacity building.

In December 2009, the Presiding Officers launched a Strategic Plan for the Parliament of New South Wales as a whole. The Plan, developed collaboratively by the Parliamentary Administration, identifies the following key strategies for results delivery during the period 2009-2018:

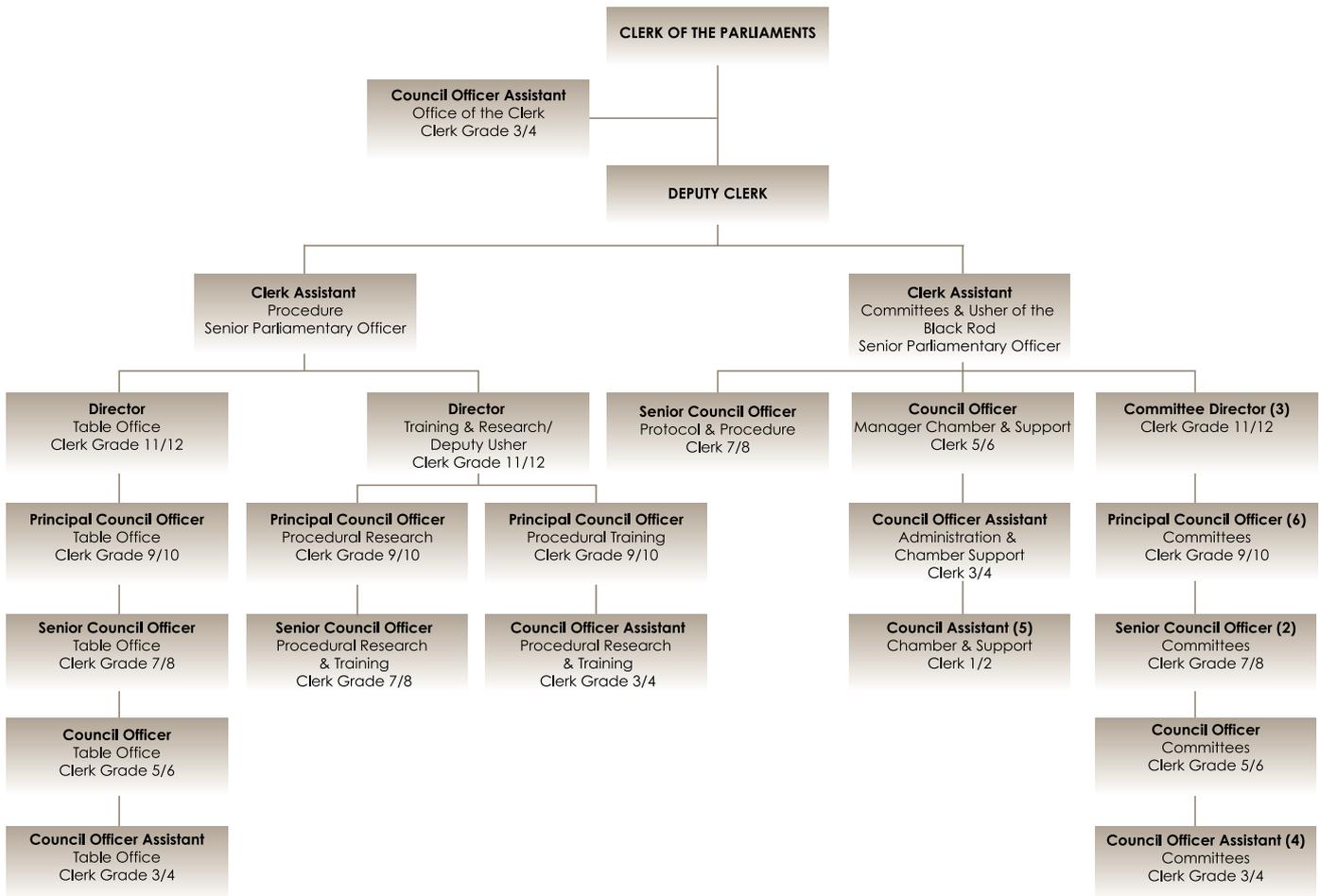
1. Support for chamber and committee operations
2. Support for members in their parliamentary duties
3. Promote community access
4. Build the service provision capacity of the Parliamentary Administration.

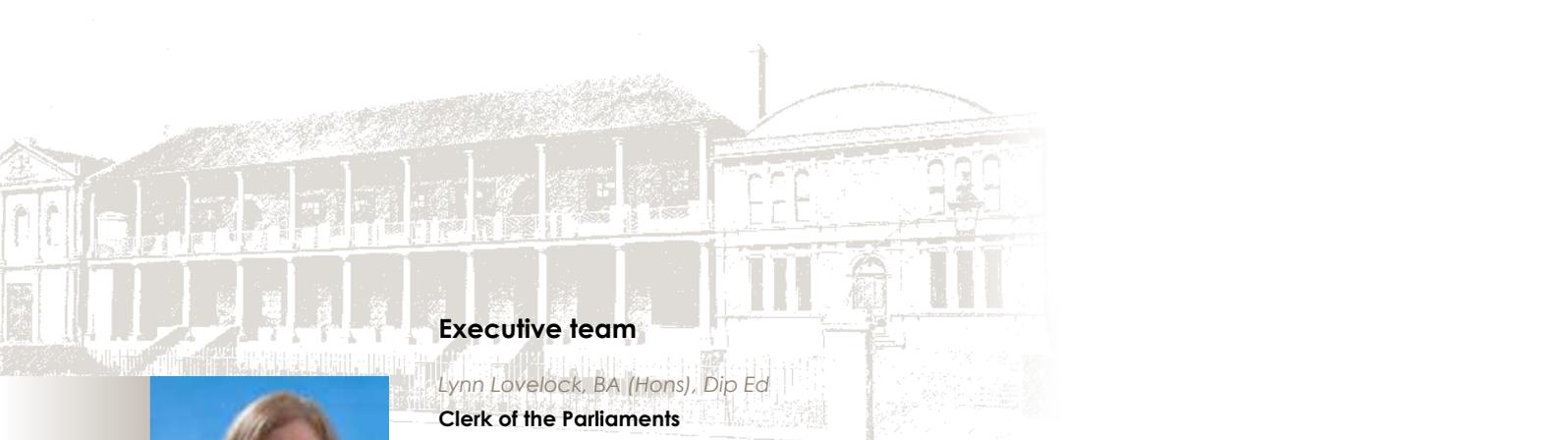
While providing direction until 2018, the Parliamentary Administration Strategic Plan also identifies initiatives that will take precedence during the period up until 2011. These initiatives focus on improving services for members, training for members and staff, and increasing and improving the information provided to the community.

The Strategic Plan also articulates the governance framework for the Parliament, including the respective roles of the Presiding Officers, the Clerks and the Executive Manager Department of Parliamentary Services.

The Strategic Plan will guide the Administration in working with the Parliament of New South Wales to fulfil its role as a representative and legislative body. The Strategic Plan is designed to be consistent and complementary to the distinct Strategic Plans of each Department.

Department of the Legislative Council structure





Executive team

Lynn Lovelock, BA (Hons), Dip Ed

Clerk of the Parliaments

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 the proceedings of the Council to the President, Deputy President, ministers and members of the Council and committees on parliamentary law, practice and procedure.



David Blunt, M Phil, LLB (Hons)

Deputy Clerk

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. 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.



Steven Reynolds, B Ec, LLB, MPS

Clerk Assistant Committees and Usher of the Black Rod

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

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 team 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

**Commonwealth Parliamentary Association (CPA) Twinning18
arrangement with the National Parliament of Solomon Islands and the House of
Representatives of the Autonomous Region of Bougainville**

Activities planned for the following reporting period20

Other capacity building activities during the year20

Capacity building to strengthen parliamentary democracy

The Department of the Legislative Council is committed to supporting parliamentary democracy in the Asia-Pacific Region and elsewhere. This commitment has been enunciated as a priority in the Department's Strategic Plan 2010/2011.

Throughout the year there were a number of initiatives undertaken in support of this strategic priority.

Commonwealth Parliamentary Association (CPA) Twinning arrangement with the National Parliament of Solomon Islands and the House of Representatives of the Autonomous Region of Bougainville

As part of the Commonwealth Parliamentary Association's (CPA) twinning program, the New South Wales Parliament has partnership agreements (is 'twinning') with the parliaments of the Autonomous Region of Bougainville (the Bougainville House of Representatives) and the Solomon Islands (the National Parliament of Solomon Islands). The New South Wales Parliament has a long history of working with parliaments in the Asia-Pacific Region, particularly with the National Parliament of Solomon Islands. The 2007 CPA arrangements formalise that relationship with respect to the Solomon Islands and Bougainville.

AusAid Pacific Public Sector Linkages Program

Early in the reporting year the New South Wales Parliament made an application to AusAID under its Pacific Public Sector Linkages Program for funding to support its twinning activities with the Solomon Islands and Bougainville. The funding application made specific reference to the relationship between the New South Wales Parliament, the National Parliament of the Solomon Islands and the Bougainville House of Representatives under the auspices of the CPA twinning program.

The funding application was successful and the New South Wales Parliament entered into a funding agreement with AusAID in April 2010 for a three-year period. The funded Activity is 'Strengthening parliamentary institutions in the Solomon Islands and Bougainville'. The total anticipated cost of the Activity is \$1.17 million over three years, with \$844,356

provided through AusAID and the balance from the participating parliaments, largely in the form of staff time. The funding provides substantial practical support for the participating parliaments' objectives to build capacity and strengthen parliamentary democracy in the Solomon Islands and Bougainville.



The New South Wales Parliament has been 'twinning' with the House of Representatives of the Autonomous Region of Bougainville under the auspices of the Commonwealth Parliamentary Association's twinning program.

A project coordinator, Simon Johnston, has been recruited and commenced on 31 May 2010. Mr Johnston was previously employed by the New South Wales Legislative Council in Procedure and the Committee Office.

The core of the Activity is secondments and placements of staff between the parliaments. The Project Coordinator will work closely with the Clerks of the two Pacific parliaments to identify areas where staff will benefit from working closely with their peers in the New South Wales Parliament. Secondments to the New South Wales Parliament will be part of a comprehensive program to ensure that experience gained by the secondee is relevant and can be translated into sustainable change in the home parliament.

Priority areas for activities in both twinned parliaments were identified in the AusAID-approved Activity project plan.

Priority areas for Bougainville include:

- an expansion of the Office of the Clerk to enable the Office to provide improved procedural support to members

- strengthened committee support, especially for the Public Accounts Committee
- enhancing capacity of the Parliamentary Library
- supporting the implementation of the Education Program
- enhancing the capacity of hansard to record the proceedings of the House.

Priority areas for the Solomon Islands include:

- establishing a Procedure Office to support sittings of Parliament
- enhanced administrative support for committees
- enhanced information services, including hansard, library and intranet
- implementation of a human resources management system
- development of information on role and function of parliament as part of a community engagement strategy.

Other elements of the Activity include the establishment of a formal mentoring arrangement, technical and corporate support, collaboration on research and writing tasks, and the development of a framework to assist other parliaments that may be interested in learning from the experience of the twinned parliaments.

Visit by Mr Moses Havini, Director Committees, Bougainville House of Representatives

On 20 January 2010, the Clerks of the Legislative Assembly and Legislative Council and staff met with Mr Moses Havini, Director of Committees with the Bougainville House of Representatives. Topics discussed included the recent history and political landscape of the Bougainville region and arrangements for a formal signing ceremony to be held to mark the Twinning arrangement between the two parliaments.

In the following days, the Clerk of the Parliaments Lynn Lovelock provided three decommissioned Legislative Council laptop computers to help meet the short-term information technology needs of the Bougainville House of Representatives, which Mr Havini accepted on behalf of the House of Representatives.

Participation in Bougainville members' induction

From 22 to 24 June 2010 the Bougainville House of Representatives held an induction for newly elected members. Approximately 70% of the 40 members elected for the second five-year term of the House of Representatives are new members. Even though the focus of the New South Wales Parliament's funded activities is on strengthening the Parliament through capacity building among the staff, co-funding from the Centre for Democratic Institutions enabled a member of the New South Wales Parliament, the Honourable Diane Beamer MP, and two staff; Mr Leslie Gonye, Clerk Assistant (Committees) with the Legislative Assembly; and the Project Coordinator, Mr Simon Johnston, to assist the Bougainville House of Representatives in their induction process.



Representatives from the New South Wales Parliament assisted in the induction process for the newly elected members of the Bougainville House of Representatives.

Consultation with Clerks and staff of Solomon Islands and Bougainville Parliaments

During the week of the new members' induction, the Project Coordinator met with the Clerk and staff of the Bougainville House of Representatives to clarify the specific project activities to be conducted in the 2010/2011 financial year. Following this meeting, the Project Coordinator travelled to Honiara to meet with the Clerk and other staff of the National Parliament of Solomon Islands for the same purpose.



David Kusilufu, Solomon Islands Committees, Simon Johnston, Project Coordinator NSW Parliament and Stanley Hanu, Solomon Islands Committees.

Activities planned for the following reporting period

Formal signing of the Partnership Agreement with Bougainville

The Presiding Officers will travel to Bougainville to formally sign the partnership agreement with the Speaker of the Bougainville House of Representatives

Bougainville House of Representatives Members' Committee workshop

The Project Coordinator and staff of the Bougainville House of Representatives will facilitate a briefing session for Members on parliamentary committees and the inquiry process.

The outcomes of these activities will be reported on in the 2010/2011 Annual Report.

Other capacity building activities during the year

The New South Wales Parliament is committed to working closely with existing parliamentary strengthening initiatives in the region, such as the United Nations Development Program/Regional Assistance Mission to the Solomon Islands Parliamentary Strengthening Program, the Centre for Democratic Institutions, the Commonwealth

Parliamentary Association and the La Trobe University Public Sector Governance and Accountability Research Centre.

Australasian Study of Parliament Group and Centre for Democratic Institutions Study Visit

In September 2009, the New South Wales Parliament hosted a program for Mr Uitime Tala, Committee Clerk with the Parliament of Samoa and Mr Noel Matea, Committee Clerk with the Parliament of the Solomon Islands. The two parliamentary officers were sponsored by the Australian National University-based Centre for Democratic Institutions.

During their visit to the New South Wales Parliament, Mr Tala and Mr Matea were primarily attached to the Legislative Council Committee Office and assisted in preparations for an inquiry to the Standing Committee on Law and Justice into the use of victims' DNA. Both officers observed proceedings in the Legislative Council and the Legislative Assembly, including Question Time in both Houses.

The study visit also included attendance at the Australasian Study of Parliament Group's annual conference held in Hobart.

Visit by Mr Kingston Alu, Parliamentary Service of the National Parliament of Papua New Guinea

Following a visit to Parliament House in Canberra, Mr Kingston Alu, Manager Human Resources with the Parliamentary Service of the National Parliament of Papua New Guinea came to the New South Wales Parliament on 10 September 2009 for a two day programme, supported by the Centre for Democratic Institutions.

Secondment of Director Training and Research as Technical Advisor to the United Nations Development Program's Solomon Islands Parliamentary Strengthening Project

In September 2009, the Director of Training and Research, Mr Stephen Frappell, travelled to Honiara to undertake a three month secondment with the National Parliament of the Solomon Islands, filling the position of Technical Advisor to the United Nations Development Program's Solomon Islands Parliamentary Strengthening Project. The position was created following the departure from Honiara of the previous Project Manager to the Parliamentary Strengthening Project, Mr Warren Cahill, himself a former senior officer of the Legislative Council.

During his secondment, Mr Frappell assisted the National Parliament with the progression of a number of projects. Of note was the completion by the Foreign Relations Committee of a report entitled *Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI assistance*. This report examined in detail the 2003 Regional Assistance Mission to Solomon Islands (RAMSI) and its future. The conduct of the inquiry was an immense undertaking for the National Parliament of Solomon Islands, as it extended over almost one and a half years and involved 35 public hearings and hundreds of witnesses across the country. The completion of this report was a landmark achievement for the National Parliament, and was the first of its kind tabled in the House.

Other projects with which Mr Frappell assisted included the completion of two other committee reports: *Inquiry into the \$50,000.00 termination grant to the spouse of a Member of Parliament and Inquiry into the quality of medical services provided at the National Referral Hospital*. In addition, Mr Frappell assisted with the progression of new standing orders for the Parliament and the development of personnel management policies for the Parliament.



The secondment of Mr Frappell to the National Parliament for three months, while not formally part of the AusAID funded Pacific Public Sector Linkages Program, is reflective of the ongoing commitment of the Legislative Council to parliamentary strengthening in Solomon Islands, which has seen many senior officers of the Council travel to Solomon Islands since 2005.

Secondment of Legislative Council Committee Officer to the Solomon Islands National Parliament through the United Nations Development Program

From Wednesday 4 November until Friday 13 November 2009, Ms Kate Harris, Committee Officer from the Department was seconded to the Solomon Islands National Parliament as part of the United Nations Development Program. Ms Harris worked closely with the staff of the Parliament in compiling a witness list for the 35 hearings that were conducted

across the nine Solomon Islands provinces. As this was the first committee inquiry for the Parliament, the exercise proved quite challenging. Ms Harris also provided staff with administrative training in relation to the setting up of an inquiry, information management and processes and procedures for managing a hearing.

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

From 15 to 19 February 2010 the third annual 'Effective Parliamentary Committee Inquiries Course' was held at the New South Wales Parliament. The course was jointly convened by Mr Steven Reynolds, Clerk Assistant Committees Legislative Council and Mr Les Gonye, Clerk Assistant Committees, Legislative Assembly and co-ordinated by Quinton Clements of the Centre for Democratic Institutions (CDI). The course received sponsorship from the World Bank Institute and the Commonwealth Parliamentary Association. Other staff of the Legislative Council were involved as presenters or support staff.

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

- 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.
- A chamber tour and history of the Legislative Council with the Honourable Amanda Fazio MLC.
- 'A member's perspective on the role of committees', with the Honourable Frank Terenzini MP.
- 'An introduction to the Westminster system and parliamentary committees', with Mr Ian Harris, former Clerk of the House of Representatives.

Nineteen parliamentary officials representing thirteen parliaments including Cambodia, Indonesia, Timor-Leste, Papua New Guinea, Cook Islands, Autonomous Region of Bougainville, Solomon Islands, Tuvalu, Tonga, Nauru, Kiribati, Samoa and Republic of the Marshall Islands attended the course.



Participants from thirteen Pacific Island parliaments attended the 'Effective Parliamentary Committee Inquiries' workshop, cooperatively delivered by staff from the New South Wales Parliament and coordinated by the Centre for Democratic Institutions.

Parliamentary officers from the National Parliament of the Solomon Islands and Bougainville House of Representatives visit New South Wales Parliament and attend the *Effective Committee Inquiries* course

On 22 and 23 February 2010, the New South Wales Parliament hosted three staff from the parliaments of the Solomon Islands and the Autonomous Region of Bougainville: Mr Albert Kabui and Mr Ian Rakafia committee officers with the National Parliament of Solomon Islands and Mr Edwin Kenehata, education officer for the Bougainville House of Representatives.

The three parliamentary officers were in Sydney for a week long 'Effective Committee Inquiries' course, an annual course jointly run by the Centre for Democratic Institutions and the New South Wales Parliament. Following the course, the parliamentary officers spent time with staff of the Legislative Council, the Legislative Assembly, and the Department of Parliamentary Services and observed both Houses during the first sitting day of 2010, including the respective Question Times.



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Procedure

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Procedure

Overview

Since the establishment of the Department of Parliamentary Services in 2008, and the restructure of the Department to realign our priorities and services to members and their staff, the Department has continued to focus on the core business of providing advisory, research and support services to the House and its committees. Additionally, the Department has been exploring new and innovative ways to engage the broader community in the work of the Legislative Council, with new resources and publications, events and regional visits.

As a result of the 2008/2009 restructure, Procedure was re-established with two distinct but inter-related sections: the Table Office and the Procedural Training and Research Unit made up of eleven permanent staff members and one temporary staff member to assist with a range of corporate projects (see p15 for Organisational structure). In broad terms, the Table Office supports the Clerk and members in relation to the business of the House and is responsible for the maintenance of records and papers of the House. The Procedural Training and Research Unit provides procedural research and advice to the Clerk and members and coordinates the community access and engagement initiatives such as the development and redesign of the Parliament's website.

The two Procedure sections work collaboratively on a range of projects and activities, during both sitting and non-sitting periods. Importantly, senior staff from both sections perform duties as Clerks at the Table during the sittings of the House. During sitting, the focus of the entire Procedure team is on ensuring the smooth running of the House, and in providing advice and support to the Clerk, and where appropriate to the President, members and their staff, ministerial and department officers, media and other stakeholders.

Outside of the sittings, the two sections work closely together on the delivery of a range of other services, including the development and delivery of comprehensive training and information programs, aimed at a variety of audiences. The sections also work together on the production of numerous procedural resources such as the new initiatives, the *House in Review* and the *Running Record*, and the more established publications *Procedural Highlights* and *Parliament Matters*.

Procedure staff work closely with the Committee Office on a range of projects, such as the Department's regional education program and several of the training initiatives. Procedure staff also work on two of the Legislative Council's committees: the Privileges Committee and the Procedure Committee. This is reported on in the Committee Office section of this report on pages 38-67.

New resources

House in Review

In September 2009 the Clerk introduced a new Departmental publication, *House in Review*. This is one of the key 2010 operational imperatives of the Legislative Council.

House in Review is released at the end of each sitting week. It summarises the key events of the week, including the progress of legislation, orders for papers, private members' business and committee activities. It is designed to provide public servants, members of the public and other interested readers with an overview of the matters

considered by the Council that week, and to increase public awareness of the many roles and functions performed by the House each sitting week. To date, feedback from recipients of *House in Review* has been very positive.



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 was the development of a real time on-line dynamic record of proceedings of the House.

In response and with the assistance of the Parliament's Information Technology Services, the Table office introduced the *Running Record* to provide a real time record of proceedings of the House. In the second half of 2009, the Table Office commenced a trial of the *Running Record*, making it available only to procedure staff of the Legislative Council and a representative selection of members' staff. Following very positive feedback from users, and minor modifications to the program, in November 2009 the *Running Record* was made available on the Internet.

The Table Office continued to encourage users to give feedback on the relevancy and adequacy of the information provided by the *Running Record* as well as the useability of the program. As a consequence of feedback and discussions with key stakeholders, a number of enhancements were made, particularly in the provision of various procedural documents via attachments within the *Running Record*, including notices of motions given by members, amendments to legislation, and certain tabled papers. Each bill is attached to the *Running Record* when it is being considered by the House and it is also linked to the Parliament's bills

database to allow easy access to information regarding the passage of the bill through the Houses, the text of the bill and second reading speeches.

In order to make the *Running Record* as useful and relevant as possible, the Table Office aims to update the *Running Record* as items occur during the sitting day. This objective has been achieved, with information on business in the House available on the Parliament's Intranet within minutes of the matter occurring. On a small number of occasions, minor delays in the publication of information resulted from the need to consult senior staff before entries in the *Running Record* were made.

Recent feedback has been extremely positive, with members and their staff advising that they use the *Running Record* throughout the day to keep informed of proceedings in the House. Feedback has particularly centred on the ease with which the resource can be navigated, the speed with which information is updated, and its role in making parliament more accessible to both members and the wider community.



Running Record can be accessed through the Parliament's website at www.parliament.nsw.gov.au by clicking on Hansard & Papers/Legislative Council and selecting the date of the *Running Record* you wish to view.

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 and managing the passage of bills and amendments to bills. The Table Office also assists members by providing information about the rules, and the correct 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. These papers are referred to in more detail below. Each of these papers is published before staff leave the office each sitting day. In addition to the official records of the House, each sitting day the Table Office produces the *Running Record*, a real-time record of proceedings of the House, which is available on the Intranet and Internet. The *Running Record* is referred to in greater detail under 'New Resources'.

On request the Table Office provides advice to Ministerial staff and staff of Government departments and agencies on the procedures of the House such as the passage of legislation, amendments to bills, tabling of papers and reports, the answering of 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.

As part of the Procedure team, the Table Office also contributes to public awareness of the Legislative Council by contributing to publications including 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.

In 2009/2010 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 activities of the Procedural Training and Research Unit are discussed in further detail below.

Business papers

Table Office staff produce three daily business papers:

- Minutes of Proceedings – a record of proceedings of the House,
- 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
- Questions and Answers Paper – a record of questions on notice to ministers, together with answers when they are received.

During the reporting year, the Table Office was able to ensure 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 provide a timely, accurate and comprehensive record of proceedings.

Additionally, 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 updates 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.

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 review the President's Program and 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, of 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 51 occasions during the reporting period, four more than last financial year, with sittings averaging 7.34 hours per day. On three occasions the House sat beyond midnight.

	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010
No. of sitting days	47	40	47	47	51
No. of sitting hours per day	8.32	8.6	7.17	7.32	7.62

Resignation of members and joint sitting to fill casual vacancies

On 3 December 2009, after nearly 11 years as a member of the Legislative Council, the Honourable Henry Tsang, member of the Legislative Council since the 1999 periodic election, resigned his seat. At a joint sitting held later that day, the Honourable Shaoquett Moselmane was elected to fill the vacant seat caused by the resignation of Mr Tsang. On 23 February 2010, Mr Moselmane took the pledge of loyalty before the President and signed the roll of the House. Mr Moselmane made his inaugural speech on 25 February 2010.



The Honourable Shaoquett Moselmane was elected to the Legislative Council during the reporting year. On 23 February 2010 Mr Moselmane took the pledge of loyalty and signed the roll of the House.

On 10 June 2010, after 22 years, 2 months and 20 days, the Honourable Ian Macdonald resigned as a member of the Legislative Council. Mr Macdonald was elected at the 1988 election and is one of the longest serving members of the Legislative Council since the 1978 reconstitution of Legislative Council following which all new members of the Council were fully elected by the people of New South Wales.

At a joint sitting on 10 June 2010, the Honourable Luke Foley was elected as a member of the Legislative Council to fill the seat vacated by the Honourable Ian Macdonald.

Table Office staff prepared all documentation and records for the joint sittings, and coordinated preparations for the attendance of the members of the Legislative Assembly in the Council chamber. The Table Office also managed the services provided to the new and retiring members.

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 Office manages the procedures for the assent to, and registration of, bills introduced in the Council and agreed to by both Houses.

Since the start of the 54th Parliament in 2007, 442 bills have been debated in the Legislative Council. In 2009/2010 143 bills were considered by the House, a considerable increase on the 116 considered during 2008/2009. The Legislative Council agreed to 125 bills during the year, 26 of which were Council bills. The Governor assented to 129 bills during the 2009/2010, some of which had been passed by the Houses in the previous financial year.

A greater proportion of bills considered by the House in the past year had been introduced in the Council. Of the 35 bills introduced into the Council, 23 were government bills and 12 were private members' bills.

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

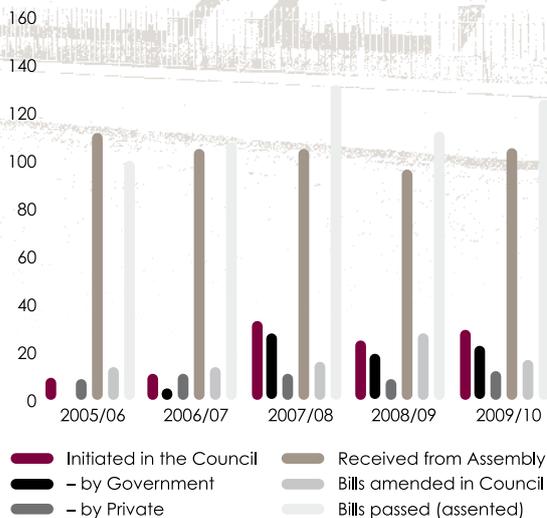
- the Constitution Amendment (Lieutenant-Governor) Bill 2009, which provided that where the Governor is not available and there is no Lieutenant-Governor appointed or available, the Chief Justice of the Supreme Court acts as Administrator of New South Wales. The bill also provided that the Chief Justice of the Supreme Court be deemed to be acting as Administrator of the State if for any reason it is subsequently determined that his or her appointment as Lieutenant-Governor was not legally effective,

- the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009, which facilitated the automatic enrolment of New South Wales electors, and made amendments to enable enrolment in an electoral district on polling day, allow the electoral role to be updated using approved databases, centralise postal vote applications, and enable such applications to be made online,
- the Parliamentary Electorates and Elections Bill 2010, which made significant amendments to the conduct of elections and electioneering in New South Wales,
- the Health Practitioner Regulation Bill 2009 and Health Practitioner Regulation Amendment Bill 2010, which provided for the implementation in New South Wales of the Health Practitioner Regulation National Law, and the agreement signed in 2008 by the Council of Australian Governments to establish the National Registration Scheme, and
- the Relationships Register Bill 2010, which provided for the registration of relationships, including same-sex relationships, with the Registry of Births, Deaths and Marriages. The bill also provided for the legal recognition of such relationships, and interstate registered relationships, as de facto partnerships for the purposes of State and Commonwealth legislation, including recognition for the purposes of Medicare, superannuation, medical consent and judicial process.

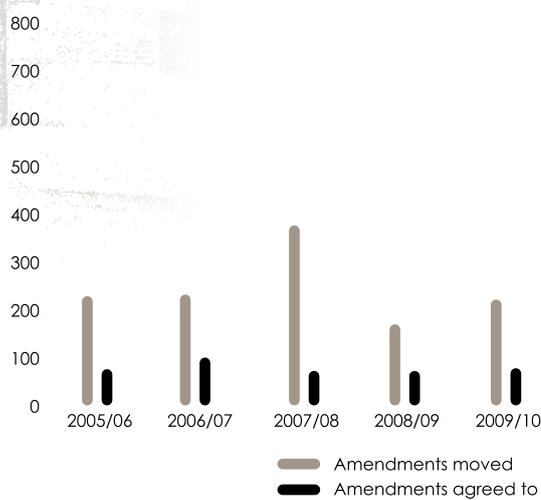
Of the twelve private members' bills introduced during the year, only one, the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009, was agreed to by both Houses and assented to. Two bills were opposed by the House: the Protection of Public Ownership Bill 2009 and the Save the Graythwaite Estate Bill 2009. One bill, the Macedonian Orthodox Church Property Trust Bill 2010, was referred to a committee for inquiry and report. The remaining bills were not disposed of during the year and remain on the Council's Notice Paper.



Bills considered in the Legislative Council



Amendments moved and agreed to



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 is 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 50 sets of amendments to 37 bills, a total of 226 amendments, all of which were assessed on receipt by the Table Office. Of the amendments circulated, 204 were moved in committee of the whole and 80 agreed to. Although the number of bills considered by the House was comparable to previous years, there was a significant reduction in the number of amendments moved and agreed to.

The Table Office prepared 9 bills with schedules of amendments to be returned to the Assembly and prepared 26 Council bills for assent. Four Council bills were amended, requiring second prints of the bills.

Information regarding 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 thereafter.

Tabled documents

During 2009/2010 members tabled documents in the Legislative Council on 1,370 occasions. While the majority of tabled papers are annual reports and statutory instruments there were also thousands of documents contained in 848 archive boxes tabled in the House in response to 35 returns to orders of the House for the production of State papers.

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. The Table Office also assisted members in the procedures for tabling the papers, liaising with ministerial offices and departments to ensure that all processing, distribution and service requirements were met promptly and within set timeframes. Details concerning all 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.

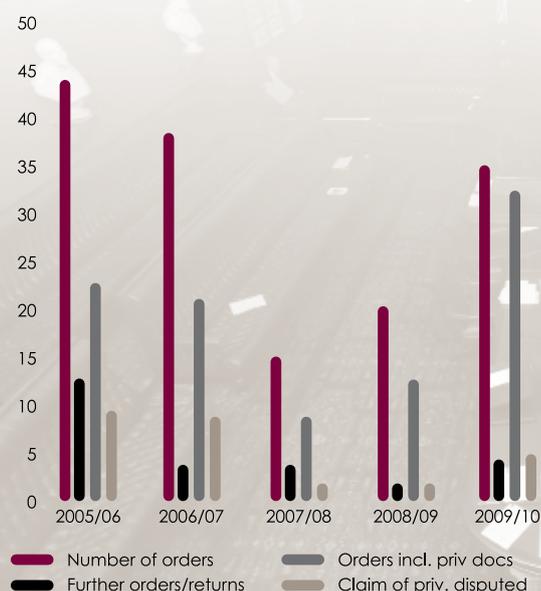
The Table Office is progressively attaching to the tabled papers database copies of papers tabled only in the Legislative Council, such as indexes to papers returned to orders of the House. Together with the Legislative Assembly, the Legislative Council is working toward having all public papers tabled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

Orders for papers

This financial year saw the number of orders for the production of State papers again increase, with 35 orders being agreed to. Of those, 10 were initiated by members of the Liberal Party, 13 by members of The Nationals, and 12 by The Greens. Privilege was claimed on documents contained in 32 of the returns, the validity of four such claims being disputed. An additional dispute was received in relation to an order from a previous financial year. Four of the orders for papers agreed to during 2009/2010 sought further documents related to a previous resolution of the House. In total, the Table Office processed 848 archive boxes of papers returned, 189 boxes of which contained privileged documents that are only available to members of the Legislative Council.

Orders for papers during the reporting period covered a number of topics and issues including the Building the Education Revolution, development and mining sites, major infrastructure and transport projects, the sale of public assets, the installation of unflued gas heaters in schools and budget matters. 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.

Orders for Papers



Transfer of documents to State Records Authority

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. The Legislative Council has transferred 1530 boxes of papers to the care, but not control, of the State Records Authority since signing an agreement with the Authority in March 2008. All of the 1530 boxes transferred contained State papers returned under orders of the House.

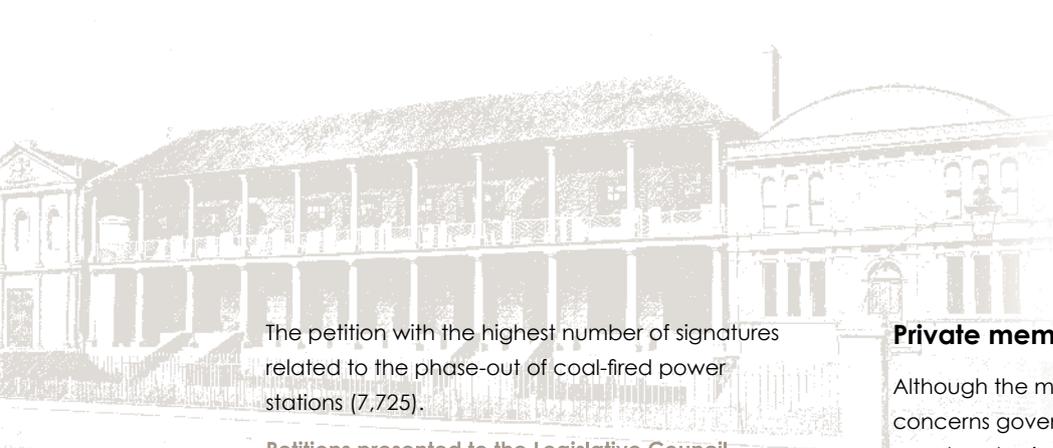
During 2009/2010, 289 boxes, in two consignments, were transferred into the care, but not control, of the State Records Authority.

The program to transfer records off site will greatly relieve the demands on the limited storage space within Parliament House. However, as noted above, the tabling of over 800 returns to orders along with other tabled papers during the year will necessitate further transfers in the 2010/2011 financial year. The Table Office will take advantage of the lengthy adjournment of the House, from its rising in December until after the March 2011 election, to undertake a review of documents stored within Parliament House.

Petitions

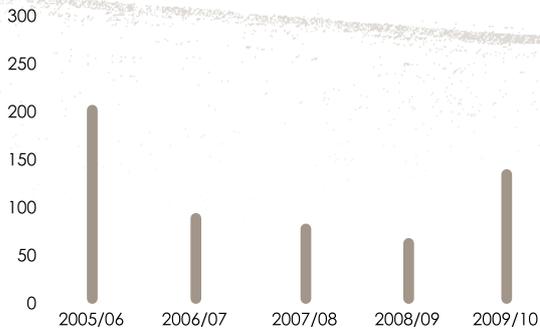
One hundred and forty-four petitions were presented to the House during 2009/2010. This is a significant increase in petitions received during the last financial year. The frequency and number of petitions presented to the House, and the number of signatures gathered, reflects community opinion and feeling on matters of public policy and government action.

Petitions received by the House varied in subject matter and in the number of petitioners. In the 2009/2010 financial year, the 144 petitions presented to the House represented fifty-three different issues and more than 66,858 signatures. The subject matter of petitions ranged from statewide issues such as adoption laws, electricity privatisation, scripture classes, the decriminalisation of abortion and the publication of school league tables, to local issues such as boarding houses in the City of Ryde, the foreshore trail at Concord, a major project in Coogee and the northern rivers rail expansion.



The petition with the highest number of signatures related to the phase-out of coal-fired power stations (7,725).

Petitions presented to the Legislative Council

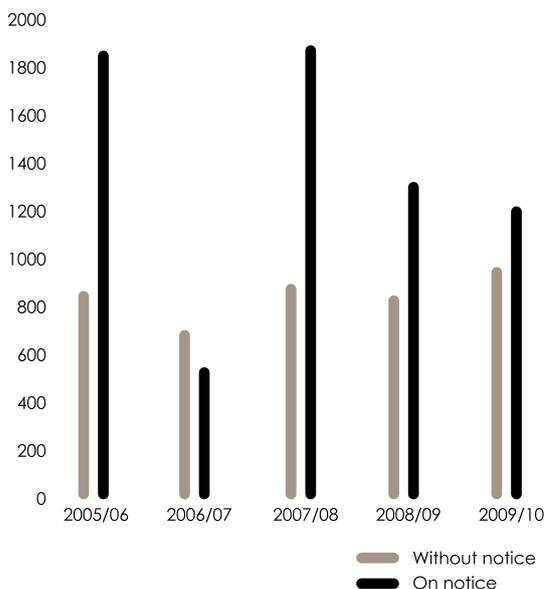


Questions and answers

There was a slight decrease in the number of questions placed on notice during the reporting period, despite there being a slight increase in the number of sitting days. This slight decrease was more than offset by the increasing complexity of the questions with some containing as many as 40 separate parts.

The Table Office provides advice and editorial assistance to members to ensure questions on notice comply with the standing orders. 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

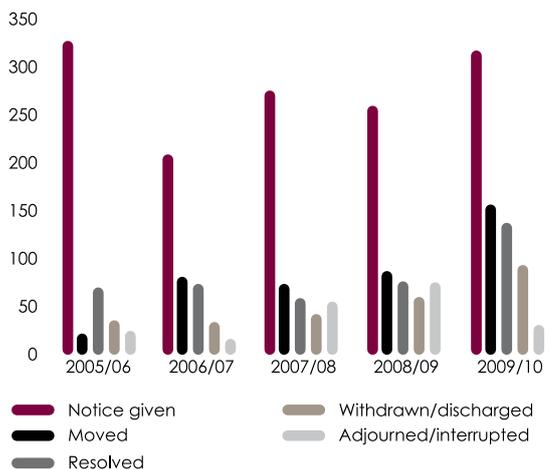


Private members' business

Although the majority of business in the House concerns government legislation, private members business takes precedence on Thursdays (approximately 17 days per year). Under the Standing Orders the order of precedence of items of private members business is determined by ballot. The subject matters of private members' bills and motions considered by the House during the year included recognition for carers, Hurlstone Agricultural High School, the privatisation of public assets or agencies, preservation of public ownership of the Graythwaite Estate, the prohibition of full-face coverings and the use of the term 'State Senate' as a reference to the Legislative Council.

The Table Office assists members in the drafting of notices of motions to initiate 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 319 notices of motions. Of these, 154 were moved in the House and 140 concluded.

Private Members' Business



Procedural Training and Research Unit

The Procedural Training and Research Unit is responsible for the provision of high level procedural research and advice to the Clerk's Office, often in support of the President, other members, committees and other stakeholders, together with the provision of training and skills development to members, their staff, officers of the Council, public servants and others. The Unit also conducts community access and engagement activities.

Procedural research and advice

In 2009/2010, the Procedural Training and Research Unit continued to provide high level procedural research and advice. Notable research material produced during the reporting period included:

- Research into the requirement for the presence of a minister in the House at all times under standing order 34. This research followed the events of 25 June 2009, when the House was suspended due to the absence of a minister in the chamber. The Unit also researched various possibilities concerning the resumption of the House on 1 September 2009.
- Advice concerning the pairing of the President in committee of the whole and voting of the President in the House.
- Advice on whether the Council can be prorogued whilst still sitting.
- Research on Official and Commission Openings of sessions of the Parliament since 1988.
- Advice on the summoning of witnesses and the procedures to be followed where a witness does not appear before a committee in response to a summons.
- A memorandum from the Presiding Officers to all members and their staff concerning the republication and rebroadcasting of parliamentary proceedings. This memorandum was developed in conjunction with the Legislative Assembly.
- Advice on the use and significance of the use of the term 'long bell' in the Minutes of Proceedings.
- Briefing material concerning a proposal to restrict questions without notice to non-government members.

The Procedural Training and Research Unit also prepared or coordinated responses to 19 requests for advice from other Parliaments on the Australia New Zealand Clerks-at-the-Table (ANZACATT) email group, including requests for information on the length of notices of motion, adverse mention, ethical standards, summoning of witnesses, tabling and publication of documents and electronic material, committee engagement methods, use of electronic devices in the chamber and retiring members.

Submissions to inquiries

In 2009/2010, the Procedural Training and Research Unit provided support to the President, the Clerk's Office and the Privileges Committee in making the following submissions:

- A submission by the President to the ACT Legislative Assembly Standing Committee on Administration and Procedure concerning the implementation of the Latimer House Principles in the governance of the ACT.
- A submission by the Clerk to the Senate Finance and Public Administration Committee's Inquiry into Independent Arbitration of Public Interest Immunity Claims, discussing the practice of the Legislative Council with respect to orders for the production of documents and the role of the independent legal arbiter in assessing claims of privilege. The Procedural Training and Research Unit, in conjunction with the Table Office, also prepared briefing material for the appearance of the Clerk as a witness before the Senate Committee.
- A submission by the Clerk to the Victorian Law Reform Committee's Review of the *Members of Parliament (Register of Interests) Act 1978*, discussing aspects of the regime for the regulation of the conduct of members of Parliament in New South Wales, including the Code of Conduct for members and the register of members' interests. The Procedural Training and Research Unit also prepared briefing material for the appearance of the President, the Clerk, and the Chair of the Privileges Committee as witnesses before the Victorian Law Reform Committee.

- A submission by the Privileges Committee to the Western Australian Legislative Assembly Procedure and Privileges Committee concerning issues such as procedural fairness for witnesses before committees, eParliament, procedures for private members to raise issues in debate and effective budget scrutiny. The Unit also prepared briefing material for the appearance of the Chair and other members of the Privileges Committee before the Western Australian Committee.
- A response for the Clerk's Office to the Issues Paper released by the Independent Commission Against Corruption entitled Lobbying in New South Wales, concerning the application of the NSW Government Lobbyist Code of Conduct to Government backbenchers.

Training and support

The Procedural Training and Research Unit and the Table Office conducted a number of training-related activities in 2009/2010, implementing two of the objectives and aims contained in the Department's Business Plan 2009/2011: Enhancing procedural knowledge and skills, and community access and engagement. This year's training program built on the systematic approach to training developed by the Procedural Training and Research Unit in recent years.

Members and Secretary/Research Assistants training and support

The Department's Business Plan has as one of its operational imperatives for 2010 the further development and delivery of the procedural training program for members and their staff.

Last year's Annual Report described the introduction of a new training module for members and Secretary/Research Assistants (SRAs), designed to provide: practical information on the fundamentals of Legislative Council practice and procedure; equip participants with the skills to effectively fulfil their roles; and to inform participants about the function of, and services provided by Procedure.

In 2009/2010, the Department again offered this training module to members and their staff. The training consisted of four one-and-a-half hour sessions, which covered the following topics: the conduct of proceedings in the Legislative Council; elections and the system of government in New South Wales; relations with the Executive; and the operation of Legislative Council committees.

The course was well-received by participants and will be offered again in the new Parliament.

While the course is offered to all members and SRAs, the content is particularly aimed at SRAs due to the high level of interest they have expressed in training opportunities.

A number of new members and new SRAs also took advantage of the one-on-one training program. This training program offers individualised training sessions on a range of topics including an overview of the different House papers; the key business of the House such as the legislative process; and conduct of members in the House such as the rules of debate.

Induction training

Since its creation, the Department of Parliamentary Services (DPS) has taken on responsibility for the induction of new members and SRAs. During 2009/2010, the Procedural Training and Research Unit, in conjunction with the Legislative Assembly, worked with DPS to provide an induction program for new SRAs, electorate officers and other staff employed by the parliamentary departments. Induction programs were held in November 2009 and May 2010. Topics covered included the functions of the Parliament; the electoral systems and composition of the Council and the Assembly; and the key differences between the two Houses.

Department of the Legislative Council staff training

The Department's Business Plan also has as one of its operational imperatives for 2010 completion of a professional development and training module to enhance the knowledge of staff of the Department of the Legislative Council in parliamentary practice.

In 2008, the Department offered for the first time two training courses: the staff seminar program and the table officer training program. The delivery of these programs reflected the Department's long-standing commitment to professional development for staff.

The table officer training program was continued in April and May 2009, and consisted of four one-and-a-half hour sessions which were reported in last year's Annual Report. The table officer training program is open to Legislative Council staff who either work or are likely to work as table officers in the House.

The staff seminar program was continued in July and August 2009, and consisted of five one-and-a-half hour sessions on the conduct of proceedings in the Legislative Council, parliamentary privilege, the powers and operation of Legislative Council committees, and relations between the two Houses. The staff seminar program was open to all staff of Procedure and the Committee Office.

Further sessions in the table officer training program are scheduled for the latter half of 2010.

Parliamentary staff information initiatives

In August 2009, the Procedural Training and Research Unit also offered two Parliament-wide information sessions for staff of the Department of the Legislative Assembly and DPS. The two information sessions provided an overview of the role and functions of the Legislative Council, drawing on the training delivered to members of the Legislative Council and their staff. The information sessions were part of the Department of the Legislative Council's ongoing commitment to broadening knowledge of the Council's role and function.

Educational outreach for secondary school students

The Department's Business Plan provides that community access and engagement is to be enhanced by strengthening engagement with the community through the organisation of forums and events at the local and regional level.

In May 2010, officers of the Procedural Training and Research Unit and the Parliamentary Education and Community Relations Office joined the Recreational Fishing Committee at its public hearings in Batemans Bay and Griffith to deliver training sessions to local secondary school students. Students were given an overview of the New South Wales Parliament and system of government; the Legislative Council as a House of Review and the role of committee inquiries within that context; and the way in which committee hearings are conducted, including the conduct of the Recreational Fishing inquiry.



The Department embraces the opportunity to improve awareness of the role of the Legislative Council by presenting information to secondary school students at Batemans Bay. The presentation coincided with a committee inquiry site visit and it is planned to conduct further sessions in this way.

The initiative was enthusiastically received by the secondary schools involved, with the students who attended the sessions providing very positive feedback. Committees frequently conduct public hearings and site visits in regional and rural areas and the Procedural Training and Research Unit will seek to identify appropriate opportunities to conduct more such initiatives in future.

Electronic procedural precedents system

Last year's Annual Report noted that an ambitious project had commenced to reconfigure the classification of the Council's procedural precedents and to convert the hardcopy records into searchable entries on an electronic database, readily accessible by Department staff. The project encompassed most of the Department's vast collection of procedural research materials, some of which date back to the 1800s. For many years, these precedents have been stored in hard copy in the Clerk's Office.

In 2009/2010 the project was completed with the digitisation of the remaining hard copy precedents and the integration of all of the digital records into the new electronic system. Department staff now have immediate access to all of the Department's procedural and research materials in a readily searchable form, facilitating the provision of timely and comprehensive procedural research and advice. The completion of the project has significantly enhanced the Department's capacity for effective storage, preservation and retrieval of its vital procedural precedents and research material.



Minutes scanning project

During 2009/2010, the Procedural Training and Research Unit commenced another large-scale project to scan and digitise all of the minutes of the Legislative Council back to the first meeting of the Council in 1824, and to make them available electronically on the Parliament's website. Prior to the commencement of this project, electronic minutes of the Council were only available from after 1991.

In addition to improving public access to the records of the Council, the project will also have the added benefit of allowing the electronic copies of the minutes to be searched electronically, allowing precedents to be located more quickly and accurately.

Considerable progress has been made on the project. At the end of June 2010, the minutes had been scanned and made available electronically on the Parliament's website back to 1970. The project will continue in 2010/2011.

Website redesign project

One of the strategic priorities of the Legislative Council for 2009/2011 is enhancing community access and engagement. A key component of this is enhancement of the Parliament's public website and the promotion on the site of materials intended to improve the awareness and understanding of the role of the Legislative Council in the community.

Responsibility for developing this initiative on behalf of the Legislative Council rests primarily with the Procedural Training and Research Unit. The Director of the Unit is a member of the Parliament's Website Steering Committee, along with representatives from the Legislative Assembly and Department of Parliamentary Services.

In March 2010, the Website Steering Committee received a report from Deloitte consultants on the Parliament's Internet and Intranet sites, listing a range of areas for possible improvement including design, navigation and graphics. Following receipt of that report, the Steering Committee took the strategic decision to focus on the redevelopment of the website, to be followed later by redevelopment of the Parliament's intranet site.

The Steering Committee made good progress towards this objective during the remainder of the reporting period, including further consultation work with the Hiser Group on strategic directions for the website, the development of a website users survey, and the development of a new website architecture. Further progress will be reported in next year's annual report.

The aim is to finalise the website redesign by the end of 2010.

Bulletin Board

The Department's Business Plan has as one of its operational imperatives for 2010 the development and trial of an electronic Bulletin Board to allow for electronic access to information on the business of the House and committees, for use by members and staff.

In March 2010, the Procedure team developed specifications for a trial of a new Bulletin Board. Following consultation with Parliament's Information Technology Services, a trial Bulletin Board was established in May 2010 using the Lotus Quickr collaboration software. The trial group includes staff from the Office of the Clerk, Procedure and the Committee Office.

Following the trial, a decision will be made concerning the effectiveness of the Bulletin Board.

'Legislative Council in Practice' information sessions

Another operational imperative for 2010 listed in the Department's Business Plan is the implementation of a procedural training program for external clients.

In May 2010, the Department conducted the inaugural 'Legislative Council in Practice' information session. Due to popular demand a second session followed in late June.

The information sessions are intended mainly for public servants who have a direct interest in the functions of the New South Wales Parliament, although it is also open to representatives of community organisations and business, as well as academics and students.

The information sessions are designed to provide practical information on how the Legislative Council as a 'House of Review' performs its legislative, representative and scrutiny functions. The emphasis is on the ways in which the Legislative Council holds the Executive Government to account, and the implications for government departments and other organisations of those processes.

In addition to providing an overview of the Legislative Council, the full-day session covers topics such as the conduct of proceedings, the legislative process and an overview of Council committees and the inquiry process.

The two 'Legislative Council in Practice' information sessions were attended by 89 people with attendance charged at \$250 per person. The two sessions generated approximately \$16,000 in income after taking catering costs into account. The funds will be put back into developing future sessions and other community access and engagement initiatives.

Feedback on the two sessions was overwhelmingly positive. The great majority of participants believed that the sessions met the objective of providing practical information on the fundamentals of Council practice and procedure. Participants also indicated that the sessions had increased their ability to follow proceedings as they occur in the House.



The Department's 'Legislative Council in Practice' information sessions, launched in May 2010, were well attended by external clients including employees of government agencies and community organisations, students and academics. The Deputy Clerk presented at the sessions which aim to provide a practical insight into the House of Review and its legislative, representative and scrutiny functions.

Publications

In the Spring 2009 edition of *Australian Parliamentary Review*, the Journal of the Australasian Study of Parliament Group, the Clerk published an extended article entitled 'The Power of the New South Wales Legislative Council to Order the Production of State Papers: Revisiting the Egan Decisions Ten Years on'.

The publication of this article celebrated the handing down of the three Egan decisions, which judicially confirmed the fundamental role of the Council in scrutinising the activities of the Executive Government and holding it to account, including by ordering the production of State papers.

The Procedural Training and Research Unit undertook the research for this publication, working on several aspects of the Egan decisions 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.

In 2009/2010, Procedure and the Committee Office worked together to produce the Department's biannual *Procedural Highlights*. This publication identifies significant procedures and precedents in the House and its committees, and is made available to members, their staff, parliamentary officers, other parliaments and members of the public.

The Procedural Training and Research Unit also coordinated the Department's contribution to *Parliament Matters*, the half-yearly bulletin published by ANZACATT. The purpose of *Parliament Matters* is to inform members and other staff of Parliaments in Australia and New Zealand of new and continuing procedural and administrative developments in the various jurisdictions. In the February 2010 edition, the Departments' of the Legislative Council and Legislative Assembly worked together on a joint entry, covering matters of mutual interest and relevance to both Houses, such as the review of the Code of Conduct for members by the Privileges Committees.

A joint Legislative Council and Legislative Assembly entry was also submitted for the 2009 edition of *The Table*, the Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments.

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Committee Office

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 observe 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 can be reported by the media.

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 are guided by past precedents of the House and parliamentary practice and tradition.

Overview of committee activity

During 2009/2010 there were 12 Legislative Council committees in operation, comprised of five standing committees, five general purpose standing committees (GPSCs) and two select committees. Eight standing and two select committees were supported by the staff of the Legislative Council's Committee Office, which has 17 staff. The Privileges Committee and the Procedure Committee were supported by the staff of the Procedural Research and Training Unit.

The committees examined a diverse array of issues, including the bullying of children, recreational fishing, the New South Wales taxi industry, land dealings and planning decisions in Badgerys Creek, rural wind farms, substitute decision-making for people lacking capacity and the use of victims' DNA. An overview of committee activity is provided in the following table.

Overview of committee activity

Activity	2009/10	2008/09	2007/08	2006/07 ⁵	2005/06
Meetings ⁶	152	161	127	107	174
Inquiries	31	26	29	22	39
Consultation and public participation					
Submissions	2276	1491	681	245	1,021
Hearings	74	82	58	56	99
Witnesses (hearings and public forums)	581	668	622	417	875
Duration of hearings (hours)	317	383	300	206	265
Reports tabled	23	19	22	15	28

⁵ 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.

⁶ Meetings refers to all meeting types including deliberative meetings, hearings, site visits, forums and briefings.

In addition to the activities described in the table, the committees conducted a number of site visits within New South Wales. Within the Sydney area committees visited sites in Badgerys Creek, Dean Park, Marrickville, Minto and Rozelle. Outside Sydney committees visited sites in Cullerin, Pejar, Tarago, Crookwell, Jervis Bay and Mogo. Committee hearings were also held at a number of regional locations including Batemans Bay, Goulburn, Grafton, Griffith, Nowra, Port Macquarie, Port Stephens and Tamworth.



Site visits and regional hearings provide an important opportunity for citizens to participate in the committee process. In addition, they provide another perspective that can enhance and inform the inquiry process for committee members.

The committee conducting the inquiry into rural wind farms conducted public hearings at Goulburn and Tamworth and visited wind farms in the Goulburn area.

Relocation of committee staff

The Legislative Council Committee Office has a flexible structure which allows staff to be allocated according to inquiry workload instead of the static secretariat based model used in most Parliaments. Members of staff are part of a single committee office rather than allocated to specific secretariats.

Since 1995 accommodation constraints have meant that Committee Office staff were divided between offices within Parliament House and off-site premises. In the previous reporting period negotiations commenced regarding locating all Legislative Council committee staff within the Parliament House precinct. This relocation was completed during the reporting period.

Construction of dedicated committee hearing room in Parliament House

Committee hearings held in Parliament House have generally been held in the Jubilee Room which is located on level 7, the public entry level, and in Room 814/815 which is located on level 8.

This year planning was completed and some building works commenced for the establishment of a dedicated committee hearing room on level 7 of Parliament House. This will facilitate easier and simpler access for members of the public attending public hearings.

Budget Estimates Inquiry

Each financial year, the five GPSCs examine the budget estimates and related papers, which present 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.

In 2008 a new method of scheduling Budget Estimates was trialled which resulted in considerable cost saving to the administration of Parliament. This new scheduling approach has been followed during subsequent reporting periods, including this one.

The Legislative Council referred the 2009/2010 Budget Estimates Inquiry on 27 November 2008, setting down five days in September 2009 for initial hearings and a further five days in November 2009 for supplementary hearings.

The Inquiry hearings were conducted by the GPSCs according to their portfolio responsibilities and the initial round of hearings were attended by the relevant ministers and accompanying departmental officials. Thirty-five separate hearings, amounting to seventy hours of public examination, were conducted during the initial round of hearings. Following the initial round, five supplementary hearings, amounting to seven hours of public examination, were held.

The total of seventy-seven hours of public examination for the 2009/2010 Inquiry compares to the eighty-six hours of examination undertaken for the previous financial year's Inquiry. The five supplementary hearings held in 2009/2010 compare to seven held the previous financial year, and two the year before that.

Treasury was the portfolio that was publicly examined for the greatest amount of time during the hearings. In total, 1779 questions were taken or placed on notice, similar to the 1800 questions on notice from the previous year. The portfolios of Ageing and Disability; Attorney-General; Transport; and Primary Industries were each the subject of more than 100 questions of notice.

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, eleven Government responses fell due and 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: Legislation on altruistic surrogacy in NSW	27 Nov 2009	18 Dec 2009	The Government response stated that the Government would await the outcome of the Standing Committee of Attorneys-General (SCAG) process and that it would consider the model provisions, together with the Committee's recommendations, in developing NSW's surrogacy laws. Nonetheless the Government indicated its in principle agreement with each of the recommendations, noting that further consultation and policy evaluation will be undertaken on several of the points raised by the Committee.
GPSC 2: Governance of NSW universities	1 Dec 2009	1 Dec 2009	The Government advised that six of the Committee's twelve recommendations were currently under consideration. The remaining six recommendations were brought to the attention of the national working party developing a voluntary code of best practice for higher education providers.
GPSC 3: Privatisation of prisons and prison-related services	5 Dec 2009	3 Dec 2009	The Government explicitly supported two and supported in-principle a further four, of the Committee's 18 recommendations. Three recommendations were expressly not supported. In relation to the remaining nine recommendations the response indicated that the government was already addressing many of the issues raised by the Committee.



Inquiry	Response due	Response received	Response to recommendations
Standing Committee on Law and Justice: Adoption by same-sex couples	8 Jan 2010	6 Jan 2010	<p>The Government noted the polarisation of views on this issue reflected among inquiry participants and Committee members and noted that the Committee did not achieve a consensus position on the need for law reform.</p> <p>The Government acknowledged the inconsistency within NSW legislation regarding the rights of same-sex couples to adopt, however concluded that the Government would continue to consult with the wider community before deciding upon its final policy position.</p>
Standing Committee of Law and Justice: Second Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council	3 March 2010	2 March 2010	The Government indicated that it supported or had actioned the majority of the Committee's recommendations.
Standing Committee on Social Issues: Homelessness and low-cost rental accommodation	24 March 2010	24 March 2010	The Government supported the overall message of the report, which emphasised the need for an overarching framework for the provision of affordable housing. The Government also supported many of the more detailed findings and indicated that actions that address many of the recommendations were already underway. Five recommendations were supported, nine supported in-principle and three were not supported.
GPSC 2: Bullying of children and young people	12 May 2010	12 May 2010	The Government fully or partially supported 22 of the Committee's recommendations. Three recommendations were not supported, including an examination of the current legislative framework for bullying-related offences and the provision of recurrent funding to Kids Helpline by the NSW Government.
GPSC 4: Badgerys Creek land dealings and planning decisions	20 May 2010	20 May 2010	The Government supported four of the eleven recommendations. It advised the remaining seven recommendations were still under consideration while the Government awaited the outcome of other relevant reviews.

Inquiry	Response due	Response received	Response to recommendations
Standing Committee on State Development: The NSW planning framework	10 June 2010	House was advised response will be tabled shortly	
Standing Committee on Law and Justice: The use of victims' DNA	16 June 2010	16 June 2010	The Government advised that it has referred the Committee's recommendations to a review of the <i>Crimes (Forensic Procedures) Act 2000</i> being conducted by a Forensic Working Group led by Acting Justice Barr.
GPSC 5: Rural wind farms	16 June 2010	16 June 2010	The Government made general statements of support for many of the 21 recommendations without indicating commitment to specific action. The Government advised that it did not support six of the recommendations.

Improving service delivery

Survey of inquiry participants

During 2009/2010 the committee survey of inquiry participants continued, with a revised simplified questionnaire. Witnesses who gave evidence at committee hearings were asked for their feedback on the work of committee staff in dealing with witnesses and arranging hearings.

Completed questionnaires were received from 131 witnesses. For 72 per cent of the respondents it was their first experience of giving evidence before a parliamentary committee. Sixty-nine per cent 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:

Survey of inquiry participants

	Number	Percentage
Questionnaire responses	131	100
	Number	% (of respondents)
First-time witnesses	94	72
Committee staff professional and helpful prior to hearings		
– agreed	42	32
– strongly agreed	85	65
– other ⁷	4	3
Committee staff approachable at hearings		
– agreed	33	25
– strongly agreed	96	73
– other	2	2
Positive witness experience		
– agreed	42	32
– strongly agreed	78	60
– other	11	8

⁷ 'Other' includes three categories: (1) Neither agree nor disagree (2) Disagree and (3) Strongly disagree.

Committee staff continue to use the results of the questionnaires to improve their practices and processes.

On-line consultation to gauge views of children and young people

In a first for a New South Wales parliamentary committee, GPSC No. 2 initiated an innovative online approach to canvass the views of children and young people on bullying. The online survey was conducted as part of the extensive consultation process with children and young people undertaken during the Inquiry into bullying of children and young people.

The Committee engaged Westwood Spice, a consulting group with expertise in the community and public sectors, to conduct an online survey that was conducted through Facebook. The survey was developed in collaboration with the Young People's Reference Group – a consultation group of 12 young people established by the NSW Commission for Children and Young People. The online survey gave children and young people from both metropolitan and rural New South Wales the opportunity to communicate with the Committee.

The Committee received positive feedback regarding the online consultation, with over 80 per cent of the survey respondents expressing the view that an online survey was a good way to consult with children and young people. The Committee received over 300 responses providing substantial input from an elusive target group typically difficult to involve in parliamentary committee processes.

Improving access to committee documents for people with disabilities

During the GPSC No. 2 Inquiry into the provision of education to students with disabilities and special needs an inquiry participant, due to his disability, requested access to committee documents through the use of audio files. This prompted committee staff to arrange a presentation from Quantum Technology, a private technology company, on software options to improve access to committee documents.

After a successful trial, the Dolphin Easy Converter software was purchased. The Committee Office now has the ability to convert word or PDF files, such as terms of reference, media releases, submissions, transcripts and report recommendations to other formats such as MP3 and Braille.

To date the software has been used to convert an Inquiry's terms of reference and the witness oath/affirmation for use at public hearings. Committee websites have uploaded audio files containing inquiry terms of reference, transcripts and media releases. These audio files can also be provided individually to inquiry participants. Committee websites now indicate the availability of documents in other formats.

Effective participation in parliamentary inquiries

Non-government organisations (NGOs) frequently participate in parliamentary inquiries by way of making written submissions and appearing at public hearings to give oral evidence. Inquiry participants seek to persuasively argue a position to influence the opinion of a committee and the direction of



Consultation with children and young people was seen as an important element of GPSC 2's inquiry into bullying. The committee visited two primary schools and one high school where it was able to observe first hand some of the methods which schools use to address bullying. The committee was grateful to the staff, students and parents for their efforts in facilitating these visits.

the inquiry and ultimately contribute towards the recommendations of the inquiry report. In recognition of the fact that NGOs are significant stakeholders in the parliamentary inquiry process, Committee staff have undertaken a number of initiatives in this reporting period to enhance the ability of NGOs to participate in parliamentary inquiries.

Development of interactive workshop in conjunction with NCOSS

Committee staff developed a program of interactive workshops in conjunction with the Council of Social Service NSW (NCOSS) with the aim of improving non-government inquiry stakeholders' understanding of parliamentary inquiries and their skills in participating in them. Two workshops were offered during the reporting period, with 34 participants attending from various NGOs. Further sessions, including sessions in Western Sydney and regional New South Wales have been planned for the coming reporting year.



Non-Government Organisations (NGOs) actively participate in the Parliament's committee inquiry process. In support of this, Committee Office staff developed a workshop, with the assistance of the Council of Social Service NSW, for employees of NGOs designed to provide participants with the knowledge and skills required for inquiry witnesses and submission writers. The President of the Legislative Council was a presenter at the workshop.

Seminars on effective participation for specific NGOs

Committee staff have also worked with specific NGOs to assist them to improve the effectiveness of their involvement in inquiries. Drawing on the interactive workshop model developed with NCOSS, tailored presentations were developed and delivered to the Community Legal Centres NSW and The Law Society of NSW Young Lawyers.

Very positive feedback has been received from participants in these initiatives and subsequent involvement in committee inquiries from several participants has been observed.



The Committee Office provides stakeholders with information regarding the inquiry process to encourage their involvement and maximise their ability to participate.

Protocol for responding to inquiry participants at risk of suicide, self-harm or harm to others

In 2008 GPSC No. 2 conducted an inquiry into the New South Wales Ambulance Service. During the inquiry the Committee received several submissions and telephone calls from former or currently serving ambulance officers who referred to actual or attempted incidents of self harm or suicide. In consultation with the former Director of the Centre for Mental Health, Professor Beverly Raphael, the Committee developed a protocol for dealing with 'vulnerable' inquiry participants. Legislative Council staff also participated in a one day seminar on mental health issues facilitated by the Mental Health Coordinating Council.

After the completion of the Ambulance Inquiry, the protocol was further refined so that it could be used in other relevant inquiries. Following advice from the Crown Solicitor, the protocol was adopted by the Legislative Council to be used by committee staff in any inquiries where there is a need to respond to witnesses or submission makers expressing threats of self harm or harm to others. All staff have been made aware of the protocol and it is included in the induction of all new committee staff members.

Video conferencing facility in Parliament House

As reported in the previous financial year, following approval by the Presiding Officers, in-house video conferencing facilities were installed in the Waratah Room for use by committees of both Houses. During this reporting period guidelines for use of the facilities and training of staff was completed. The facilities were used during the GPSC No. 5 Inquiry into rural wind farms to take evidence from an expert academic from Sweden.

The Social Issues Committee Inquiry into substitute decision-making was able to receive evidence from the Public Advocate of Western Australia and from the Provincial Director, Office of the Public Guardian, Alberta, Canada through the use of the new video conferencing facilities.

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. In addition, Committee staff presented information to student groups participating in the Education Department's Secondary Schools Leadership Program.

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, citizenship, social relations, cultural diversity, recreation, gaming, racing, sporting matters and the role of government in promoting the welfare of people in all of New South Wales.
- **Standing Committee on State Development**
Conducts inquiries on matters concerned with policy direction related to sound growth and wise development 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. Exercises statutory functions under the *Motor Accidents Compensation Act 1999* and the *Motor Accidents (Lifetime Care and Support) Act 2006*.
- **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 standing committees as at 30 June 2010 is summarised in the following table.

Note: the individual members assigned to a committee may change – three such changes occurred during the reporting period.

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	
Fazio, Amanda	ALP			Member until 2 December	Member until 2 December	Chair
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 until 2 December	Member		Member (from 2 December)	
Voltz, Lynda	ALP	Member		Member (from 2 December)		
West, Ian	ALP	Chair			Member	
Westwood, Helen	ALP	Member (from 2 December)				

• 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 four standing committees in 2009/2010 are summarised in the following table. The Procedure Committee did not meet during the 2009/2010 reporting period.

Overview of standing committee activity

	Social Issues	State Development	Law and Justice	Privileges
Inquiries	3	1	7	4
Submissions	44	3	65	3
Meetings	9	4	13	10
Hearings	4	3	6	0
Witnesses	43	23	60	0
Public forums	0	0	0	0
Forum speakers	0	0	0	0
Site visits	0	0	0	0
Reports tabled	2	1	3	5

Standing Committee on Social Issues inquiries

Inquiry into homelessness and low cost rental accommodation

Referred by: Minister for Housing and Western Sydney

Date: 3 December 2008

Report date: 24 September 2009

Hearings: 0 (6 in 2008/09)

Submissions: 0 (66 in 2008/09)

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.

Summary of report/recommendations:

The Committee's inquiry focused on the availability of affordable rental accommodation as a means of reducing homelessness and addressing the needs of key workers. The Committee made 17 recommendations, which emphasised the need for an overarching framework for the provision of affordable housing and strengthening the community housing sector.

Government response: Received 24 March 2010

Inquiry into substitute decision-making for people lacking capacity

Referred by: Attorney General

Date: 30 June 2009

Report date: 25 February 2010

Hearings: 4

Submissions: 43

Summary of terms of reference:

Inquire into and report on the provision for substitute decision-making for people lacking capacity in NSW, and in particular whether any NSW legislation requires amendment to make better provision for the management of estates of people incapable of managing their affairs; and the guardianship of people who have disabilities.

Summary of report/recommendations:

The Committee made 35 recommendations, with three aims: to improve NSW legislation's harmony with best practice and import the UN Convention on Rights of People with a Disability into NSW law, reflecting a shift in focus to capacity from incapacity, ability rather than disability, and rights rather than protection; to improve safeguards and monitoring to support substitute decision-makers and protect people under substitute decision-making orders from abuse and mismanagement; and to extend the reach of guardianship services in NSW through a community guardianship scheme and establishing an office of the public advocate.

Other comments and background to the inquiry:

During the second reading speech for the NSW Trustee and Guardian Bill 2008 the Attorney General asked the Committee to consider the amendments contained in the Bill as part of the general reference.

Government response: Due 25 August 2010

Inquiry into services provided or funded by the Department of Ageing, Disability and Home Care

Referred by: Legislative Council

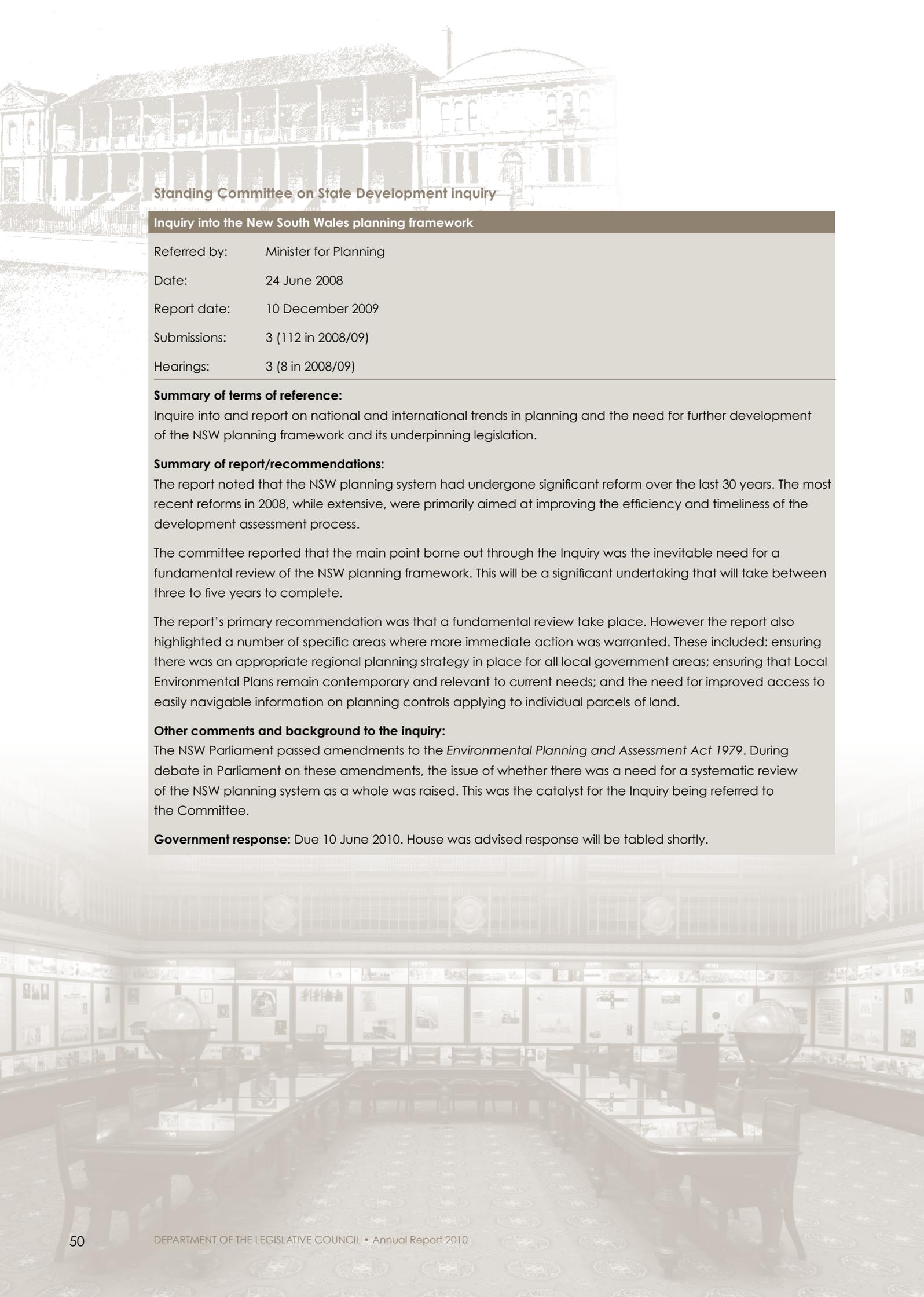
Date of referral: 24 June 2010

Report date: Inquiry still proceeding at 30 June 2010

Submissions: 5

Summary of terms of reference:

Inquire into and report on the quality, effectiveness and delivery of services provided or funded by Ageing, Disability and Home Care.



Standing Committee on State Development inquiry

Inquiry into the New South Wales planning framework

Referred by:	Minister for Planning
Date:	24 June 2008
Report date:	10 December 2009
Submissions:	3 (112 in 2008/09)
Hearings:	3 (8 in 2008/09)

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.

Summary of report/recommendations:

The report noted that the NSW planning system had undergone significant reform over the last 30 years. The most recent reforms in 2008, while extensive, were primarily aimed at improving the efficiency and timeliness of the development assessment process.

The committee reported that the main point borne out through the Inquiry was the inevitable need for a fundamental review of the NSW planning framework. This will be a significant undertaking that will take between three to five years to complete.

The report's primary recommendation was that a fundamental review take place. However the report also highlighted a number of specific areas where more immediate action was warranted. These included: ensuring there was an appropriate regional planning strategy in place for all local government areas; ensuring that Local Environmental Plans remain contemporary and relevant to current needs; and the need for improved access to easily navigable information on planning controls applying to individual parcels of land.

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.

Government response: Due 10 June 2010. House was advised response will be tabled shortly.

Standing Committee on Law and Justice inquiries

Inquiry into legislation on altruistic surrogacy in NSW

Referred by:	Attorney General
Date:	22 July 2008
Report date:	27 May 2009
Submissions:	0 (40 in 2008/09)
Hearings:	0 (4 in 2008/09)

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).

The Committee noted that SCAG is developing model provisions on surrogacy but recommended that the NSW Government implement the Committee's recommendations without waiting for the outcome of the SCAG process, as it is likely to be lengthy.

Government response: Received 18 December 2009

Inquiry into adoption by same-sex couples

Referred by:	Minister for Community Services
Date:	27 November 2008
Report date:	8 July 2009
Submissions:	0 (341 in 2008/09)
Hearings:	0 (3 in 2008/09)

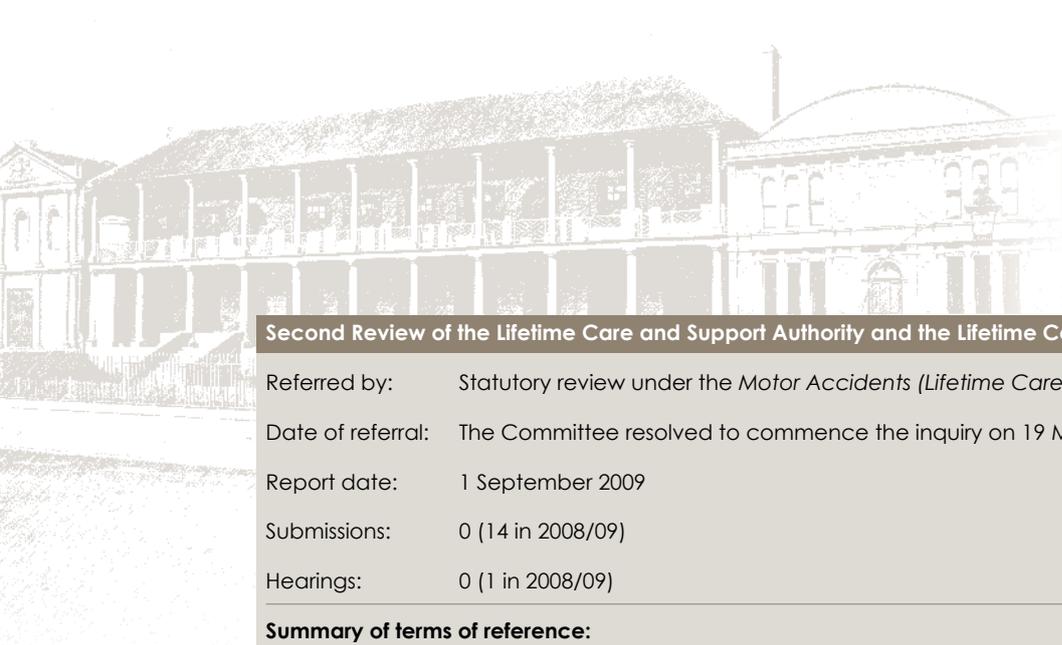
Summary of terms of reference:

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

Summary of report/recommendations:

The Committee recommended that the *Adoption Act 2000* should be amended to allow same-sex couples to adopt, but that an exemption from the application of the *Anti-Discrimination Act 1977* be created for faith-based adoption agencies.

Government response: Received 6 January 2010



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

Referred by:	Statutory review under the <i>Motor Accidents (Lifetime Care and Support) Act 2006</i>
Date of referral:	The Committee resolved to commence the inquiry on 19 March 2009
Report date:	1 September 2009
Submissions:	0 (14 in 2008/09)
Hearings:	0 (1 in 2008/09)

Summary of terms of reference:

The Act requires a Legislative Council committee to supervise the exercise of the functions of the Lifetime Care and Support Authority and Advisory Council. The Standing Committee on Law and Justice was appointed on 30 May 2007 to fulfil this function and report to the House at least once a year. The Scheme commenced operation in October 2006 and this was the second review.

Summary of report/recommendations:

Overall, the Committee found that the Scheme was operating successfully. This review focused on issues relating to the service provision for participants during acute care and rehabilitation and recognised the start of a shift of participants moving from rehabilitation back to the community. It made nine recommendations regarding membership on the Advisory Council, supported accommodation, impact on health resources of the Scheme, the role of the LTCS coordinator, recreation and leisure and identified the need to raise public awareness of the Scheme.

Government response: Received 2 March 2010

The use of victims' DNA

Referred by:	Attorney General
Date of referral:	29 June 2009
Report date:	16 December 2009
Submissions:	9
Hearings:	2

Summary of terms of reference:

Inquire into and report on the use of DNA material belonging to victims of crime, with particular reference to the adequacy of current policies, procedures and practices to protect DNA material belonging to victims; and whether further restrictions on the use of such DNA material would be appropriate or desirable, for example through legislation.

Summary of report/ recommendations:

The key issue for the inquiry was what use can be made of information resulting from an unidentified DNA profile found at a crime scene and placed on the DNA database, which is later identified to be that of a victim, and by virtue of having been placed on the DNA database, may be matched to an unrelated crime where the victim may have been the offender and whether this information should be able to be used by police in investigations and in court proceedings for the unrelated crime.

The Committee made four recommendations including that the Attorney General pursue a limited legislative ban on the use of a victim's DNA profile against that victim for an unrelated crime, with a clause that allows for the inclusion of serious offences. The Committee also recommended a targeted public education campaign informing people of how their DNA profiles can be used.

Government response: Received 3 May 2010

Inquiry into spent convictions for juvenile offenders

Referred by:	Attorney General
Date:	10 November 2009
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	22
Hearings:	2

Summary of terms of reference:

Inquire into and report on whether sex offenders' convictions should be capable of being spent under the *Criminal Records Act 1991*, or whether they should only become spent in limited circumstances.

Summary of report/recommendations:

In this report the Committee sought to balance competing interests. Foremost is the need to protect the community from sexual offenders. Balanced against this is the community interest in rehabilitating past offenders and thereby reducing re-offending.

The Committee concluded that, on balance, the evidence did not warrant continuing to treat juvenile sexual offences differently from other juvenile offences for the purposes of the spent convictions scheme. The reports made nine recommendations. These include that juvenile sexual offences be included in the spent convictions scheme provided that, like other offences, an offender meets certain eligibility criteria. The Committee also recommended an appropriate mechanism for spending these convictions.

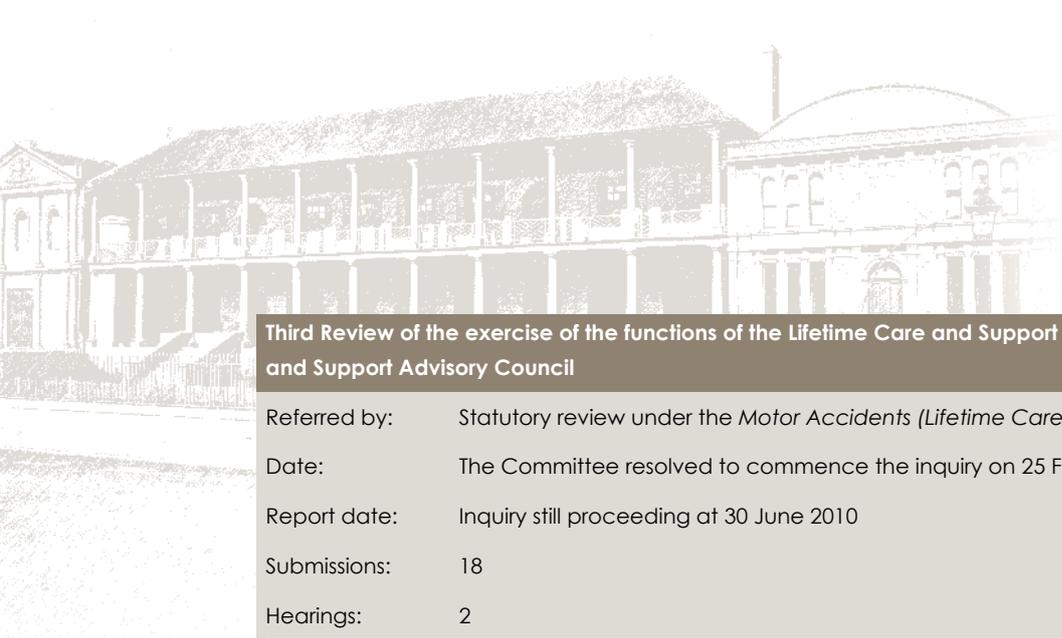
In reaching the conclusion that convictions for juvenile sexual offences should be capable of becoming spent, the Committee emphasised that the spent convictions scheme is not concerned with punishment, but with encouraging rehabilitation while managing the risk posed by past offenders.

Tenth Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council

Referred by:	Statutory review under section 210 of the <i>Motor Accidents Compensation Act 1999</i> (NSW)
Date:	The Committee resolved to commence the Inquiry on 25 February 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	9
Hearings:	2

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. 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*.



Third Review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council

Referred by:	Statutory review under the <i>Motor Accidents (Lifetime Care and Support) Act 2006</i>
Date:	The Committee resolved to commence the inquiry on 25 February 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	18
Hearings:	2

Summary of terms of reference:

The Act requires a Legislative Council committee to supervise the exercise of the functions of the Lifetime Care and Support Authority and Advisory Council. The Standing Committee on Law and Justice was appointed on 30 May 2007 to fulfil this function and report to the House at least once a year. The Scheme commenced operation in October 2006 and this is the third review.

Inquiry into judge alone trials under s.132 of the *Criminal Procedure Act 1986*

Referred by:	Attorney General and Minister for Justice
Date:	27 April 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	7
Hearings:	0

Summary of terms of reference:

Inquire into and report whether section 132 of the *Criminal Procedure Act 1986* should be amended to allow either party in criminal proceedings to request a judge alone trial, without a requirement that the prosecution consent to the application, with the decision to be made by the court based on the interest of justice.

Inquiry into the eligibility of Members of Parliament to serve on juries

Referred by:	Attorney General
Date:	10 June 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	0
Hearings:	0

Summary of terms of reference:

Inquire into and report on the eligibility of Members of Parliament who do not hold Ministerial portfolios to serve on juries, including whether there is an immunity (or privilege) that attaches at common law to prevent Members from being compelled to attend jury service. Existing provisions in the *Jury Act 1977* are also to be considered.

Standing Committee on Law and Justice 15 year anniversary celebration

The Law and Justice Committee commemorated its 15 year anniversary on 24 May 2010 by holding a lunch with current and former members of the Committee, the Clerk and President of the Legislative Council, past and present Committee staff and representatives of key stakeholders. The lunch was well attended and provided an opportunity for all those involved in the work of the Committee to reconnect and share their experiences. The current Chair of the Committee, the Honourable Christine Robertson MLC, acknowledged members and staff for their hard work and thanked stakeholders for their invaluable contribution to the Committee's various inquiries. The Attorney-General, the Honourable John Hatzistergos MLC, himself a former member of the Committee, emphasised the important role that the Committee has played in legal policy and legislative reform in New South Wales.

Privileges Committee inquiries

Inquiry into a memorandum of understanding with the ICAC concerning the execution of search warrants on members' offices

Referred by:	House
Date:	10 September 2009
Report date:	24 November 2009
Submissions:	0
Hearings:	0

Summary of terms of reference:

Inquire into and report on the development of a Memorandum of Understanding between the President and the Commissioner of the Independent Commission Against Corruption (ICAC) concerning the execution of search warrants by the ICAC on the Parliament House offices of members.

Summary of report/ recommendations:

The report recommended that the President enter into the Memorandum of Understanding with the ICAC Commissioner concerning the execution of search warrants on members' offices. The report also recommended that the Legislative Council request the Legislative Assembly to authorise the Speaker to enter into the Memorandum of Understanding.

Other comments:

The Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics conducted a similar inquiry, tabling its report on 26 November 2009. The Assembly Committee recommended that the Speaker enter into the Memorandum of Understanding forwarded to the Legislative Assembly by the Legislative Council. In December 2009 the Presiding Officers and the ICAC Commissioner entered into the recommended Memorandum of Understanding concerning the execution of search warrants by the ICAC on the Parliament House offices of members.

Government response: No Government response was requested.



Inquiry into the draft *Constitution (Disclosures by Members) Amendment (De Facto Relationships) Regulation 2010*

Referred by:	House
Date:	10 June 2010
Report date:	23 June 2010
Submissions:	0
Hearings:	0

Summary of terms of reference:

Inquire into and report on the draft *Constitution (Disclosures by Members) Amendment (De Facto Relationships) Regulation 2010*

Summary of report/ recommendations:

The report recommended that the draft *Constitution (Disclosures by Members) Amendment (De Facto Relationships) Regulation 2010* be supported

Other comments:

The draft *Constitution (Disclosures by Members) Amendment (De Facto Relationships) Regulation 2010* proposed amendments to the definition of 'de facto partner' in the *Constitution (Disclosures by Members) Regulation 1983*, which governs the disclosure of members' interests in New South Wales. The proposed amendments to the Regulation were consequential on changes made by the passage of the *Relationships Register Act 2010* in April and May 2010.

Government response: No Government response was requested

Inquiry into a memorandum of understanding with the Commissioner of Police relating to the execution of search warrants on members' offices

Referred by:	House
Date:	22 April 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	2
Hearings:	0

Summary of terms of reference:

In December 2009, the President of the Legislative Council, the Speaker of the Legislative Assembly and the ICAC Commissioner entered into a *Memorandum of Understanding on the execution of search warrants in the Parliament House offices of members of the New South Wales Parliament*. The current inquiry requires the Committee to investigate the development of a similar memorandum of understanding with the Commissioner of Police and any other relevant agency.

Review of the Code of Conduct for Members

Referred by:	The Committee adopted the inquiry in accordance with the requirements of the <i>Independent Commission Against Corruption Act 1988</i> .
Date:	20 April 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	1
Hearings:	0

Summary of terms of reference:

Under section 72C(5) of the *Independent Commission Against Corruption Act 1988*, the Privileges Committee is required to review the Code of Conduct for members at least once every four years. The last review of the Code of Conduct was in 2006.

General Purpose Standing Committees

The Legislative Council has five GPSCs, with each committee allocated responsibility for overseeing specific government portfolios. These accountability-oriented committees were first appointed by the House 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 Legislative Council may, when it considers it necessary, amend the allocation of government portfolios between the GPSCs. During the reporting period this occurred once – on 2 December 2009. The ministerial portfolio responsibilities of each GPSC as at 30 June 2010 are set out in the following table⁸.

GPSC ministerial portfolio responsibilities

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

⁸ The ministerial portfolio responsibilities have been further re-allocated between the GPSCs since the end of the reporting period.

General Purpose Standing Committee membership

Each committee has seven members, comprised of three government members, two opposition members and two cross-bench members. The individual members assigned to a committee may change – nine such changes occurred during the reporting period. Membership of the five GPSCs as at 30 June 2010 is summarised in the following table.

Member	Party	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Ajaka, John	LP			Chair (elected chair 3 December)		
Brown, Robert	S					Member
Catanzariti, Tony	ALP		Member			Member
Clarke, David	LP				(Member from 23rd February to 18 March)	
Cohen, Ian	G					Chair
Colless, Rick	N					Deputy Chair
Donnelly, Greg	ALP		(Member until 18 March)	Member		
Fazio, Amanda	ALP			(Chair until 2 December)		
Ficara, Marie	LP		Member			
Foley, Luke	ALP	Member (from 24 June)				Member (from 24 June)
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				
Moselmane, Shaoquett			Member (from 18 March)	Member (from 24 June)	Member (from 18 March)	
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 until 24 June)		(Member from 2 December to 24 June)	Member (from 24 June)	
Smith, Roy	S			Member	Member	
Tsang, Henry	ALP				(Member until 23rd February)	
Voltz, Linda	ALP			Member (from 24 June)	Member (from 24 June)	Member (from 24 June)
West, Ian	ALP	Member				
Westwood, Helen	ALP			Member (from 24 June)		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 2009/2010 are summarised in the following table.

	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Inquiries	1	5	2	2	3
Submissions	0	903	0	15	153
Meetings	12	27	12	24	20
Hearings	10	12	8	12	12
Witnesses	49	143	34	19	90
Public forums	0	0	0	0	0
Forum speakers	0	0	0	0	0
Site visits	0	7	0	1	1
Reports tabled	1	4	1	3	2

General Purpose Standing Committee No 1 inquiry

Inquiry into Budget Estimates 2009-10

Referred by: Legislative Council

Date: 27 November 2008

Report date: 9 March 2010

Hearings: 10

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2009/2010, for the portfolios of Roads, Ports and Waterways, Finance, Infrastructure, Regulatory Reform, The Legislature, Treasury, Premier, Arts.





General Purpose Standing Committee No. 2 inquiries

Inquiry into bullying of children and young people

Referred by:	Self-referred
Date:	4 December 2008
Report date:	12 November 2009
Submissions:	0 (57 in 2008/09)
Hearings:	0 (3 in 2008/09)
Site visits:	4 (1 in 2008/09)

Summary of terms of reference:

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

Summary of report/recommendations:

The Committee made 25 recommendations aimed at providing school communities with support to develop and implement successful, evidence-based responses to bullying and cyber-bullying. These recommendations included improving training for teachers, providing parents with more information about how schools are addressing bullying, and establishing a community wide anti-bullying week. The Committee also recommended that the NSW Department of Education and Training seek annual feedback from children and young people on anti-bullying initiatives that are implemented in their schools.

Other comments and background to the inquiry:

The Committee initiated an innovative online approach to canvass the views of children and young people on bullying via an online survey, which was developed in collaboration with the Young People's Reference Group.

Government response: Received 12 May 2009

Inquiry into Budget Estimates 2009-10

Referred by:	Legislative Council
Date:	27 November 2008
Report date:	12 November 2009
Hearings:	6

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2009/2010, for the portfolios of Health, Central Coast, Ageing, Disability Services, Aboriginal Affairs, Education and Training, Women, Community Services.

Review of the Inquiry into the management and operations of the Ambulance Service of NSW

Referred by: Self-referred

Date of referral: 9 November 2009

Report date: 30 April 2010

Submissions: 43

Hearings: 1

Inquire into and report on the implementation of the recommendations of the Inquiry into the management and operation of the Ambulance Service of NSW.

Summary of report/recommendations:

In this Review the Committee acknowledged and welcomed the fact that the Ambulance Service had introduced a number of reforms, largely via its Healthy Workplace Strategies Program, which included new guidelines, policies and training to address issues relating to bullying, harassment and grievance handling.

However, despite the new initiatives, the general feedback from ambulance officers was that little had changed, and significant management and cultural problems remained within the Service.

The Committee recognised that it may take some time to see the results of the Service's reforms, yet urged the Service to not become complacent. Five recommendations were made to improve management, complaints handling and operational issues.

The Committee expressed the view that if the Review had not been conducted, many of the Service's more recent reforms would not yet have been implemented, and some may not have been implemented at all.

Government response: Due 30 October 2010

The provision of education to students with a disability or special needs

Referred by: Self-referred

Date of referral: 25 November 2009

Report date: Inquiry still proceeding at 30 June 2010

Submissions: 726

Hearings: 3

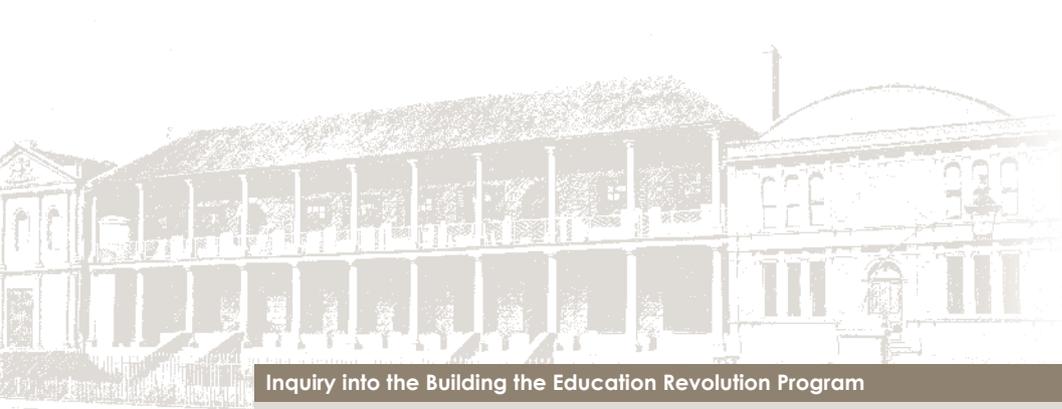
Site visits: 3

Summary of terms of reference:

Inquire into and report on the provision of education to students with a disability or special needs attending primary or secondary government and non-government schools in NSW. Issues for consideration included the nature and adequacy of funding for students with a disability or special needs, best practice approaches to the allocation of funding, adequacy of special education places, integrated and professional support services offered to these students and their families, suitable curriculum for students and the adequacy of pre-service and ongoing professional teacher training to teach these students. These issues were also considered in the context of practices followed in other jurisdictions.

Other comments and background to the inquiry:

Documents were made available for inquiry participants in alternative formats such as audio files and Braille. An Auslan interpreter was also used for part of one of the public hearings.



Inquiry into the Building the Education Revolution Program

Referred by:	The Committee self-referred this inquiry
Date of referral:	23 March 2010
Report date:	Inquiry still proceeding at 30 June 2010
Submissions:	134
Hearings:	2

Summary of terms of reference:

Inquire into and report on the Building the Education Revolution program. Issues for consideration include the level and appropriateness of fees and charges imposed by various NSW Government agencies, whether construction costs are in line with industry standards, and whether outcomes have been of acceptable quality and suitable to the needs of individual schools.

General Purpose Standing Committee No. 3 inquiries

Inquiry into Budget Estimates 2009-10

Referred by:	Legislative Council
Date:	27 November 2008
Report date:	26 November 2009
Hearings:	8

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2009/2010, for the portfolios of Local Government, Mental Health, Attorney General, Industrial Relations, Corrective Services, Public Sector Reform, Special Minister of State, Lands, Rural Affairs, Police, Gaming and Racing, Sport and Recreation, Juvenile Justice, Volunteering, Youth, Veterans' Affairs.

Inquiry into the Macedonian Orthodox Church Property Trust Bill 2010

Referred by:	Legislative Council
Date:	24 June 2010
Report date:	Inquiry still proceeding at 30 June 2010
Hearings:	0
Submissions:	0

Summary of terms of reference:

Inquire into the Macedonian Orthodox Church Property Trust Bill 2010

General Purpose Standing Committee No. 4 inquiries

Inquiry into Budget Estimates 2009-10

Referred by:	Legislative Council
Date:	27 November 2008
Report date:	9 March 2009
Hearings:	9
Submissions	0

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2009/2010, for the portfolios of Fair Trading, Citizenship, Emergency Services, Small Business, Planning, Redfern Waterloo, Transport, Illawarra, Science and Medical Research, Health (Cancer), Tourism, Hunter.

Inquiry into Badgerys Creek land dealings and planning decisions

Referred by:	Legislative Council
Date of referral:	9 September 2009
Report date:	First report 20 November 2009, second report 25 February 2010
Submissions:	15
Hearings:	2
Site visits:	1

Summary of terms of reference:

Inquire into and report on land dealings and planning decisions relating to land or interests in land held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd in or around Badgerys Creek.

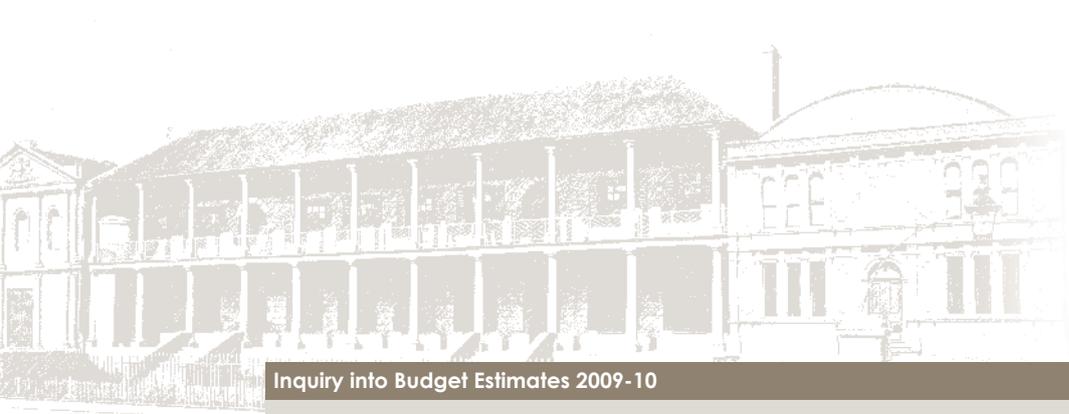
Summary of report/recommendations:

The Inquiry came about due to allegations that property developers and their representatives, particularly professional lobbyists, exert undue influence on planning decisions, either through having special access to government officials, or through making political donations. The Inquiry found no evidence of this in relation to the Badgerys Creek land dealings and planning decisions.

The Committee considered ways to improve transparency and integrity in Department of Planning decision-making. Recommendations were made to strengthen regulations pertaining to contact between Planning officials and development proponents and their representatives, particularly registered lobbyists.

The report endorsed recommendations of a previous Select Committee which called for reform of NSW election and campaign funding laws and, in particular, tighter regulation of political donations.

Government response: Received 20 May 2010



Inquiry into Budget Estimates 2009-10

Referred by: Legislative Council
Date: 27 November 2008
Report date: 17 December 2009
Hearings: 7

Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2009/2010, for the portfolios of Primary Industries, Mineral Resources, Commerce, Climate Change and the Environment, Energy, State Development, Water, Regional Development, Housing, Western Sydney.

Inquiry into the RSPCA raid on the Waterways Wildlife Park, Gunnedah

Referred by: Legislative Council
Date of referral: 11 May 2010
Report date: Inquiry still proceeding at 30 June 2010
Submissions: 32

Summary of terms of reference:

Inquire into and report on matters associated with the RSPCA raid on the Waterways Wildlife Park, Gunnedah on 3 February 2010.

General Purpose Standing Committee No. 5 inquiries

Inquiry into rural wind farms

Referred by:	Self-referred
Date of referral:	25 June 2009
Report date:	16 December 2009
Submissions:	121
Hearings:	5
Site visits:	1

Summary of terms of reference:

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

Summary of report/recommendations:

The report acknowledged the potential contribution of wind power as a clean source of energy to the State's network of electricity generation. A key issue for the inquiry was the potential negative impact of wind farms on surrounding local communities. The Committee made 21 recommendations, many with the aim of ensuring that the NSW Planning and Assessment Guidelines for Wind Farms, which were being developed by the Department of Planning at the time, are clear, transparent and make appropriate consideration of the local community. Of these, a significant recommendation was made that the Guidelines include a minimum setback limit of two kilometres between wind turbines and residences on neighbouring properties. Other recommendations proposed further research into areas such as noise impacts, compensation options for affected residents and the impact on local fauna and property values.

Other comments and background to the inquiry:

The Committee successfully conducted one hearing by way of videoconference with an academic from Sweden. The site visit to the Goulburn area, which included wind farms and neighbouring properties in Cullerin, Crookwell and Tarago, was particularly useful to the Committee.

Government response: Received 16 June 2010

Select committees

Select committees are appointed by the Legislative Council from time to time to inquire into a particular issue. Once a Select Committee reports on the matter that it was established to inquire into, the committee ceases to exist.

Joint select committees, made up of members from both Houses, can also be formed by either the Council or the Legislative Assembly. There were no joint select committees established during 2009/2010.

During the reporting period the Legislative Council established two select committees: The Select Committee on the NSW Taxi Industry, and the Select Committee on Recreational Fishing.

Select committee membership

Member	Party	NSW Taxi Industry	Recreational Fishing
Ajaka, John	LP	Chair	
Brown, Robert	SP		Chair
Catanzariti, Tony	ALP		Deputy Chair
Cohen, Ian	G		Member
Colless, Rick	N		Member
Donnelly, Greg	ALP	Member	
Khan, Trevor	N	Member	
Rhiannon, Lee	G	Member	
Robertson, Christine	ALP		Member
Sharpe, Penny	ALP	Deputy Chair	
Smith, Roy	SP	Member	
Veitch, Mick	ALP		(Member until 9 March)
Voltz, Lynda	ALP		Member (from 9 March)

Select committee activity

The activities of the two select committees in 2009/2010 are summarised in the following table.

	NSW Taxi Industry	Recreational Fishing
Submissions	68	1023
Meetings	11	10
Hearings	4	8
Witnesses	31	89
Site visits	0	2
Report tabled	1	0

Select Committee on NSW Taxi Industry Inquiry

Inquiry into the NSW taxi industry	
Referred by:	Legislative Council
Date:	10 November 2009
Report date:	1 June 2010
Submissions:	68
Hearings:	4
Summary of terms of reference:	
Inquire into and report on the NSW taxi industry, including the regulation, transparency and accountability of the industry, working conditions and entitlements for taxi drivers, and the provision of timely and reliable taxi services for commuters, including wheelchair-accessible taxis.	
Summary of report/recommendations:	
The report highlighted the need for significant reform to create a competitive and viable taxi industry. The Committee made 59 recommendations to facilitate this reform, including limiting the number of licences an applicant can receive in future licence allocations to 1; disqualifying individuals or entities that currently own 10 or more licences from participating in future licence allocations, and establishing an independent regulator to monitor administration and enforcement of the regulatory framework.	
Government response: Due 1 December 2010	

Select Committee on Recreational Fishing Inquiry

Inquiry into recreational fishing	
Referred by:	Legislative Council
Date of referral:	24 November 2009
Report date:	Inquiry still proceeding at 30 June 2008
Submissions:	1023
Hearings:	8
Site visits:	2
Summary of terms of reference:	
Inquire into and report on the benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in NSW, including the current suite of existing regulatory, policy and decision-making processes in relation to the management of recreational fisheries; the effectiveness and efficiency of the current representational system of fishing trusts and advisory committees; and ecologically sustainable issues related to improving recreational fisheries and fish habitat.	

Provision of additional funding to support operation of Select Committee on Recreational Fishing

Given the number of recreational fishers in New South Wales and the many and varied recreational fishing peak bodies and interest groups and other stakeholders in issues relating to the marine environment it was anticipated that there would be wide interest and a significant number of submissions made to the Inquiry. As at 30 June, 1023 submissions have been received, the most of any Inquiry in this reporting period.

Following establishment of the select committee, the Chair indicated there would be a need to undertake a number of regional public hearings in order to give as many stakeholders as possible the opportunity to participate in this inquiry process.

The President sought additional funding for the final six months of 2009/2010 and the first six months of 2010/2011 in order for the Legislative Council to appropriately support this inquiry while continuing to provide secretariat services to the ten standing committees and an additional select committee within the same period. Treasury provided \$277,768 additional one-off funding to cover the cost of additional staffing and for conducting regional public hearings, of which \$185,000 was allocated to committee activities in 2009/2010.

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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 exhibition space.

During the past year the protocol functions of the Usher were supported by the Senior Council Officer Protocol.

Hospitality and visitors

Official visitors and delegations

Throughout the year, a number of distinguished visitors and delegations visited the Parliament. The Department assisted with arrangements for the following visitors and delegations:

Standing Committee of Guangdong Provincial People's Congress

On 27 August 2009, the President and the Deputy Speaker the Honourable Tanya Gadiel MP, hosted a morning tea in the Speaker's dining room and had informal discussions about parliamentary exchanges. The group was taken on a tour of Parliament House and the precincts.

Delegation from Rajya Sabha (Upper House) of the Parliament of India

The delegation, consisting of six secretariat staff, visited the Parliament on 29 October 2009 as part of a study tour arranged by the Senate in Canberra. The delegation had a full day's program in the Legislative Council which included a tour of the building, a meeting with the Clerk of the Parliaments, discussions with Committee staff, and an opportunity to observe Question Time in the chamber.

Deputy Speaker of the Hungarian National Assembly, the Honourable Mr László Mandur MP, Dr Gábor Tóth Head of the International Relations Office of the House, and His Excellency Mr Gábor Csaba Ambassador Extraordinary and Plenipotentiary of Hungary to Australia

The delegation's visit to the Parliament took place on 12 and 13 November 2009. The Presiding Officers hosted a luncheon in honour of the delegation and the visitors also observed proceedings in the Legislative Council and attended Question Time in the Legislative Assembly.

His Excellency Mr Pemysl Sobotka, President of the Senate of the Czech Republic.

The President of the Senate of the Czech Republic and accompanying delegation visited the New South Wales Parliament on 4 February 2010. The President, the Honourable Amanda Fazio, hosted a reception held by the European Australian Business Council in his honour. The reception marked the launch of the 2010 European Australian Business Council programme of events.

Public Accounts Committee and the Auditor-General from Kiribati

The delegation made an official visit to the New South Wales Parliament on 18 February 2010. A full day's programme was organised, consisting of meetings, a tour of the building, and time in the 'Effective Parliamentary Committee Inquiries Course' run in conjunction with the Centre for Democratic Institutions. The President and Speaker hosted a lunch for the delegation in the Strangers' Dining Room.

Mr Trinh Huy Quách, Vice Chairman, Committee for Financial and Budgetary Affairs, and other Members of the National Assembly of Vietnam

This delegation, led by Mr Trinh Huy Quách, attended the New South Wales Parliament on 25 February 2010 as part of a study visit. Committee Office staff presented information to the delegation that included an overview of the Legislative Council and its committees, the New South Wales Budget Estimates process, including hearings, questions on notice and reporting and the development of the current Estimates process.

Delegation from Bangladesh Parliament

A delegation from the Bangladesh Parliament, attended New South Wales Parliament on 25 and 26 February 2010 for a study visit. The visit was organised by the Federal Parliament and funded through the United Nations Development Program. The group, comprised of six members of Parliament and seven secretariat staff, was accompanied by Mr Warren Cahill, a former Clerk Assistant with the Legislative Council, who is currently working for the United Nations Development Program in Bangladesh.

The delegation had a full program, including a visit to Question Time in the Legislative Council. The Leader of the delegation, the Honourable Mohammed Abdul Hamid, Speaker of the Bangladesh Parliament was invited to take the chair on the dais and was welcomed into the House by the President. Following the visit to the chamber, the members of Parliament in the delegation attended an official lunch in the Speaker's dining room, hosted by the President and Speaker. The Bangladesh secretariat staff met parliamentary staff over a working lunch.

Members of the delegation also met with chairs of General Purpose Standing Committees, including the Reverend the Honourable Fred Nile and the Honourable John Ajaka, to discuss the Budget Estimates process in New South Wales.



The Parliament was visited by a delegation from the Bangladesh Parliament. The visit was part of a study tour organised by the Federal Parliament and funded through the United Nations Development Program. The Leader of the delegation, the Honourable Mohammed Abdul Hamid, Speaker of the Bangladesh Parliament was welcomed into the House by the President and invited to take the chair on the dais.

InterParliamentary Study Group

The Inter Parliamentary Study Group is comprised of senior parliamentary staff from Legislatures across the world. The 2010 study group visited the New South Wales Parliament on 8 March 2010 and included the following participants:

Mr Thinley Thogmaith, Legal Advisor to the Parliament of Bhutan

Mr Xu Yong, International Affairs Bureau of the National People's Congress of China

Ms Anne-Marie Mattsson, Head of Swedish Office, Parliament of Finland

Mr Ravindra Garimella, Additional Director, Lok Sabha Secretariat

Mr Robert Juheng Purba, Head Division of Regional Parliamentary Organization Bureau of Inter-Parliamentary Cooperation Secretariat General of the Indonesian House of Representatives

Mrs Florence Abonyo, First Clerk Assistant Parliament of the Republic of Kenya

Mr Davaanyam Odsuren, Head of the Working group of the Standing Committees at the Parliament of Mongolia

Mr Rafael Gonzalez-Montero Senior Parliamentary Officer Inter-Parliamentary Relations Secretariat, Parliament of New Zealand

Mrs Talosaga Aiolupotea, Manager for Corporate Services for the Office of the Clerk, Legislative Assembly of Samoa

Mr John Birch, Manager Finance, House of Assembly, Parliament of Tasmania

Mr Sarawut Sutharaphan, Director of Motion Service Group, Bureau of Parliamentary Proceedings, Secretariat of the Senate of Thailand

Dr Viliami Uasike Latu, Clerk of the House, Parliament of Tonga

The theme of the visit was 'the difference between State and Federal parliaments'. Both committee directors and Procedure staff gave presentations to the group.

Mr David Wilson, Clerk-Assistant (Select Committees), New Zealand Parliament

On 19 April 2010 Mr David Wilson, Clerk-Assistant (Select Committees), New Zealand Parliament, made a one-day visit to the Parliament. Mr Wilson met with Ms Rachel Callinan, Director, Legislative Council Select Committee on Recreational Fishing, for a briefing on the inquiry into recreational fishing and the select committee inquiry process.

Mr Ian Blair, Committee Assistant – Regional Committees, House of Commons, United Kingdom

Mr Ian Blair, Committee Assistant – Regional Committees, House of Commons, was attached to the Parliament for five days between 19 and 23 April 2010. As a result a programme was established for visits to both Houses. During his time in the Legislative Council, Mr Blair observed a public hearing on the Select Committee on Recreational Fishing, viewed and participated in tasks arising from the hearing, watched the commencement of proceedings in the House and attended Question Time.

Delegation from Western Australia Parliament

A delegation from the Parliament of Western Australia including the Honourable Barry House MLC, President of the Legislative Council, the Honourable Grant Woodhams MLA, Speaker of the Legislative

Assembly and Mr Russell Bremner, Executive Manager, Parliamentary Services, made a one-day visit to the Parliament on 28 April 2010. Following the official welcome, visitors had a full programme viewing the Parliament's facilities and services.

Members and Staff from Western Australia Legislative Assembly

On 13 May 2010 members and staff of the Western Australian Legislative Assembly Procedure and Privileges Committee, led by the Chair the Honourable Grant Woodhams, met with members and staff of the Privileges Committee of the Legislative Council. The committee attended Question Time in the Legislative Council chamber followed by lunch in the Speaker's suite.

Mr Liang Guoju, Vice Chairman of the Guangdong Provincial Committee of Chinese People's Political Consultative Conference

The Presiding Officers invited Mr Liang Guoju, Vice Chairman of the Guangdong Provincial Committee of Chinese People's Political Consultative Conference and others to visit with a view to further developing the sister state relationship between New South Wales and the Guangdong Province. The delegation arrived on 25 June 2010 and met with officers of the Parliament and was taken on a tour of the building.





Vice Regal visits

Throughout the reporting year, the New South Wales Parliament was privileged to be visited by both the Governor of New South Wales and the Governor General of the Commonwealth of Australia. A full list of these twelve visits follows.

26 August 2009	The Governor of New South Wales – Vietnamese National Day
9 December 2009	The Governor of New South Wales – Australian People for Health, Education and Development Abroad Inc.
28 February 2010	The Governor of New South Wales – College of Nursing book launch
8 March 2010	The Governor of New South Wales – Commonwealth Day
12 April 2010	The Governor of New South Wales accompanied by Sir Nicholas Shehadie – Queen's Birthday luncheon (Australia-Britain Society)
18 May 2010	The Governor of New South Wales accompanied by her Aide-de-Camp – Annual fundraising dinner for Taldumande Youth Services
25 May 2010	The Governor-General of the Commonwealth of Australia – in her capacity as Patron, the Governor-General delivered an address at the Alzheimer's Australia NSW women's lunch 'Australian Women – Today and Tomorrow'
26 May 2010	The Governor of New South Wales accompanied by Ms Sheila Moore – Jean Arnot memorial luncheon.
31 May 2010	The Governor of New South Wales accompanied by her Aide-de-Camp – Justice Conference for the Harbourside Gifted and Talented Network
7 June 2010	Her Excellency the Administrator of the Commonwealth – Official Opening Business, Trade and Networking Forum of the New South Wales Parliament Asia Pacific Friendship Group
22 June 2010	The Governor of New South Wales celebratory and fundraising dinner for the Solomon Islands Patient Programme
25 June 2010	The Governor of New South Wales accompanied by Sir Nicholas Shehadie and Mr Stephen Patfield – Order of Australia NSW Annual Lunch

Official visits

Official visits are those received predominately from diplomats of ambassadorial status. A total of 24 official visits were made to New South Wales Parliament during 2009/2010 from the following representatives:

- Ambassador of Italy
- Ambassador of Czechoslovakia
- Ambassador of Indonesia
- Ambassador of Egypt
- High Commissioner of Nigeria
- Delegation from Guangdong Provincial People's Congress
- Consul General of Poland
- Consul General of the Netherlands
- Consul General of India
- Ambassador of Spain, his wife and Consul General
- Delegation from Xinjiang Autonomous Region
- Ambassador and Consul-General of Denmark
- Delegation from Inner Mongolian Government
- Consul-General and Vice-Consul of Japan
- Taipei Economic Cultural Office, Mr Bob Lu Director and Ms Frances Lee, Director-General
- Ambassador of Germany
- High Commissioner of Cyprus

- High Commissioner of the Kingdom of Lesotho
- Chinese Consul General & a parliamentary delegation from China's National People's Congress
- Swedish Shadow Minister for Foreign Affairs, Mr Urban Ahlin
- Ambassador of Finland
- Consul General of Japan
- Ambassador of the Netherlands
- Ambassador of the Republic of Ecuador.

Election of President and Deputy President

Following a cabinet reshuffle, President Peter Primrose was promoted to a ministry, taking on regulatory reform and mineral resources. Mr Primrose tendered his resignation as President of the Legislative Council to the Governor on 17 November 2009 with immediate effect.

On the next sitting day, the Clerk conducted a ballot to fill the vacancy in the office of the President caused by the resignation of Mr Primrose. Two candidates were nominated for election – the Honourable Amanda Fazio (Labor) and the Honourable Don Harwin (Liberal). Ms Fazio was elected as President on the first count with 26 votes to 16 votes for Mr Harwin.



The President then informed the House that as the office of Deputy President and Chair of Committees of the Legislative Council formerly held by herself was now vacant it

was necessary to choose a member to be Deputy President and Chair of Committees and called for nominations. Two candidates were nominated for election – the Honourable Kayee Griffin Australian Labor Party and the Honourable Jennifer Gardiner Liberal Party of Australia. A ballot was conducted and Ms Griffin was elected as Deputy President and Chair of Committees with 24 votes to 17 votes for Miss Gardiner.

According to long held tradition, following the election, members of the Legislative Council presented their President to the Governor at Government House on Wednesday 2 December 2009.

Passing of former members



The Honourable Dr Virginia Chadwick AO, former President

The well-respected former President, the Honourable Dr Virginia Chadwick AO, passed away on 18 September 2009. Dr Chadwick was a member of the Legislative Council from 1978 to 1999. Dr Chadwick was the first female President of the Legislative Council and had several ministries during her time in the Legislative Council. A memorial gathering was held at Parliament House.



The Honourable Jeffrey William Shaw QC, former Attorney General

The former Attorney General and Minister of the Crown, the Honourable Jeffrey William Shaw QC, passed away on 10 May 2010. Mr Shaw was a member of the Legislative Council from 1990 to 2000. A State Funeral service was held at Sydney Town Hall on Wednesday 19 May 2010.



The Honourable Andy (Andrew) Bruce Manson, former Member of the Legislative Council

The Honourable Andy Manson, was a member of the Legislative Council during the period 1988 to 2000. Mr Manson was a well respected member of the Legislative Council and the wider community. He passed away on 22 December 2009, following a short illness.

Events in the Parliament

The New South Wales Parliament embraces opportunities to promote community access and welcomes the wider community to its premises through casual visits, educational gatherings, events and forums. Throughout the year, there were many opportunities for people to participate, learn, gather and celebrate at Parliament House.

Events and forums

State Plan Stakeholder Forum

On Tuesday 6 October 2009 the Office of Protocol and Hospitality Unit, Community Engagement and Events, from the NSW Department of Premier and Cabinet, held the State Plan Stakeholder Forum in the Legislative Council chamber and used a number of breakout rooms within the Parliament.

National Week of Deaf People

During the week beginning Monday 19 October, the National Week of Deaf People, a celebration of deaf individuals and the Deaf Australian community, joined in activities within Parliament House. The Honorable Helen Westwood hosted various events, including a launch in the Fountain Court area, which featured a choir from Nepean High School, along with an interpreter. The Honourable Peter Primrose welcomed Deaf visitors and invited them to advise the Parliament on ways to improve the building and facilities for the Deaf community.

Various tours for the general deaf community were organised throughout the building, including a visit to Question Time in the Legislative Council. Two interpreters from the Deaf Society interpreted proceedings in the chamber into Auslan.



The Parliament is used regularly as a venue for events and forums. This year, we welcomed visitors celebrating the National Week of Deaf People. The event was hosted by the Honourable Helen Westwood, MLC. A program of events commenced with a launch in the Fountain Court on 19 October 2009.

Macquarie Night Lights

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

Australia Day

Parliament again opened its doors on Australia Day, with both chambers open to the viewing public. Legislative Council staff helped facilitate the open day which gives members of the public access to areas of the Parliament that they would not otherwise be able to visit. Visiting Parliament forms part of the Sydney-wide celebration coordinated by the Australia Day Council and this year the number of visitors to Parliament exceeded 6,000 people.

The event this year included a chamber music trio in the Fountain Court area, and a visit from the President of the Legislative Council, the Honourable Amanda Fazio, who spent the afternoon greeting and talking with visitors in the chamber.

This year the new Security Gatehouse and southern exit point were in operation, with the centre pedestrian gates on Macquarie Street closed and the security screening procedure conducted from the new Gatehouse. Special Constables were in the Gatehouse and at the southern exit point to assist visitors to Parliament House.

Commonwealth Day

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

On Monday 8 March the day's activities commenced with a student debate in the Legislative Assembly, chaired by Professor David Flint, adjudicated by the former President of the Legislative Council the Honourable Max Willis and Mr Paul Scully-Power. Mrs Janet Stewart, President of the Commonwealth Day Council and the Usher of the Black Rod, Mr Steven Reynolds, greeted Her Excellency the Governor upon her arrival at Parliament. Approximately 50 students from Scots College Pipes and Drums formed an honour guard and played a Vice-Regal Salute. The Vice-Regal and Official Party moved through a flag display in the Fountain Court before moving to the Strangers' Dining Room for lunch.



Commonwealth Day is celebrated in the Parliament with an annual lunch held on 8 March 2010. The Patron of the Commonwealth Day Council of NSW, Her Excellency, Professor Marie Bashir, Governor of New South Wales, walks through a magnificent display of flags in the Fountain Court.

Macquarie celebrations

2010 marks the 200th anniversary of Governor Lachlan Macquarie's 12-year tenure as the 5th Governor of the colony of New South Wales. The Parliament joined in a statewide celebration program to pay tribute to Governor Macquarie and his wife Mrs Elizabeth Macquarie.

The Parliament participated in the Macquarie Visions light display by lighting up the facade and forecourt of Parliament House featured in the Macquarie Visions, the major event staged by the NSW Government for the significant bicentenary. St Mary's Cathedral, The Mint, Mitchell Library, the Conservatorium of Music and Hyde Park Barracks also participated in the light display.

On 7 June, Her Excellency the Governor, accompanied by the Honourable John Aquilina MP and representatives from the Department of Premier and Cabinet viewed the buildings along Macquarie Street, including Parliament House.

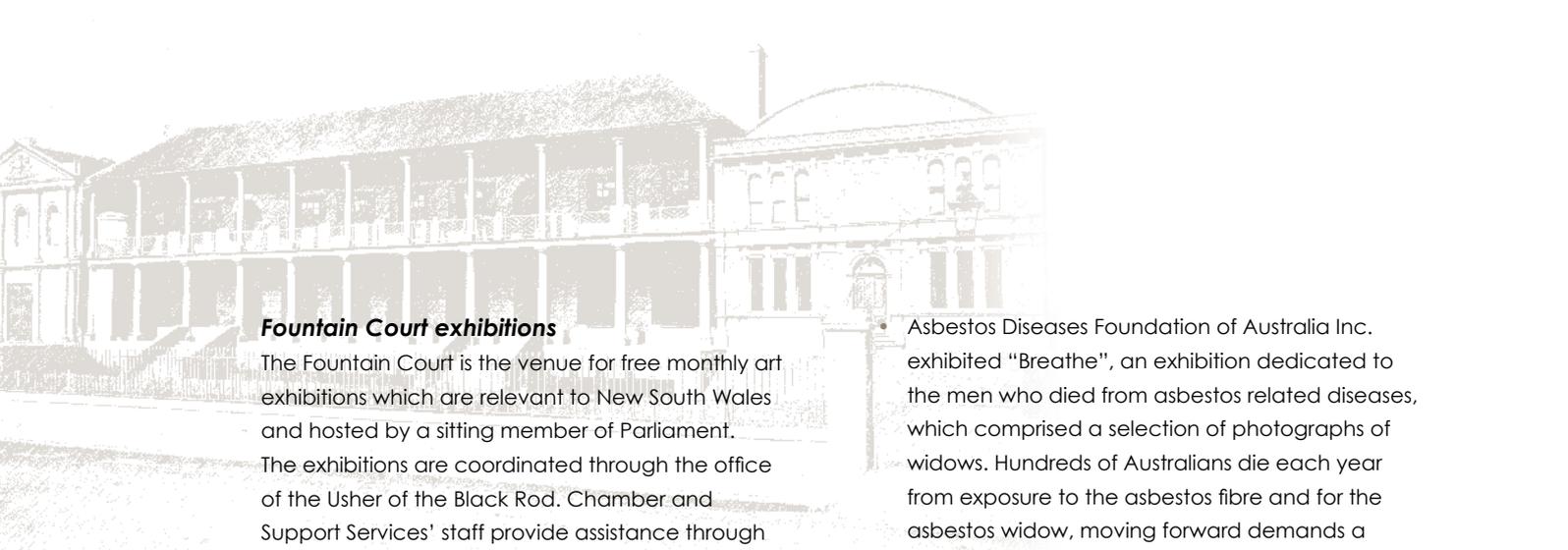
Macquarie Visions ran nightly from 27 May to 14 June 2010 as part of the Vivid Sydney festival.



The Parliament joined in a state wide celebration of the 200th anniversary of Governor Lachlan Macquarie's 12-year tenure as the 5th Governor of the colony of New South Wales. The Parliament was stunningly captured by Mr David Clare who took this picture of the building's façade, lit up as part of the Macquarie Visions light display.

2010 Secondary Schools Leadership Program

The Parliament's Education and Community Relations Section runs the Secondary Schools Leadership Program, which involves student leaders from schools around the State attending the New South Wales Parliament for a full day of activities. In 2009/2010 there were more than ten separate sessions held. The New South Wales Legislative Council is involved in the program, with members and staff addressing the students in the Legislative Council chamber. Staff of the Legislative Council volunteer to address the students, and provide a personal perspective on working for the Legislative Council, as well as factual information on the House's role and function. Questions and comments from the students are often thoughtful and occasionally provocative, and the Program provides an excellent opportunity for members and staff to publicise and demystify the important work of the Council as the House of Review.

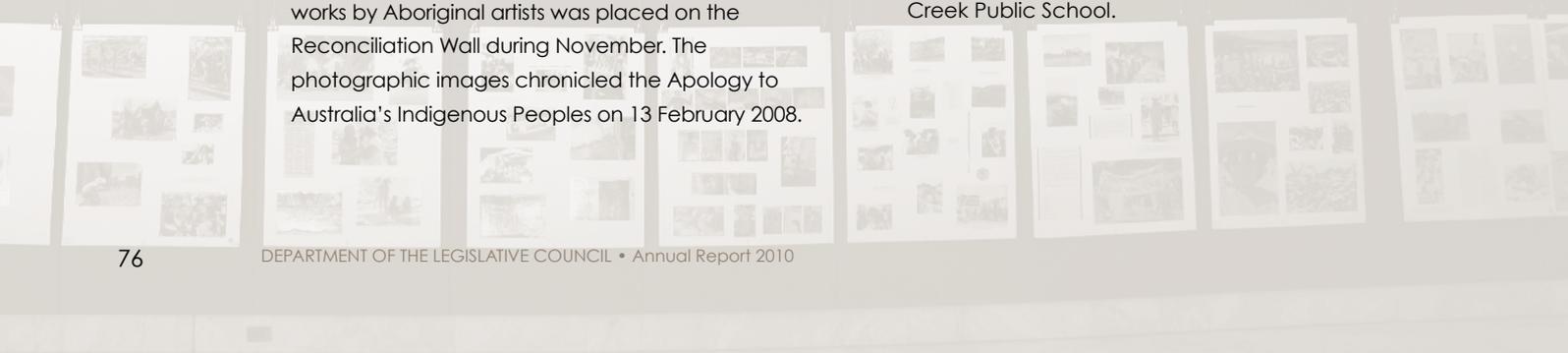


Fountain Court exhibitions

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. Chamber and Support Services' staff provide assistance through the installation of works. An application form for exhibitions is available on the Parliament's website at www.parliament.nsw.gov.au.

Fountain Court exhibitions during the year included:

- The WRAP Group ('WRAP' stands for Wagga Research Adapt Produce) exhibited their 'WRAP UNWRAPPED' exhibition of works inspired by the "wagga" rug. WRAP formed to study the iconic "wagga" rug or blanket and to create a contemporary work inspired by their studies and stories.
 - The National Stroke Foundation's Stroke of Art exhibition. The artworks were supported by a collection of messages from people affected by stroke.
 - "Remembering Pine Gap", an exhibition which marked the 20th anniversary of the founding of the Jessie Street National Women's Library in Sydney. The exhibition was dedicated to all women protesters and peacemakers during the time of the women's peace camp at Pine Gap. In November 1983 approximately 800 women from all over Australia and overseas gathered in the desert in Central Australia to protest the presence of the joint American/Australian Defence Facility at Pine Gap.
 - The Parkinson's Artisans show of artwork was done by people living with Parkinson's Disease.
 - The Central Coast Watercolour Society exhibited 86 paintings by artists from their 100-member society, a group which plays a significant role in encouraging and promoting watercolour painting on the Central Coast.
 - A display, coordinated through the office of the Minister for Aboriginal Affairs, of photographic works by Aboriginal artists was placed on the Reconciliation Wall during November. The photographic images chronicled the Apology to Australia's Indigenous Peoples on 13 February 2008.
 - Asbestos Diseases Foundation of Australia Inc. exhibited "Breathe", an exhibition dedicated to the men who died from asbestos related diseases, which comprised a selection of photographs of widows. Hundreds of Australians die each year from exposure to the asbestos fibre and for the asbestos widow, moving forward demands a strength and resilience of its own.
 - Koori Art Expressions exhibiting works of art by students from participating public schools in the Sydney region.
 - Australian Society of Marine Artists held an exhibition entitled "The Waterways of Sydney, Then & Now", paintings focusing on a range of subjects associated with Sydney Harbour and surrounding waterways.
 - "The Natural World", a collection of paintings in oil and acrylic by artists inspired by nature and the natural environment ie rocks, flowers, seaweed, bush.
 - A display of posters by primary and high school students from New South Wales and the Australian Capital Territory who entered the Harmony Day poster competition in 2010. Awards were presented to winners at a function held at the Parliament on 23 March.
 - "Pathways and Perceptions: Macquarie 1810-2010" exhibition was one of the significant events commemorating the 200th anniversary of Lachlan Macquarie's swearing in as Governor of New South Wales. The exhibition of paintings and drawings by various artists explored the life and times of Lachlan Macquarie and Mrs Macquarie.
 - Exhibition: 'State of Flux'. A group of artists from TAFE NSW – Northern Sydney Institute, Hornsby College displayed works with themes including 'Bushfire and Regeneration', 'Celebrating the Landscape' and 'The Mythology of Origin of Artists'.
 - Exhibition entitled 'MapArt—A Woman's Passion' was displayed on the Reconciliation Wall and comprised works by students from the Trunkey Creek Public School.
- 

Art prizes

Aboriginal Art Prize

The Parliament of New South Wales Aboriginal Art Prize is an annual acquisitive prize sponsored by the New South Wales Parliament, in partnership with Campbelltown Arts Centre. The prize is awarded to an indigenous visual artist over the age of 18. During October the works of finalists of the 2009 Aboriginal Art Prize were displayed in the Fountain Court.

On Wednesday 21 October Reverend the Honourable Fred Nile, Assistant President of the Legislative Council, announced the winner of the fifth Art Prize. The winning entry, "Mission Series 2" by the artist Mr Roy Kennedy, reflects life growing up on missions and reserves in western New South Wales last century. The recipient of the 2009 College of Fine Arts (COFA) Professional Development Award was presented to Ms Penny Evans for her work "Dispersion of the old girls 1, 2 and 3".

Following the Fountain Court exhibition, Museums and Galleries NSW selected works from the 2009 finalists and arranged a touring exhibition of regional galleries in New South Wales.



Mr Roy Kennedy was announced as the winner of the Parliament of New South Wales Aboriginal Art Prize, announced on 21 October 2009 by the Reverend the Honourable Fred Nile. Mr Kennedy's painting 'Mission Series 2' is reflective of life on the missions and reserves of western New South Wales.



As an adjunct to the 2009 Aboriginal Art Prize, the College of Fine Arts, University of New South Wales awarded a Professional Development Award to Ms Penny Evans for her painting 'Dispersion of the Old Girls 1, 2 and 3'. The painting picture is number 3 in the series.

Plein Air Painting Prize

The third year of the acquisitive Parliamentary Plein Air Painting 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.

During the week beginning 12 April 2010 entries for the art prize were received at Parliament. A registration desk was set up at the State Library near the loading dock and volunteer staff, on a roster system, received artworks for this prestigious prize over a three-day period. This year there were 215 entries, a record number.

This year's judge was Professor Anita Taylor, Director, National Art School. The 2010 winning painting was by Isabel Gomez with her oil on canvas "Newcastle Ports". The winning entry will join the winning paintings from the previous two years and form part of an ever growing and significant permanent collection within Parliament in perpetuity for the people of New South Wales.

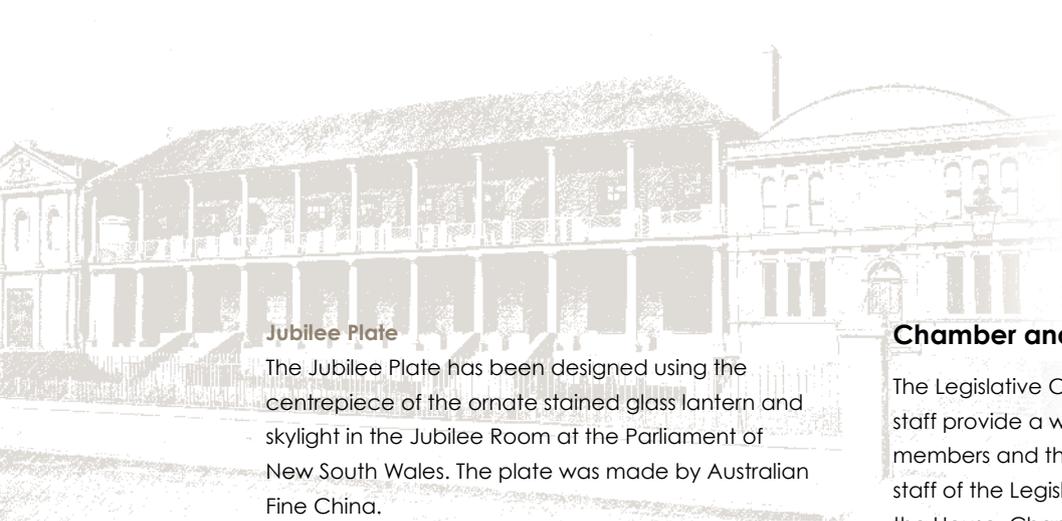
This is the first year that the prize has had community engagement with people connecting through the social networking site, Facebook, to follow the prize on that site.



For the third consecutive year, the Parliament hosted the Parliamentary Plein Air Painting Prize. Kate Cadell and Phil Goldsmith were among staff who volunteered to receive and register artworks for this prestigious prize, which attracted 215 entries.



Ms Isabel Gomez's painting 'Newcastle Ports' was the winner of the 2010 Plein Air Painting Prize. The Plein Air Painting Prize celebrates the great tradition of Australian artists working outdoors. Ms Gomez's painting will become part of the permanent collection of the New South Wales Parliament.



Jubilee Plate

The Jubilee Plate has been designed using the centrepiece of the ornate stained glass lantern and skylight in the Jubilee Room at the Parliament of New South Wales. The plate was made by Australian Fine China.

The Jubilee Room was opened in 1906. The centre of the stained glass decoration is the laurel wreath, with the head of Minerva, the goddess of wisdom, and the floral emblems of the rose (England), the thistle (Scotland) and the shamrock (Ireland). The text surrounding the centre reads "Knowledge is the Mother of Wisdom and Virtue".

The plate has been given to Ambassadors, the leaders of high-level delegations and others who make official calls on the Presiding Officers of the New South Wales Parliament.



The Jubilee Plate has been designed using the centrepiece of the ornate stained glass lantern and skylight in the Jubilee Room at the Parliament of New South Wales. The plate is presented as a memento to official dignitaries visiting Parliament House.

Chamber and Support Services

The Legislative Council Chamber and Support staff provide a wide variety of support services to members and their staff and to the Clerks and other staff of the Legislative Council. During sittings of the House, Chamber and Support staff ensure the chamber is prepared for proceedings to commence and provide support to the members and the Clerks at the Table during proceedings.

The opening of the Security guardhouse, staffed by Special Constables, has led to changes in security arrangements for the chamber. The door of the public gallery is now the responsibility of Chamber and Support Services staff. Since sittings in February 2010, a casual staff member has been employed to welcome the public to the gallery and ensure compliance within guidelines.

Chamber and Support staff assist on ceremonial occasions and receive official guests and dignitaries. They also provide an efficient and reliable mail and message service and set up meeting and hearing rooms to support the activities of the Committee Section.

Chamber and Support Staff have an important role in delivering information and education to members of the public. They contribute to the Parliament's strategic initiative to promote community access by giving talks in the chamber to school groups, special interest groups and visiting dignitaries. During the reporting year, Chamber and Support staff participated in 608 information sessions that attracted 24,261 participants.



In November 2009, in taking a new direction, a position was created in Chamber and Support Services to support the Senior Council Officer Protocol undertaking administrative duties in non-sitting periods, while performing chamber and support duties during sittings.

Chamber and Support Services team members

Rules for visitors to the President's Gallery

On 10 November 2009, the House agreed on rules applying to visitors to the President's Gallery and visitors' galleries as follows:

1. That the following rules apply to visitors in the President's Gallery and visitors' galleries:

1. No audible conversation may take place.
2. Applause, jeering or any other gestures responding to the proceedings are not permitted.
3. Visitors to the galleries are not to converse with members in the chamber.
4. Visitors are not to trespass on the chamber floor or to impede the access of members entering or leaving the chamber.
5. The use of mobile telephones, radios, iPods and other electronic equipment that creates sound in the chamber is not permitted in the galleries.
6. Food and drink are not permitted in the chamber at any time.
7. Protests or other actions that interrupt the proceedings of the House are not permitted and banners, posters and clothing with messages that may be used to protest are not to be worn or taken into the galleries.
8. Photographs may not be taken unless permission has been granted by the President.
9. Visitors in the President's Gallery when the House is sitting are subject to the same dress code as applies to members.
10. Visitors must comply with instructions given by chamber and support staff or other parliamentary staff.

2. That this resolution has continuing effect until amended or rescinded.



Corporate management and activities

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“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”

– Our Corporate Values, Strategic Plan 2009-2011

Overview

During the reporting year, the Department continued to apply the outcomes of the 2009 restructure of the Department, resulting from the transfer of corporate staff and related functionality to the Department of Parliamentary Services.

The Department identified that there was still a need to manage remaining corporate responsibilities and to work collaboratively with the Department of Parliamentary Services to facilitate their delivery of corporate services to the staff and members of the Legislative Council.

The Department responded to this need initially by categorising the corporate responsibilities and then assigning oversight of these to sub-committees comprised of members of the Department's senior management team.

Eight sub-committees have been established to encompass the following matters:

- Financial management
- Annual reporting
- Human resources and occupational health and safety
- Information technology
- Community access and engagement
- Records
- Security
- Accommodation and facilities.

One senior staff member from each sub-committee has been nominated as a liaison point for the Department of Parliamentary Services (DPS) and Department of the Legislative Assembly (LA). Sub-committees will work in conjunction with key staff in DPS and the LA to deliver outcomes for the Department of the Legislative Council.

The senior staff will benefit from their involvement as sub-committee members by gaining valuable management skills and corporate knowledge. This development of staff also presents an advantage to the Department in terms of work force planning for the future. In addition, the model provides a more equitable distribution of workload across the senior management team.

The Department's management team will meet collectively on a regular basis to set priorities for each of the Department's corporate responsibilities and monitor developments.

Industrial matters

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 51 Secretary Research Assistants who provide administrative support in the offices of members of the Legislative Council.

Salary movements

Employees of the Department were awarded a 4% salary increase on 1 July 2009, in accordance with the Crown Employees (Public Sector Salaries 2008) Award. The Award will provide a further and final 4% salary increase on 1 July 2010.

Jury duty

Historically, staff employed by the Department of the Legislative Council have been ineligible to serve as jury members, under the *Jury Act 1977*, which includes under Schedule 2 Persons ineligible to serve as jurors: 'Officers and other staff of either or both Houses of Parliament'.

The NSW Law Reform Commission conducted a review of jury selection processes in 2007 and made a recommendation to expand the pool of potential jurors to include officers and staff of the New South Wales Parliament, among others. The recommendation was accepted and the *Jury Amendment Act 2010* removed the exemption of officers and staff of the New South Wales Parliament from jury service. The Act was passed by Parliament on 22 June 2010, and assented to on 28 June 2010. The Act will commence upon proclamation.

Crown Employees (Parliament House Conditions of Employment) Award 2007

Negotiations commenced during the reporting year with the Public Service Association (PSA) to rescind the Crown Employees (Parliament House Conditions of Employment) Award 2007 and replace it with a new award. The new award will incorporate the reform measures outlined in the Memorandum of Understanding between the New South Wales Government and the PSA that underpinned the salary increases awarded under the Crown Employees (Public Sector Salaries – July 2007) Award.

In addition, the new award will remove obsolete references to employee groupings that no longer apply (i.e. security officers) and include updates to reflect structural changes, such as the establishment of the Department of Parliamentary Services. At the end of the reporting period negotiations were still ongoing.

Parliamentary Awards Scheme

The Parliamentary Awards Scheme recognises staff who have achieved 10 years service, or longer, as an employee with the Parliament of New South Wales. On 26 November 2009, a function was held in the Jubilee Room and awards were presented for periods of 10 years, 15 years and 25 years of service. The following staff from the Legislative Council received an award:

25 years of service

– Maurice Rebecchi, Chamber and Support Services

15 years of service

– Judith Russell, Member's staff
– Lucy Smith, Chamber and Support Services

10 years of service

– Steven Reynolds, Clerk Assistant Committees and Usher of the Black Rod
– Rachel Simpson, Committee Director

Departure of valued staff members

On 1 September 2009, the President informed the House of the pending retirement of the following three long serving staff members:

- Mr Greg McGill, the Financial Controller, who commenced employment as the Parliamentary Accountant in 1987.
- Mr Greig Tillotson, the Parliamentary Librarian, who commenced employment with the Parliament's Library in December 1974, as a reference section staff member.
- Dr David Clune, Manager of the Research Service, who commenced employment with the Parliament's Library in 1947, after completing a Bachelor of Arts and a Diploma in Librarianship

All three officers were highly valued and respected by members and staff of both Houses and the President wished them well in the future.

Farewell to Ian Pringle

The Department fondly farewelled Mr Ian Pringle in December 2009, after 27 years of valuable service to the New South Wales Parliament.

Ian commenced work with the attendant staff of the Legislative Council on 15 February 1982. Ian was appointed as Principal Attendant on 23 December 1994, and following a restructure of the Department, was appointed as Manager Chamber and Support in 2005.



On 5 May 2007, the newly appointed President, the Honourable Peter Primrose MLC, invited Ian to take up the position of Principal Presidential Officer in his office. Ian's departure coincided with the resignation

of President Peter Primrose, who was subsequently appointed to the ministry.

Ian's farewell was attended by the President, Ministers, members and staff from across the Parliament.

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 from time to time 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 range 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.

In addition to the above, the Parliament provides assistance to women returning to work following maternity leave who are breastfeeding. Our employees are provided with a clean, private room with appropriate facilities and are able to use lactation breaks to express breast milk or feed their babies.

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.

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.

Childcare services

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.

Parliament House child care needs analysis

In late 2008 the Parliament conducted an analysis of the childcare needs of staff and members of Parliament. As a consequence of the feedback received and resulting recommendations, a draft implementation plan has been developed. Some of the proposals under consideration include the establishment of a parent room that could be used by parents for occasional or emergency childcare purposes. It is hoped that the draft will be finalised shortly and implementation of selected initiatives will begin in 2010/2011.

EEO Benchmark Data 2010

Representation	Legislative Council	Benchmark/ Government target
Women	62%	50%
Aboriginal or Torres Strait Islanders	0.9%	2.6%
People whose Language first spoken as a child not English	20%	19%
People with a disability	2%	12%
People with a disability requiring work-related adjustment	N/A	7%



Occupational Health and Safety

The Department of the Legislative Council is committed to ensuring the workplace health and safety of our employees. The Department is represented on the Parliament's Occupational Health and Safety Committee which met on three occasions during the reporting year.

A comprehensive review of the Parliament's occupational health and safety policy framework was undertaken during the reporting year. The Parliament has developed a new occupational health and safety policy, consultation statement and committee constitution. It is anticipated that the framework and the associated documents will be ratified by the parties, including the industrial associations, early in the 2010/2011 reporting year.

The Department received three workers compensation claims during the reporting year, one of which resulted in lost time. The total cost of workers' compensation claims in 2009/2010 was \$12,061.

Employee Assistance Program

In conjunction with the Department of Legislative Assembly and the Department of Parliamentary Services, the Department of the Legislative Council 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 five Legislative Council staff members used the service.

Professional development and training

The Department of the Legislative Council is committed to creating a workplace that is professionally and personally rewarding for staff and enhancing the procedural knowledge of staff is a strategic priority.

The Department provides opportunities for development through internal and external training programs. During the reporting year, the Department spent approximately \$5,800 on staff training which included attendance at courses covering occupational health and safety and computer software skills, and professional training provided through the Australian and New Zealand Association of Clerks-at-the-Table (ANZACATT).

As mentioned previously (see page 34 to 35) the Procedural Research and Training Unit conducted two training programs designed to improve the procedural knowledge of our staff: the table officer training program and the staff seminar program.

In addition, staff meetings are used as an opportunity to develop procedural knowledge, share information and discuss significant procedural issues. Developments in other jurisdictions are also discussed at these meetings.

Executive Development Program

In recent years, the Department has routinely supported one of its senior officers participating in the Executive Development Program run under the auspices of the Department of Premier and Cabinet. The program aims to build leadership skills and behaviours of senior leaders within the public sector.

In 2009/2010, Mr Stephen Frappell, Director of Training and Research, participated in the program, which was delivered over 10 months, and involved performance feedback from work peers, participation in three intensive three-day modules and completion of a work based project. Commenting on his participation, Mr Frappell observed the great benefits that he has gained from participation in the program, including an exposure to different leadership styles and a greater appreciation of the changing face of the New South Wales Public Service.

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 Legislative Council supported the attendance of two staff members at this year's program, Ms Jenelle Moore, Principal Council Officer and Ms Rachel Simpson, Director Committees. Both staff members completed the program with great success. Ms Moore achieved the highest assessment result for the program, and was awarded the ANZACATT prize for her research paper which analysed questions of parliamentary privilege that arose in the recent case of *Stewart v Ronalds* [2009] NSWCA 277.



Ms Jenelle Moore was awarded the ANZACATT prize for the paper she submitted as a participant of the Parliamentary Law and Practice program. The program, sponsored by the Australian and New Zealand Association of Clerks at the Table (ANZACATT) presents an excellent development opportunity for staff. Jenelle is congratulated by the Clerk of the Parliaments for her outstanding result.

Working in the Legislative Council 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.

This year the Committee Office was pleased to offer placements to Ms Megan Saxby from WorkCover NSW and Ms Emily Nagle from the Department of Community Services. Both participants commenced the program in August 2009.

Ms Saxby worked primarily on the Inquiry into the Budget Estimates 2009/2010, which is undertaken by all five GPSCs, and also contributed towards the report of the Social Issues Committee Inquiry into substitute decision-making for people lacking capacity.

Ms Nagle participated in the Budget Estimates process and also performed the role of Principal Council Officer for the Inquiry by GPSC 4 into rural wind farms. Ms Nagle had the following positive comments on her experience:

Participating in the Working in the Legislative Council Program was an informative and really enjoyable experience. The program was well planned and improved my understanding of Budget Estimates, parliamentary procedure and the Inquiry process. I also gained insight into how my role at Community Services contributes to the broader political process.

I was mentored throughout the program and enjoyed gaining experience in many areas of the Legislative Council. Everyone was very supportive and contributed to making the program such a positive experience.

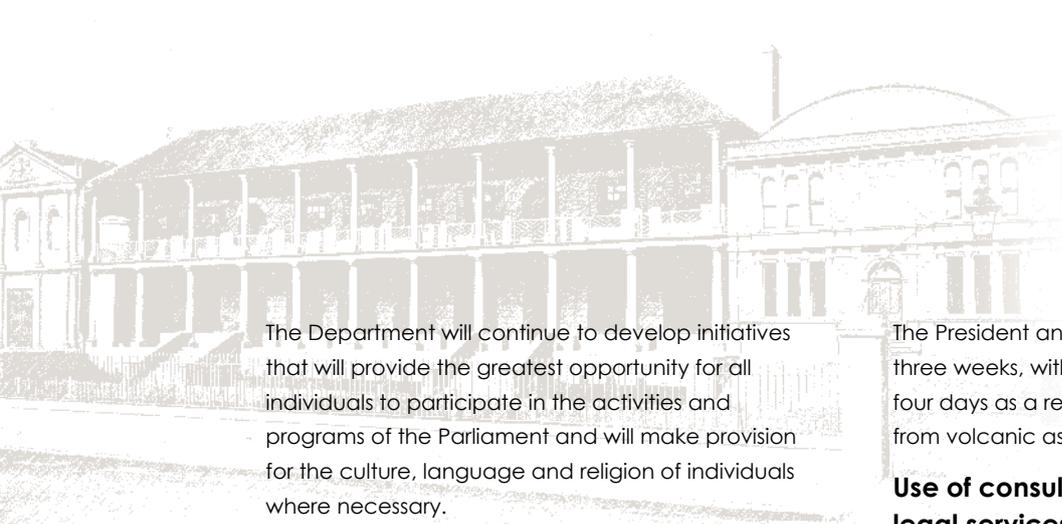


The Working in the Legislative Council program provides an opportunity for employees of government departments to experience a work placement with the Legislative Council during Budget Estimates. Emily Nagle, a participant in the 2009/2010 program described it as an 'informative and really enjoyable experience'.

Multicultural policies and services

The Department of the Legislative Council respects the cultural diversity of our staff, members and visitors. The Department participates in the Community Relations Commission's Community Language Allowance Scheme (CLAS) and has two staff members who receive this allowance because of their ability to speak a second language and willingness to use their language skills in the workplace to assist clients and visitors. The two staff members are Maurice Rebecchi, who is able to use Italian language skills, and Shu-Fang Wei, who has proficient Mandarin language skills.

The Parliament publishes an information brochure that is available in a range of languages 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 separate codes of conduct for members, staff and members' staff. Each of the codes, while different, incorporates the common principles of honesty, integrity, and confidentiality, and requires the appropriate use of public resources.

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

Overseas travel

The Department expended approximately \$56,978 on overseas travel during the reporting year. Two overseas trips were taken:

- In July 2009, the Clerk Assistant Committees/Usher of the Black Rod accompanied the Honourable Amanda Fazio to the 40th Presiding Officers and Clerks Conference that was held in Tarawa, Kiribati.
- On 29 March 2010, the Clerk of the Parliaments and the President travelled to Europe, specifically London, Berlin, Prague, Vienna, Bucharest, and Budapest. The study tour presented an opportunity to visit the Legislatures in each city. In each jurisdiction, the President and the Clerk of the Parliaments sought specific information on:
 - The structure of the Legislature, especially upper Houses
 - Separation of the Houses in bicameral systems
 - Parliament's relations with the executive government
 - Management of the Parliament, and administration of members' entitlements
 - Public education and visitors' programs.

The President and the Clerk were away for just over three weeks, with their return to Australia delayed by four days as a result of the disruption of flight services from volcanic ash.

Use of consultants, contractors and legal services

The Department expended approximately \$72,625 on consultancy, contractor and legal services, the detail of which is provided below.

Consultancy fees

During 2009/2010, the Legislative Council expended \$11,100 in consultancy fees.

As part of its Inquiry into bullying of children and young people, General Purpose Standing Committee No. 2 engaged WestWood Spice to conduct an online survey to canvass the views of children and young people on bullying. The total cost for this service was \$7,400. The Committee received valuable input as a result of the survey and very positive feedback about its use of social media from survey respondents.

G Kay Productions was engaged to undertake filming of the activities of two committees. The footage will be used for training purposes. The total amount charged for this service was \$3,000.

The Legislative Council's Strategic Plan 2009/2010 was updated and published through Studio Rouge, a graphic design and print management consultancy service. The total amount charged was \$700.

Contract fees

A total of \$42,025 was spent on contract fees by the Legislative Council in 2009/2010.

The Legislative Council engages the services of G Kay Productions to provide television coverage in the chamber. In 2009/2010 G Kay Productions was paid \$27,420 for services provided including camera operators and equipment. In addition, \$3,200 was expended to contract LEOTECH to undertake maintenance of the timer in the chamber. The PA People were engaged to undertake a complete audit of the LC Audio System which cost \$1,522.

The Legislative Council contributes to the cost of providing a number of jointly provided corporate services for Parliament House staff. These services include the Nanbaree Childcare Service, the Employee Assistance Program and the annual influenza vaccination program. The Legislative Council's contribution for each of these initiatives is detailed below:

\$1,000	Nanbaree Childcare Service
\$6,416	Employee Assistance Program
\$ 795	influenza vaccination program

Other minor expenses incurred during 2009/2010 included transcription services, copy interim license fees, and interpreter fees.

Legal fees

During 2009/2010, the Department engaged the services of a legal arbiter to assess disputed claims of privilege on six occasions, expending a total of \$19,500.

Management committees and corporate activities

Results and Services Plan

The Parliament is required to submit a Results and Services Plan to Treasury every four years which details the results the Parliament is intending to achieve, the services it will deliver to achieve those results and the costs of providing those services. The Parliament submitted its most recent Plan to Treasury in December 2008. The Plan provides a starting point for the strategic planning processes of the Parliament and informed the development of the Parliamentary Strategic Plan 2009-2018 (see below).

Parliamentary Strategic Plan 2009-2018

The Department of the Legislative Council, the Department of the Legislative Assembly and the Department of Parliamentary Services are responsible for the administration and management of the New South Wales Parliament as a whole. To reflect this 'joint' responsibility the three Departments worked in collaboration to develop a strategic plan for the Parliament that would apply for the period 2009 to 2018. Further information on the Strategic Plan is provided on page 14.

Parliament of New South Wales Audit and Risk Committee

The Clerk of the Parliaments is a member of the Parliament of New South Wales 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. In addition, the Committee may invite internal and external audit representatives and the Director Finance to attend meetings as observers.

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.

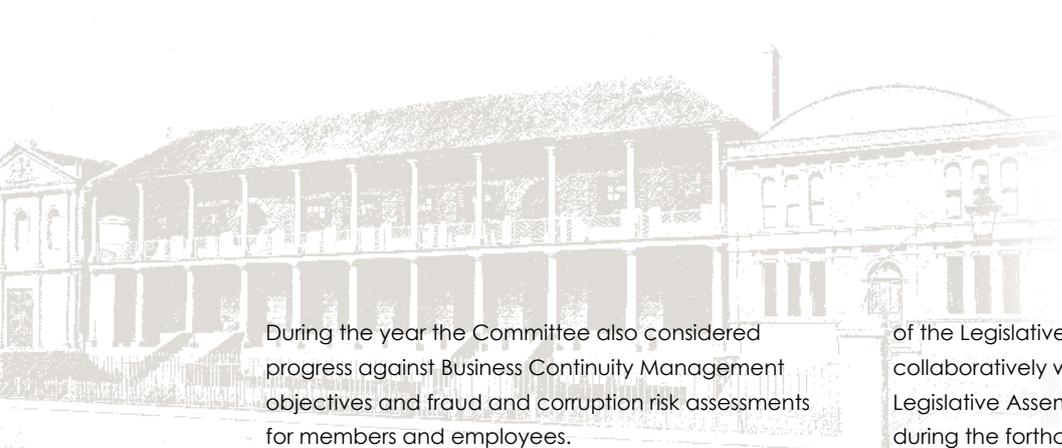
The Parliament's internal audit services are currently provided by Deloitte. The NSW Audit Office is engaged by the Parliament to provide external audit services.

In 2001 the Parliament commissioned a strategic risk assessment from KPMG to inform risk management arrangements, including future internal audit priorities. A new strategic risk assessment was undertaken in 2006 and this has recently been reviewed by Deloitte, resulting in the Risk Assessment Refresh 2008/2009 Revised Report dated January 2009. The Report identified sixteen risks and risk management strategies for their mitigation and will inform the internal audit plan for the remainder of the 54th Parliament.'

A risk based three year strategic internal audit plan is in progress. During the reporting year the following projects were performed and reported to the Audit and Risk Committee:

- Data analysis of accounts payable
- Budget planning and management
- New security arrangements – post implementation review
- Public access to parliamentary information and website design

Audit findings were generally satisfactory. Recommendations to improve internal controls performance and processes, and management's responses to them are monitored by the Committee.



During the year the Committee also considered progress against Business Continuity Management objectives and fraud and corruption risk assessments for members and employees.

The Members Entitlements Audit Plan commenced in 2009/2010 with a pilot audit of the records of ten members. In addition, an annual audit of the records of 20 members was completed, along with a specific audit of the Logistic Support Allocation (LSA) entitlement. Preparation commenced to audit the records of forty members in the first half of 2010/2011. Audit results are reported to individual members and provided in summary reports to the Audit and Risk Committee.

Security Committee

The Department is represented on the Parliament's Security Committee by the Clerk Assistant Committees and Usher of the Black Rod. Other members of the Committee are the Manager Parliamentary Facilities, the Manager Security and the Clerk Assistant Procedure and Serjeant-at-Arms from the Legislative Assembly.

The Committee is responsible for developing and reviewing security related policies and practices prior to submitting recommendation to the Presiding Officers for approval. In addition, the Committee monitors and evaluates the security services provided by the Special Constables under the Memorandum of Understanding the Parliament has with the New South Wales Police Security Management Unit.

The Committee meets monthly to discuss security related issues in and around the Parliamentary precinct. Any planned activities that may affect the running of the Parliament, such as community protests, are also reviewed.

Business Continuity Planning

In September 2009 the Parliament's internal auditor, Deloitte, reported on a review of the Parliament's business continuity planning (BCP). Responsibility for co-ordinating BCP for the whole of the Parliament has subsequently been vested in the Director of Finance and a range of recommendations made by Deloitte will be implemented during 2010/11. These include completion of a new assessment of business impacts, development of an updated plan based upon agreed service resumption priorities and available technological support, and the conduct of training and testing. The Department

of the Legislative Council will continue to work collaboratively with DPS and the Department of the Legislative Assembly to support this important work during the forthcoming reporting period.

Waste Reduction and Purchasing Policy

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 (DCCW) on progress made against strategies to reduce waste and purchase materials with recycled content.

In the last report provided to DCCW for the period 2008/2009, the Parliament reported that it had reduced its purchase of reams of A4 Copy paper to 14,098 reams, in comparison to 19,900 reams purchased in 2006/2007. Of the paper purchased, 59% contained recycled content.

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 Parliament will be required to report again on waste reduction strategies in 2011.

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.

Information and Communications Technology Strategic Plan 2010-2014

The Department of the Legislative Council was consulted by the Department of Parliamentary Services' Information Services Directorate in its development of the Parliament's Information and Communication Technology (ICT) Strategic Plan 2010-2014. The vision for the plan is to provide effective technology to support the parliamentary process.

Strategies to achieve this include:

- Improving members' access to information
- Improving communication between members and constituents
- Improving community awareness and understanding of the role of the Parliament
- Ensuring technology is robust, relevant and effective.

The Parliament intends to establish an ICT Steering Committee in the new reporting year to be responsible for reviewing the implementation of the Strategic Plan and ensuring that the outcomes specified in the plan continue to be aligned with the Parliament's priorities and other strategic planning processes. The Department of the Legislative Council will be represented on the Committee by a senior member of staff.

Records management

During the reporting year the Clerk of the Parliaments approved a new Records Management Policy for the Department of the Legislative Council. Implementation of the Policy will assist the Department to provide accessible information while ensuring that the information privacy rights and interests of members, staff and the community are protected.

In May 2010 the Parliament appointed a Records Project Manager who will be an integral part of the Information Services team in the Department of Parliamentary Services. The Records Project Manager will be available to provide records management advice and support and will develop a new electronic records management system for implementation across the Parliament.

Insurance

The Parliament's insurance cover is provided by the NSW Government Treasury Managed Fund Self Insurance Scheme. This fund provides insurance coverage for workers' compensation; liability; motor vehicle; property; and miscellaneous items including members' personal accident cover, travel and misappropriation of funds cover.

Electronic access to the Annual Report

This report is available on the New South Wales Parliament website www.parliament.nsw.gov.au.

Cost of production of the Annual Report

The cost of production of the Annual Report, including design and printing, was approximately \$14,300.



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Financial commentary

The Parliament

The budgeted net cost of services of the Parliament for 2009/2010 was \$118.602 million. This budget was later revised for an approved variation of \$185,000 to \$118.787 million. The actual net cost of services of the Parliament for 2009/2010 was \$121.312 million. This variation arose from unbudgeted redundancy and termination payments, restatement of depreciation and amortisation charges, an unbudgeted hindsight adjustment for workers compensation premium, and higher than budgeted temporary employment arrangements (contractors, higher duties and temporary staff).

The variation was an additional allocation of funds to support the Select Committee Inquiry into Recreational Fishing.

The end of year result for Parliament was a deficit of \$1.256 million.

Department of the Legislative Council

The net cost of services of the Legislative Council (including members' programs) was \$23.776 million and represents 20% of the total net cost of services for the 2009/2010 financial year. This reflects a saving against budget of approximately 4%. The net cost of services of the Legislative Council was comparable with the previous year increasing by only 1.8%.

The net cost of services for the Department of the Legislative Council (excluding expenditure on the Legislative Councils' members program) was 5.42 million, which was 4.4% of the total net cost of services for the Parliament.

Outlook

The Parliament's net cost of services budget for 2010/2011 is \$124.295 million. This includes some additional funding for staff and equipment as well as an increased allocation for telecommunication charges to reflect the wider deployment of technology to members. The capital allocation for 2010/2011 is \$10.6 million and includes an additional \$8.247 million for projects to improve security, information technology and plant replacement. This allocation also includes an upgrade of the Parliaments SAP ERP system.

The Department of the Legislative Council will continue to face increased budgetary pressure with the ongoing requirement to achieve productivity savings in future years.



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 statements of The Legislature, which comprise the statement of financial position as at 30 June 2010, the statement of comprehensive income, statement of changes in equity, statement of cash flows, 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 statements:

- present fairly, in all material respects, the financial position of the Legislature as at 30 June 2010, and its financial performance for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010

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

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

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 statements 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 financial statements that are 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 statements 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 statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, 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 statements 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 statements.

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.
- about the assumptions used in formulating the budget figures disclosed in the financial statements.

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
- 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

16 November 2010
SYDNEY



Department of Parliamentary Services

Parliament House, Macquarie Street, Sydney NSW 2000, Australia

12 November 2010

File ref: DPS490

The Legislature

**Financial Statements for the Year ended
30 June 2010**

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

Lynn Lovelock
Clerk of the Parliaments

Kim Smith
Acting Executive Manager
Parliamentary Services

Date: 12/11/2010

Date: 12-11-10

Date: 12-11-10

THE LEGISLATURE

Statement of comprehensive income for the year ended 30 June 2010

	Notes	Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000
Expenses excluding losses				
Operating expenses				
Employee related	2(a)	56,258	53,173	53,582
Other operating expenses	2(b)	24,929	25,200	25,785
Depreciation and amortisation	2(c)	5,219	4,541	5,184
Other expenses - Members' remuneration	2(d)	40,294	40,578	39,337
Total Expenses excluding losses		126,700	123,492	123,888
Revenue				
Sale of goods and services	3(a)	4,915	4,515	4,241
Investment revenue	3(b)	140	120	237
Grants and contributions	3(c)	17	-	832
Other revenue	3(d)	363	255	1,194
Total Revenue		5,435	4,890	6,504
Gain / (loss) on disposal	4	(47)	-	(30)
Net Cost of Services	18	121,312	118,602	117,414
Government Contributions				
Recurrent appropriation	5	104,073	104,322	101,753
Capital appropriation	5	5,522	3,836	5,557
Acceptance by the Crown Entity of employee benefits and other liabilities	6	10,461	9,981	10,377
Total Government Contributions		120,056	118,139	117,687
SURPLUS/(DEFICIT) FOR THE YEAR		(1,256)	(463)	273
Other comprehensive income				
Net increase / (decrease) in property, plant and equipment asset revaluation reserve		5,355	-	(14,627)
Other comprehensive income for the year		5,355	-	(14,627)
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		4,099	(463)	(14,354)

The accompanying notes form part of these statements.

THE LEGISLATURE

Statement of financial position as at 30 June 2010

	Notes	Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000
ASSETS				
Current Assets				
Cash and cash equivalents	8	2,457	4,056	3,318
Receivables	9	1,810	1,652	1,732
Inventories	10	95	199	105
Total Current Assets		4,362	5,907	5,155
Non-Current Assets				
Property, plant and equipment	11			
- Land and buildings		129,361	139,202	124,855
- Plant and equipment		12,085	12,917	12,104
- Collection assets		43,225	40,111	41,862
Total property, plant and equipment		184,671	192,230	178,821
Intangible assets	12	27	23	111
Total Non-Current Assets		184,698	192,253	178,932
Total Assets		189,060	198,160	184,087
LIABILITIES				
Current Liabilities				
Payables	13	5,857	4,073	5,541
Provisions	14	5,455	4,950	4,903
Total Current Liabilities		11,312	9,023	10,444
Non-Current Liabilities				
Provisions	14	50	35	44
Total Non-Current Liabilities		50	35	44
Total Liabilities		11,362	9,058	10,488
Net Assets		177,698	189,102	173,599
EQUITY				
Reserves		32,554	41,826	27,199
Accumulated Funds		145,144	147,276	146,400
Total Equity		177,698	189,102	173,599

The accompanying notes form part of these statements.

THE LEGISLATURE

Statement of changes in equity for the year ended 30 June 2010

	Accumulated Funds	Asset Revaluation Surplus	Total
	\$'000	\$'000	\$'000
Balance at 1 July 2009	146,400	27,199	173,599
Surplus / (deficit) for the year	(1,256)	-	(1,256)
Other comprehensive income			
Net increase / (decrease) in property, plant and equipment	-	5,355	5,355
Total other comprehensive income for the year	-	5,355	5,355
Total comprehensive income for the year	(1,256)	5,355	4,099
Balance at 30 June 2010	145,144	32,554	177,698
Balance at 1 July 2008	146,127	41,826	187,953
Surplus / (deficit) for the year	273	-	273
Other comprehensive income			
Net increase / (decrease) in property, plant and equipment	-	(14,627)	(14,627)
Total other comprehensive income for the year	-	(14,627)	(14,627)
Total comprehensive income for the year	273	(14,627)	(14,354)
Balance at 30 June 2009	146,400	27,199	173,599

THE LEGISLATURE

Statement of cash flows for the year ended 30 June 2010

	Notes	Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(52,146)	(50,549)	(50,468)
Other		(61,190)	(60,607)	(60,506)
Total Payments		(113,336)	(111,156)	(110,974)
Receipts				
Sale of goods and services		4,824	4,797	4,098
Interest received		152	120	232
Other		3,562	2,655	4,949
Total Receipts		8,538	7,572	9,279
Cash Flows From Government				
Recurrent appropriation	5	104,073	104,322	101,753
Capital appropriation	5	5,522	3,836	5,557
Net Cash Flows From Government		109,595	108,158	107,310
NET CASH FLOWS FROM OPERATING ACTIVITIES	18	4,797	4,574	5,615
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of land and buildings, plant and equipment		-	-	-
Purchases of land and buildings, plant and equipment		(5,658)	(3,836)	(6,223)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(5,658)	(3,836)	(6,223)
NET INCREASE / (DECREASE) IN CASH		(861)	738	(608)
Opening cash and cash equivalents		3,318	3,318	3,926
CLOSING CASH AND CASH EQUIVALENTS	8	2,457	4,056	3,318

The accompanying notes form part of these statements.

THE LEGISLATURE

Supplementary Financial Statements

Summary of compliance with financial directives

	2010					2009				
	RECURRENT APP'N \$'000	EXPENDITURE / NET CLAIM ON CONSOLIDATED FUND \$'000	CAPITAL APP'N \$'000	EXPENDITURE / NET CLAIM ON CONSOLIDATED FUND \$'000	RECURRENT APP'N \$'000	EXPENDITURE / NET CLAIM ON CONSOLIDATED FUND \$'000	CAPITAL APP'N \$'000	EXPENDITURE / NET CLAIM ON CONSOLIDATED FUND \$'000		
ORIGINAL BUDGET APPROPRIATION / EXPENDITURE										
• Appropriation Act Additional Appropriations	104,322	103,888	3,836	3,836	102,443	5,557	101,753	5,557		
• s21A PF&AA – special appropriation	-	-	-	-	-	-	-	-		
• s24 PF&AA – transfers of functions between departments	-	-	-	-	-	-	-	-		
• s26 PF&AA – Commonwealth specific purpose payments	104,322	103,888	3,836	3,836	102,443	5,557	101,753	5,557		
OTHER APPROPRIATIONS / EXPENDITURE										
• Treasurer's Advance	185	185	2,309	1,686	-	-	-	-		
• Section 22 – expenditure for certain works and services	-	-	-	-	-	-	-	-		
• Transfers to/from another agency (s28 - Appropriation Act)	185	185	2,309	1,686	-	-	-	-		
Total Appropriations / Expenditure / Net Claim on Consolidated Fund (includes transfer payments)	104,507	104,073	6,145	5,522	102,443	5,557	101,753	5,557		
Amount drawn down against Appropriation Liability to Consolidated Fund*										

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

Supplementary Financial Statements

Service group statements for the year ended 30 June 2010

	Chamber and Committee Support *		Members' Support *		Community Access *		Not Attributable		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
THE LEGISLATURE'S EXPENSES & REVENUES										
Expenses excluding losses										
Operating expenses										
· Employee related	7,426	7,073	45,794	43,616	3,038	2,892	-	-	56,258	53,581
· Other operating expenses	3,291	3,404	20,292	20,989	1,346	1,392	-	-	24,929	25,785
Depreciation and amortisation	689	684	4,248	4,220	282	280	-	-	5,219	5,184
Other expenses	5,319	5,192	32,799	32,020	2,176	2,126	-	-	40,294	39,338
Total expenses excluding losses	16,725	16,353	103,133	100,845	6,842	6,690	-	-	126,700	123,888
Revenue										
Sale of goods and services	649	560	4,001	3,453	265	229	-	-	4,915	4,242
Investment revenue	18	31	114	193	8	13	-	-	140	237
Grants and contributions	2	110	14	677	1	45	-	-	17	832
Other revenue	48	158	295	971	20	64	-	-	363	1,193
Total revenue	717	859	4,424	5,294	294	351	-	-	5,435	6,504
Gain / (loss) on disposal	(6)	(4)	(38)	(24)	(3)	(2)	-	-	(47)	(30)
Net Cost of Services	16,014	15,498	98,747	95,575	6,551	6,341	-	-	121,312	117,414
Government contributions**							120,056	117,687	120,056	117,687
SURPLUS/(DEFICIT) FOR THE YEAR	(16,014)	(15,498)	(98,747)	(95,575)	(6,551)	(6,341)	120,056	117,687	(1,256)	273
Other Comprehensive Income										
Increase / (decrease) in asset revaluation reserve	707	(1,931)	4,359	(11,906)	289	(790)	-	-	5,355	(14,627)
Total Other Comprehensive Income	707	(1,931)	4,359	(11,906)	289	(790)	-	-	5,355	(14,627)
TOTAL COMPREHENSIVE INCOME	(15,307)	(17,429)	(94,388)	(107,481)	(6,262)	(7,131)	120,056	117,687	4,099	(14,354)

*The names and purposes of each program are summarised in note 7.

**Appropriations are made on an agency basis and not to individual service groups. 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

Supplementary Financial Statements

Service group statements (continued)

	Chamber and Committee Support *		Members' Support *		Community Access *		Not Attributable		Total	
	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
THE LEGISLATURE'S EXPENSES & REVENUES										
Current Assets										
Cash and cash equivalents	-	-	-	-	-	-	2,457	3,318	2,457	3,318
Receivables	-	-	-	-	-	-	1,810	1,732	1,810	1,732
Inventories	-	-	-	-	-	-	95	105	95	105
Total current assets	-	-	-	-	-	-	4,362	5,155	4,362	5,155
Non-current Assets										
Property, plant and equipment	-	-	-	-	-	-	184,671	178,821	184,671	178,821
Intangibles	-	-	-	-	-	-	27	111	27	111
Total non-current assets	-	-	-	-	-	-	184,698	178,932	184,698	178,932
TOTAL ASSETS	-	-	-	-	-	-	189,060	184,087	189,060	184,087
Current liabilities										
Payables	-	-	-	-	-	-	5,857	5,541	5,857	5,541
Provisions	-	-	-	-	-	-	5,455	4,903	5,455	4,903
Total current liabilities	-	-	-	-	-	-	11,312	10,444	11,312	10,444
Non-current liabilities										
Provisions	-	-	-	-	-	-	50	44	50	44
Total non-current liabilities	-	-	-	-	-	-	50	44	50	44
TOTAL LIABILITIES	-	-	-	-	-	-	11,362	10,488	11,362	10,488
NET ASSETS							177,698	173,599	177,698	173,599

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

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 joint direction and control of the Clerk of the Parliaments, the Clerk of the Legislative Assembly and 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 not a NSW government department. 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 Accounts.

This financial statement for the year ended 30 June 2010 has been authorised for issue by the Clerk of the Legislative Assembly, the Clerk of the Parliaments and the Acting Executive Manager Parliamentary Services on 12 November 2010.

(b) Basis of preparation

The Legislature's financial statements are general purpose financial statements which have 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 statements.

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) Insurance

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

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

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

- 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.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(f) 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

Except as specified below, 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 is normally obtained upon the receipt of cash. Appropriations are not recognised as income in the following circumstances:

Unspent appropriations are recognised as liabilities rather than income, as the authority to spend the money lapses and the unspent money must be repaid to the Consolidated Fund.

(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.

(g) Assets

(i) 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 other 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.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(ii) 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.

(iii) Revaluation of Property, Plant and Equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Assets at 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 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 2010	D P Martin Pty Ltd
Buildings	30 June 2010	D P Martin Pty Ltd
Plant & Equipment (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 2010	Simon Storey Valuers
Artworks	30 June 2010	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.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

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.

(iv) 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.

(v) 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 including original artworks and collections and heritage buildings may not have a limited useful life because appropriate curatorial and preservation policies are adopted. Such assets are not subject to depreciation. The decision not to recognize 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

(vi) Major inspection costs

When each major inspection is performed, the labour cost of performing major inspections for faults is recognized in the carrying amount of an asset as a replacement of a part, if the recognition criteria are satisfied.

(vii) Restoration costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognized as a liability.

(viii) Maintenance

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

(ix) 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 statement of comprehensive income in the periods in which they are incurred.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(x) 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.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction recognized as an impairment loss.

(xi) 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 recognized in the surplus / (deficit) for the year when impaired, derecognized or through the amortization process.

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

(xii) Inventories

Inventories held for distribution are stated at cost, adjusted when applicable, for any loss of service potential. A loss of service potential is identified and measured based on the existence of a current replacement cost that is lower than the carrying amount. Inventories (other than those held for distribution) are stated at the lower of cost and net realisable value. Cost is calculated using the "first in first out" method.

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.

(xiii) 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 surplus / (deficit) for the year.

When an available for sale financial asset is impaired, the amount of the cumulative loss is removed from equity and recognised in the surplus / (deficit) for the year, 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 surplus / (deficit) for the year.

Any reversals of impairment losses are reversed through the surplus / (deficit) for the year, 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.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(h) Liabilities

(i) 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.

(ii) Employee benefits and other provisions

(a) 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 measured at present value in accordance with AASB 119 *Employee Benefits*. Market yields on government bonds of 4.44% are used to discount long-term annual leave.

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.

(b) 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.

(c) Other provisions

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; and a reliable estimate can be made of the amount of the obligation.

(i) Equity and reserves

(i) 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(g)(iii).

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(ii) **Accumulated Funds**

The category accumulated funds includes all current and prior period retained funds.

Separate reserve accounts are recognised in the financial statements only if such accounts are required by specific legislation or Australian Accounting Standards (e.g. asset revaluation reserve and foreign currency translation reserve).

(j) **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 statement of comprehensive income and the statement of cash flows are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the statement of financial position, 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 statement (rather than carried forward estimates).

(k) **Comparative information**

Except where an Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

2. Expenses Excluding Losses

(a) Employee Related Expenses	2010	2009
	\$'000	\$'000
Salaries and wages (including recreation leave)	42,579	41,244
Superannuation – defined benefit plans	1,241	1,217
Superannuation – defined contribution plans	2,974	2,802
Payroll tax and fringe benefits tax	2,620	2,697
Long service leave	1,460	1,494
Worker's compensation insurance	1,176	838
Employment agency staff	4,208	3,132
Other	-	158
	<u>56,258</u>	<u>53,582</u>

(b) Other Operating Expenses including the following:	2010	2009
	\$'000	\$'000
Auditor's remuneration		
– audit of the financial statements	55	57
– audit of Members' additional entitlements under Parliamentary Remuneration Tribunal Determination	53	56
Cost of Sales - House Committee	1,094	917
Operating Lease Rental Expense-Minimum Lease Payments	5,166	4,993
Maintenance	1,414	1,663
Insurance	288	243
Printing and stationery	6,063	6,634
Telecommunication costs	1,058	1,126
Travel expenses	1,566	1,821
Computer costs	2,093	2,295
Stores	297	566
Postage	709	761
Miscellaneous	1,550	1,763
Energy charges	1,320	1,064
Cleaning and laundry	650	620
Contract and other fees	1,553	1,206
	<u>24,929</u>	<u>25,785</u>

	2010	2009
	\$'000	\$'000

Reconciliation – Total maintenance

Maintenance expense – contracted labour and other (non-employee related), as above	1,322	1,663
Employee related maintenance expense included in Note 2 (a)	5,334	3,582
Total maintenance expenses included in Note 2(a) + 2(b)	<u>6,656</u>	<u>5,245</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(c)	Depreciation and amortisation expense	2010	2009
		\$'000	\$'000
	Depreciation:		
	– buildings	1,446	1,422
	– plant and equipment	2,648	2,594
	– collection assets	28	174
		4,122	4,190
	Amortisation:		
	– leasehold improvements	1,013	928
	– intangibles	84	66
		1,097	994
	Total Depreciation and Amortisation Expense	5,219	5,184
(d)	Other Expenses – Members' Remuneration	2010	2009
		\$'000	\$'000
	Salaries and allowances of Members of Parliament	29,779	28,988
	Superannuation entitlements – Members	7,872	7,671
	Payroll tax & fringe benefits tax – Members' entitlements	2,343	2,300
	Special Projects	300	378
		40,294	39,337
3.	Revenue		
(a)	Sale of Goods and Services	2010	2009
	<u>Sale of Goods</u>	\$'000	\$'000
	House Committee sales of food and beverages	2,990	2,641
	Energy recoup from Sydney Hospital and State Library	604	470
	Sale of publications	27	21
		3,621	3,132
	<u>Rendering of Services</u>		
	Rent on Parliament House ministerial offices	943	909
	Miscellaneous	351	200
		1,294	1,109
		4,915	4,241

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

(b)	Investment Revenue	2010	2009
		\$'000	\$'000
	Interest revenue on operating accounts	140	237
		<u>140</u>	<u>237</u>

(c)	Grants and Contributions	2010	2009
		\$'000	\$'000
	Department of Environment – energy and water savings project	-	832
	Twinning Project - Pacific Public Sector Linkage's Program No.1	17	-
		<u>17</u>	<u>832</u>

(d)	Other Revenue	2010	2009
		\$'000	\$'000
	Increment from asset valuation offsetting prior decrement	-	494
	Assets recognised for first time	19	358
	Miscellaneous	344	342
		<u>363</u>	<u>1,194</u>

4. Gain / (Loss) on Disposal

		2010	2009
		\$'000	\$'000
	Loss on disposal of plant and equipment	-	-
	Proceeds from disposal	-	-
	Written down value of assets disposed	(47)	(30)
	Net gain/(loss) on disposal of plant and equipment	<u>(47)</u>	<u>(30)</u>

The Legislature.

Notes to and forming part of the Financial Statements for year ended 30 June 2010

5. Appropriations	2010	2009
	\$'000	\$'000
Recurrent appropriations	104,073	101,753
Total recurrent draw-downs from NSW Treasury (per Summary of compliance)		
Less: Liability to Consolidated Fund (per Summary of compliance)	-	-
	<u>104,073</u>	<u>101,753</u>
Comprising:		
Recurrent appropriations (per Statement of comprehensive income)	104,073	101,753
	2010	2009
	\$'000	\$'000
Capital Appropriations	5,522	5,557
Total capital draw-downs from NSW Treasury (per Summary of compliance)		
Less: Liability to Consolidated Fund (per Summary of compliance)	-	-
	<u>5,522</u>	<u>5,557</u>
Comprising:		
Capital appropriations (per Statement of comprehensive income)	5,522	5,557
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:		
	2010	2009
	\$'000	\$'000
Employees	1,331	1,217
Superannuation	1,460	1,494
Long service leave	68	74
Payroll tax on superannuation	<u>2,859</u>	<u>2,785</u>
Members		
Superannuation	7,201	7,171
Payroll tax on superannuation	401	421
	<u>7,602</u>	<u>7,592</u>
	<u>10,461</u>	<u>10,377</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

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 2010

8. Current Assets – Cash and Cash Equivalents

For the purposes of cash flows, cash and cash equivalents include cash at bank and cash on hand.

Cash and cash equivalents assets recognized in the statement of financial position are reconciled at the end of the financial year to the statement of cash flows as follows:

	2010	2009
	\$'000	\$'000
Cash at Bank and on hand	2,457	3,318
	<u>2,457</u>	<u>3,318</u>

Refer to Note 19 for details regarding credit risk, liquidity risk and market risk arising from financial statements.

9. Current Assets - Receivables	2010	2009
	\$'000	\$'000
Sales of goods and services	835	797
Less: Allowance for impairment	36	35
	<u>799</u>	<u>762</u>
G.S.T. recoverable from A.T.O.	706	650
Other debtors	29	10
Prepayments	194	215
Investment income	82	95
	<u>1,810</u>	<u>1,732</u>

	2010	2009
	\$'000	\$'000
<i>Movement in the allowance for impairment</i>		
Balance at July	35	8
Amounts written off during the year	(32)	-
Amounts recovered during the year	-	(1)
Increase/ (decrease) in allowance recognised in profit or loss	33	28
Balance at 30 June	<u>36</u>	<u>35</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

10. Current Assets - Inventories

	2010	2009
	\$'000	\$'000
Held for resale		
Food and beverage stock at cost	95	105
	<u>95</u>	<u>105</u>

11. Non-Current Assets – Property, Plant and Equipment

	Land and Buildings \$'000	Plant and Equipment \$'000	Collection Assets \$'000	Total \$'000
At 30 June 2009 – fair value				
Gross carrying amount	174,568	48,875	51,322	274,765
Accumulated depreciation and impairment	49,713	36,771	9,460	95,944
Net Carrying Amount	<u>124,855</u>	<u>12,104</u>	<u>41,862</u>	<u>178,821</u>
At 30 June 2010 – fair value				
Gross carrying amount	180,983	51,304	52,713	285,000
Accumulated depreciation and impairment	51,622	39,219	9,488	100,329
Net Carrying Amount	<u>129,361</u>	<u>12,085</u>	<u>43,225</u>	<u>184,671</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 \$'000	Plant and Equipment \$'000	Collection Assets \$'000	Total \$'000
Year ended 30 June 2010				
Net carrying amount at start of year	124,855	12,104	41,862	178,821
Additions	3,012	2,631	34	5,677
Disposals	-	(203)	(126)	(329)
Net revaluation increments less revaluation decrements	3,953	-	1,483	5,436
Accumulated depreciation written back on disposal	-	201	-	201
Internal transfers	-	-	-	-
Depreciation Expense	(2,459)	(2,648)	(28)	(5,135)
Net carrying amount at end of year	<u>129,361</u>	<u>12,085</u>	<u>43,225</u>	<u>184,671</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

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

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	(2,350)	(2,594)	(174)	(5,118)
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 2010

12. Intangible Assets

Software

	\$'000
At 1 July 2009	
Cost (gross carrying amount)	2,468
Accumulated amortisation and impairment	<u>2,357</u>
Net carrying amount	<u>111</u>
At 30 June 2010	
Cost (gross carrying amount)	2,468
Accumulated amortisation and impairment	<u>2,441</u>
Net carrying amount	<u>27</u>

Reconciliation

Year ended 30 June 2010

Net carrying amount at start of year	111
Additions	-
Disposals	-
Accumulated amortisation written back on disposal	-
Amortisation (recognised in depreciation and amortisation)	<u>(84)</u>
Net carrying amount at end of year	<u>27</u>

At 1 July 2008

Cost (gross carrying amount)	2,442
Accumulated amortisation and impairment	<u>2,291</u>
Net carrying amount	<u>151</u>

At 30 June 2009

Cost (gross carrying amount)	2,468
Accumulated amortisation and impairment	<u>2,357</u>
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)	<u>(66)</u>
Net carrying amount at end of year	<u>111</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

13. Current Liabilities - Payables	2010	2009
	\$'000	\$'000
Accrued wages, salaries and on-costs	2,254	2,000
Trade creditors	2,858	3,054
Other payables	745	487
	<u>5,857</u>	<u>5,541</u>
14. Current / Non- Current Liabilities - Provisions	2010	2009
	\$'000	\$'000
(a) Current		
Recreation leave	4,267	3,787
On-cost on employee benefits	1,188	1,116
	<u>5,455</u>	<u>4,903</u>
(b) Non-Current		
On-cost on employee benefits	50	44
	<u>50</u>	<u>44</u>
(c) Aggregate employee benefits and related on-costs:		
Provisions – Current	5,455	4,903
Provisions - Non-Current	50	44
Accrued salaries, wages and on-costs (note 13)	2,254	2,000
	<u>7,759</u>	<u>6,947</u>

Of employee benefits for recreation leave \$3,286,000 is expected to be settled within twelve months and \$981,000 is expected to be settled after twelve months. All accrued wages and salaries are expected to be settled within twelve months.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

15. Commitments for expenditure

(a) Operating Lease Commitments

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

	2010	2009
	\$'000	\$'000
Not later than one year	4,899	4,786
Later than one year but not later than five years	4,583	6,848
Later than five years	39	90
Total (including GST)	<u>9,521</u>	<u>11,724</u>

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 \$842,000 (\$1,036,000 – 2009), which will be recoverable from Australian Taxation Office (ATO).

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

	2010	2009
	\$'000	\$'000
Not later than one year	4,477	4,093
Later than one year but not later than five years	3,966	5,843
Later than five years	39	90
Electorate Office Lease Commitments (including GST)	<u>8,482</u>	<u>10,026</u>

The above total includes GST input tax credits of \$748,000 (\$882,000 – 2009), which will be recoverable from the ATO.

(b) Other Expenditure Commitments

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

	2010	2009
	\$'000	\$'000
Not later than one year	261	95
Total (including GST)	<u>261</u>	<u>95</u>

The above total for 2010 includes GST input tax credits of \$24,000 (\$9,000 – 2009) that will be recoverable from the ATO.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

16. *Contingent Liabilities and Contingent Assets*

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

17. *Budget Review*

Net cost of services

Net Cost of Services was \$2,710,000 higher than budget because of higher employee and depreciation expenses.

Assets and liabilities

Total assets were less than budget by \$9,266,000 as the extent of increase in the valuation of the land and building asset class did not occur as planned. Liabilities exceeded budget by \$2,138,000 due to higher trade creditors and an increase in the value of employee entitlements.

Cash flows

Net cash inflows from operating activities exceeded budget by \$242,000 due to an increase in catering revenue. Net cash outflows from operating activities exceeded budget by \$1,841,000 to meet the cost of replacing the broadcast system, equipment in Members' offices and strengthening security at the back of Parliament House.

18. *Reconciliation of cash flows from operating activities to net cost of services*

	2010	2009
	\$'000	\$'000
Net cash used in operating activities	4,797	5,615
Depreciation	(5,219)	(5,184)
(Increase) / decrease in provisions	(558)	(402)
(Decrease) / increase in receivables, inventories and other assets	68	(93)
(Increase) / decrease in creditors and other liabilities	(316)	(485)
Gain / (Loss) on sale of non-current assets	(47)	(30)
Valuation increment recognised in statement of comprehensive income	-	494
Assets recognised for first time	19	358
Long service leave	(1,460)	(1,494)
Superannuation	(8,532)	(8,387)
Payroll tax on superannuation	(469)	(496)
Less cash flows from government:		
Capital allocation	(5,522)	(5,557)
Recurrent allocation	(104,073)	(101,753)
Net cost of services	<u>(121,312)</u>	<u>(117,414)</u>

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

19. 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, including derivative financial instruments, for speculative purposes.

The Legislature's main risks arising from financial instruments are outlined below, together with The Legislature's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

The Clerks of both Houses and the Executive Manager have overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by The Legislature, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Audit and Risk Committee and internal auditors on a regular basis.

(a) Financial instrument categories

Financial Assets	Note	Category	Carrying Amount	
			2010	2009
Class:			\$'000	\$'000
Cash and cash equivalents	8	N/A	2,457	3,318
Receivables ¹	9	Loans and receivables (at amortised cost)	910	867
Financial Liabilities	Note	Category	Carrying Amount	
			2010	2009
Class:			\$'000	\$'000
Payables ²	13	Financial liabilities measured at amortised cost	3,403	3,541

Notes

1. Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).
2. Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

(b) Credit risk

Credit risk arises when there is the possibility of The Legislature's debtors defaulting on their contractual obligations, resulting in a financial loss to The Legislature. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of The Legislature, including cash, receivables and authority deposits. No collateral is held by The Legislature. The Legislature has not granted any financial guarantees.

Credit risk associated with The Legislature's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards. Authority deposits held with NSW TCorp are guaranteed by the State.

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 NSW Treasury.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

Receivables - trade debtors

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 uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. Interest is earned on House Committee Sales after 60 days at 2% per month. No interest is charged on any other debtors. House Committee sales are made on 30-day terms. Other sales are made on either 14 or 30-day terms.

The only financial assets that are past due or impaired are "sales of goods and services" in the "receivables" category of the statement of financial position.

		\$'000	
	Total ^{1,2}	Past due but not impaired ^{1,2}	Considered impaired ^{1,2}
2010			
< 3 months overdue	282	282	0
3 months – 6 months overdue	22	16	6
> 6 months overdue	96	66	30
2009			
< 3 months overdue	294	294	0
3 months – 6 months overdue	79	79	0
> 6 months overdue	58	23	35

Notes

1. Each column in the table reports "gross receivables".
2. The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7 and excludes receivables that are not past due and not impaired. Therefore, the "total" will not reconcile to the receivables total recognised in the statement of financial position.

(c) Liquidity Risk

Liquidity risk is the risk that The Legislature will be unable to meet its payment obligations when they fall due. The Legislature continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

The Legislature has the following banking facilities as at 30 June 2010:

- 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.

During the current and prior years, there were no defaults or breaches on any loans payable. No assets have been pledged as collateral. The Legislature's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The 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 unsecured) are settled in accordance with the policy set out in 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. Treasurer's Direction 219.01 allows the Minister to award interest for late payment.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

The table below summarises the maturity profile of The Legislature's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities

	Weighted Average Effective Int. Rate	Nominal Amount ¹	Interest Rate Exposure			Maturity Dates		
			Fixed Interest Rate	Variable Interest Rate	Non- interest bearing	< 1 yr	1-5 yrs	> 5 yrs
2010								
Trade Payable	–	3,403	–	–	3,403	3,403	–	–
Total Financial Liabilities	–	3,403	–	–	3,403	3,403	–	–
2009								
Trade Payables	–	3,541	–	–	3,541	3,541	–	–
Total Financial Liabilities	–	3,541	–	–	3,541	3,541	–	–

Notes

- The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which The Legislature can be required to pay. The tables include both interest and principal cash flows and therefore will not reconcile to the statement of financial position.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Legislature's exposures to market risk are primarily through interest rate risk on The Legislature's borrowings and other price risks associated with the movement in the unit price of the Hour Glass Investment Facilities. The Legislature has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on profit and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk and other price risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which The Legislature operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the statement of financial position date. The analysis is performed on the same basis as for 2009. The analysis assumes that all other variables remain constant.

Interest rate risk

Exposure to interest rate risk arises primarily through The Legislature's interest bearing liabilities. This risk is minimised by undertaking mainly fixed rate borrowings, primarily with NSW TCorp. The Legislature does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The Legislature's exposure to interest rate risk is set out below.

The Legislature

Notes to and forming part of the Financial Statements for year ended 30 June 2010

		\$'000			
	Carrying		-1%		1%
	Amount	Profit	Equity	Profit	Equity
2010					
<i>Financial assets</i>					
Cash and cash equivalents	2,454	(25)	(25)	25	25
2009					
<i>Financial assets</i>					
Cash and cash equivalents	3,315	(33)	(33)	33	33

20. After Balance Date Events

There are no after balance sheet date events.

End of audited financial statements

Supplementary Financial Information

Legislative Council

	2009/2010 ACTUAL \$000	2009/2010 BUDGET \$000	2008/2009 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	9,043	9,461	8,875
Other Operating Expenses	2,616	2,905	2,541
Depreciation and amortisation	148	193	179
Other Expenses	12,451	12,673	12,225
Total Expenses	24,258	25,232	23,820
Revenue			
Sale of Goods and Services	482	445	448
Other Revenue		30	22
Total Revenue	482	475	470
NET COST OF SERVICES	23,776	24,757	23,350
Gain (loss) on sale of assets	-	-	-
Less:			
Depreciation and amortisation	148	193	179
Long Service Leave	88	88	261
Superannuation	2,726	2,726	2,682
NET CONTROLLABLE COST OF SERVICES	20,814	21,750	20,228
CAPITAL WORKS EXPENDITURE	23	42	55

Estimated Expenditure and Revenue for 2010/2011:

LEGISLATIVE COUNCIL

Description	\$000
Salaries and related payments	9,579
Other operating expenses	2,551
Depreciation and amortisation	52
Other expenses	13,192
<i>Total Expenses</i>	25,374
Less Retained Revenue	469
Less Non-controllable items	52
Net Controllable Cost of Services	24,853

Supplementary Financial Information

Parliamentary Representation - Legislative Council 2009/10

	2009/2010 ACTUAL \$000	2009/2010 BUDGET \$000	2008/2009 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	4,651	5,222	4,317
Other Operating Expenses	1,587	1,896	1,609
Depreciation and amortisation	94	144	122
Other Expenses	12,451	12,673	12,225
Total Expenses	18,783	19,935	18,273
Revenue			
Sale of Goods and Services	466	445	448
Other Revenue	(9)	20	20
Total Revenue	457	465	468
Gain (loss) on sale of assets	-	-	-
NET COST OF SERVICES	18,326	19,470	17,805
Less:			
Depreciation and amortisation	94	144	122
Long Service Leave	(55)	(55)	64
Superannuation	2,569	2,569	2,532
NET CONTROLLABLE COST OF SERVICES	15,718	16,812	15,087
CAPITAL WORKS EXPENDITURE	23	42	14

Estimated Expenditure and Revenue for 2010/2011:

Parliamentary Representation L.C.

Description	\$000
Salaries and related payments	5,227
Other operating expenses	1,616
Depreciation and amortisation	10
Other expenses	13,193
<i>Total Expenses</i>	20,046
Less Retained Revenue	467
Less Non-controllable items	10
Net Controllable Cost of Services	19,569

Supplementary Financial Information

Operation of Legislative Council 2009/10

	2009/2010 ACTUAL \$000	2009/2010 BUDGET \$000	2008/2009 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	2,412	2,354	2,688
Other Operating Expenses	443	266	358
Depreciation and amortisation	34	26	32
Total Expenses	2,889	2,646	3,078
Revenue			
Sale of Goods and Services	16	-	-
Other Revenue	-	10	1
Total Revenue	16	10	1
Gain (loss) on sale of assets	-		-
NET COST OF SERVICES	2,873	2,636	3,077
Less:			
Depreciation and amortisation	34	26	32
Long Service Leave	90	90	124
Superannuation	157	157	150
NET CONTROLLABLE COST OF SERVICES	2,592	2,363	2,771
CAPITAL WORKS EXPENDITURE	-	-	41

Estimated Expenditure and Revenue for 2010/2011:

OPERATION of the LC - Procedural, Admin support

Description	\$000
Salaries and related payments	2,474
Other operating expenses	370
Depreciation and Amortisation	27
Other Expenses	-
<i>Total Expenses</i>	2,871
Less Retained Revenue	2
Less Non-controllable items	27
Net Controllable Cost of Services	2,842

Supplementary Financial Information

Legislative Council Committees 2009/10

	2009/2010 ACTUAL \$000	2009/2010 BUDGET \$000	2008/2009 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	1,967	1,886	1,870
Other Operating Expenses	584	719	566
Depreciation and amortisation	21	23	25
Total Expenses	2,572	2,628	2,461
Revenue			
Sale of Goods and Services	-	-	-
Other Revenue	-	-	1
Total Revenue	-	-	1
Gain (loss) on sale of assets	-	-	-
NET COST OF SERVICES	2572	2,628	2,460
Less:			
Depreciation and amortisation	21	23	25
Long Service Leave	54	54	73
Superannuation	-	-	-
NET CONTROLLABLE COST OF SERVICES	2,497	2,551	2,362
CAPITAL WORKS EXPENDITURE	-	-	-

Estimated Expenditure and Revenue for 2010/2011:

LC COMMITTEES

Description	\$000
Salaries and related payments	1,877
Other operating expenses	555
Depreciation and Amortisation	15
Other Expenses	-
<i>Total Expenses</i>	2,447
Less Retained Revenue	-
Less Non-controllable items	15
Net Controllable Cost of Services	2,432

Supplementary Financial Information

Special projects - L.C. 2009/10

	2009/2010 ACTUAL \$000	2009/2010 BUDGET \$000	2008/2009 ACTUAL \$000
Expenses			
Staff Salaries and Related Payments	13	-	-
Other Operating Expenses	3	23	8
Depreciation	-	-	-
Total Expenses	16	23	8
Revenue			
Sale of Goods and Services	-	-	-
Grants and contributions	9	-	-
Total Revenue	9	-	-
Gain (loss) on sale of assets	-	-	-
NET COST OF SERVICES	7	23	8
Less:			
Depreciation	-	-	-
Long Service Leave	-	-	-
Superannuation	-	-	-
NET CONTROLLABLE COST OF SERVICES	7	23	8
CAPITAL WORKS EXPENDITURE	-	-	-

Estimated Expenditure and Revenue for 2010/2011:

SPECIAL PROJECTS

Description	\$ 000's
Salaries and related payments	-
Other operating expenses	11
Depreciation and Amortisation	-
Other Expenses	
<i>Total Expenses</i>	11
Less Retained Revenue	-
Less Non-controllable items	-
Net Controllable Cost of Services	11



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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	Macdonald ^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' allowances and expenditure

Member	Description	Committee Allowance	Members' Home to Sydney travel	Logistic Support Allocation (LSA)	Members' LSA Travel	Spouse/ approved relative LSA travel	Members' Staff LSA	Travelling allowance for recognised office holder
John Ajaka	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11	850.00		21,285.00 11,976.44 33,261.44 27,233.13 6,028.31	582.60		244.40	
Robert Brown	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 10,983.55 32,268.55 17,664.53 14,604.02	13,550.83	129.04		
Tony Catanzariti	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		18,737.15	35,584.00 12,594.03 48,178.03 32,598.40 15,579.63	11,872.11	4,595.55	563.14	
David Clarke	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 5,388.14 26,673.14 14,144.96 12,528.18				
Ian Cohen	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11	1,360.00	10,491.17	32,470.00 9,777.14 42,247.14 36,040.45 6,206.69	7,986.63		502.28	
Richard Colless	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		11,502.47	35,584.00 11,294.13 46,878.13 41,799.86 5,078.27	26,304.32		343.73	
Catherine Cusack	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		22,395.28	32,470.00 3,685.15 36,155.15 25,872.12 10,283.03	12,172.36	1,515.11		
John Della Bosca	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			22,457.48 39,584.23 62,041.71 48,911.66 13,130.05				
Greg Donnelly	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,950.25 4,619.68 29,569.93 29,476.56 93.37	10,130.53			

Member	Description	Committee Allowance	Members' Home to Sydney travel	Logistic Support Allocation (LSA)	Members' LSA Travel	Spouse/ approved relative LSA travel	Members' Staff LSA	Travelling allowance for recognised office holder
Amanda Fazio	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			29,983.33 12,451.30 42,434.63 22,152.83 20,281.80	6,210.21	173.23	3,002.53	
Marie Ficarra	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 0.02 21,285.02 17,184.42 4,100.60	2,946.56	797.75		
Luke Foley	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			1,224.62 1,224.62 131.62 1,093.00				
Michael Gallacher	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			31,465.25 24,752.09 56,217.34 9,544.44 46,672.90				
Jenny Gardiner	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		21,697.32	32,470.00 2,835.55 35,305.55 25,806.17 9,499.38	12,782.19			
Duncan Gay	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		382.00	37,359.75 12,695.45 50,055.20 36,498.26 13,556.94	14,339.41	1,142.83	1,380.54	
Kayee Griffin	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,399.00 21,386.48 45,785.48 14,713.90 31,071.58	642.72			
Sylvia Hale	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 5,464.77 26,749.77 16,732.74 10,017.03	8,420.54			
Don Harwin	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		4,819.50	36,135.25 19,450.87 55,586.12 41,622.49 13,963.63	3,517.95		131.97	
John Hatzistergos	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,363.59 42,755.05 67,118.64 4,681.28 62,437.36				

Member	Description	Committee Allowance	Members' Home to Sydney travel	Logistic Support Allocation (LSA)	Members' LSA Travel	Spouse/ approved relative LSA travel	Members' Staff LSA	Travelling allowance for recognised office holder
John Kaye	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 3,591.09 24,876.09 23,715.05 1,161.04	8,556.27	441.38		
Tony Kelly	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		9,095.86	35,548.59 35,444.45 70,993.04 12,125.74 58,867.30	511.05	7,027.51		
Trevor Khan	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		17,158.14	32,470.00 10.61 32,480.61 32,431.90 48.71	1,936.22	2,096.93	1,806.15	
Charlie Lynn	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 4,227.19 25,512.19 18,473.67 7,038.52	646.49			
Ian Macdonald	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		1,174.54	35,403.56 75,362.63 110,766.19 4,051.88 106,714.31	50.46			
Matthew Mason-Cox	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		11,449.97	36,808.50 23,771.69 60,580.19 43,062.20 17,517.99	4,966.06	428.27		
Shaoquette Moselmane	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			12,246.16 12,246.16 7,252.20 4,993.96				
Reverand Gordon Moyes	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		8,555.14	21,920.00 1,999.80 23,919.80 20,183.40 3,736.40	5,697.71	1,196.87	513.20	
Reverand Fred Nile	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,399.00 7,338.18 31,737.18 24,334.22 7,402.96				
Edward Obeid	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 20,386.68 41,671.68 11,239.40 30,432.28				

Member	Description	Committee Allowance	Members' Home to Sydney travel	Logistic Support Allocation (LSA)	Members' LSA Travel	Spouse/ approved relative LSA travel	Members' Staff LSA	Travelling allowance for recognised office holder
Robyn Parker	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11	1,870.00	8,388.66	32,470.00 4,559.94 37,029.94 25,356.83 11,673.11	2,257.81			
Melinda Pavey	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		15,342.96	32,470.00 568.57 33,038.57 30,849.89 2,188.68	15,642.99	198.37	582.18	
Gregory Pearce	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		2,307.00	21,657.31 818.78 22,476.09 18,083.29 4,392.80	6,426.82	587.40		
Peter Primrose	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			27,903.56 19,791.94 47,695.50 16,575.55 31,119.95	795.04		303.40	
Lee Rhiannon	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 165.86 21,450.86 21,426.94 23.92	8,928.43	333.80		
Christine Robertson	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11		16,131.22	35,584.00 31,015.47 66,599.47 17,040.79 49,558.68	5,017.96	3,126.83	1,488.26	
John Robertson	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,998.59 11,161.57 36,160.16 1,500.00 34,660.16				
Eric Roozendaal	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,382.96 41,824.92 66,207.88 7,562.14 58,645.74				
Penny Sharpe	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			24,117.46 7,863.60 31,981.06 27,138.59 4,842.47	5,636.36		218.62	
Roy Smith	Allocation for 2009/10 C/Forward from 2008/09 Total available 2009/10 Expended claimed Carried forward to 2010/11			21,285.00 4,963.60 26,248.60 17,227.49 9,021.11	9,463.19	1,856.81	286.82	

Member	Description	Committee Allowance	Members' Home to Sydney travel	Logistic Support Allocation (LSA)	Members' LSA Travel	Spouse/ approved relative LSA travel	Members' Staff LSA	Travelling allowance for recognised office holder
Henry Tsang	Allocation for 2009/10			22,445.28				
	C/Forward from 2008/09			21,911.74				
	Total available 2009/10			44,357.02				
	Expended claimed			10,438.64				
	Carried forward to 2010/11			33,918.38				
Michael Veitch	Allocation for 2009/10			35,584.00				
	C/Forward from 2008/09			29,130.61				
	Total available 2009/10			64,714.61				
	Expended claimed		15,786.20	18,507.03	5,309.00	68.18	318.69	
	Carried forward to 2010/11			46,207.58				
Lynda Voltz	Allocation for 2009/10			22,377.03				
	C/Forward from 2008/09			33.92				
	Total available 2009/10			22,410.95				
	Expended claimed			21,156.27	3,435.20		2,048.95	
	Carried forward to 2010/11			1,254.68				
Ian West	Allocation for 2009/10			24,399.00				
	C/Forward from 2008/09			33,851.90				
	Total available 2009/10			58,250.90				
	Expended claimed			12,102.20				
	Carried forward to 2010/11			46,148.70				
Helen Westwood	Allocation for 2009/10			24,399.00				
	C/Forward from 2008/09			30,693.50				
	Total available 2009/10			55,092.50				
	Expended claimed			8,700.10	124.08		124.12	
	Carried forward to 2010/11			46,392.40				

Note: figures are representative of data recorded at 30 June 2010. Amendments to data by subsequent reconciliation processes will be reported in the following annual report.

Appendix 3

Committee travel expenses 2009/10

The following tables set out all travel expenditure incurred by committee members, committee staff and hansard staff for 2009/2010. Travel expenses covers all expense types and may include venue hire, chartered flights, accommodation, meals, catering, bus hire, and taxi hire. Committees not represented in these tables incurred no travel related expenses in the reporting period.

Total for all committee travel expenses - \$76,576.45

Select Committee on Recreational Fishing

Date	Minutes No.	Destination	Activity	In attendance	Travel expenses
29 April 2010	5	Jervis Bay and Nowra	Site visit and hearing	Brown Catanzariti Cohen Colless Robertson Voltz Secretariat (4) Hansard (3)	\$4,145.85
4 - 5 May 2010	6 & 7	Port Stephens and Port Macquarie	Hearings	Brown Catanzariti Catanzariti Cohen Colless Robertson Voltz Secretariat (4) Hansard (3)	\$18,953.97
26 - 27 May 2010	8 & 9	Batemans Bay and Griffith	Site visit and hearings	Brown Catanzariti Cohen Colless Robertson Voltz Secretariat (3) Hansard (3)	\$19,031.81
15 June 2010	10	Grafton	Hearing	Brown Catanzariti Cohen Colless Robertson Voltz Secretariat (3) Hansard (3)	\$16,369.75
TOTAL					\$58,501.38

General Purpose Standing Committee No. 4 Inquiry into Badgery's Creek land dealings and planning decisions

Date	Minutes No.	Destination	Activity	In attendance	Travel expenses
21 September 2009	35	Badgery's Creek and Western Sydney Employment Lands Investigation Area	Site visit	Gardiner Hale Smith Pearce Secretariat (3)	\$586.50
TOTAL					\$586.50

General Purpose Standing Committee No. 5 Inquiry into rural wind farms

Date	Minutes No.	Destination	Activity	In attendance	Travel expenses
30 September 2009	36	Cullerin, Crookwell, Pejar and Tarago	Site visits	Cohen Colless Brown Catanzariti Lynn Voltz Westwood Secretariat (3)	\$2,169.20
1 October 2009	37	Goulburn	Hearing	Cohen Colless Brown Catanzariti Lynn Voltz Westwood Secretariat staff (3) Hansard (4)	\$4,284.02
16 October 2009	38	Tamworth	Hearing	Cohen Colless Brown Catanzariti Lynn Voltz Westwood Secretariat staff (3) Hansard (3)	\$11,035.35
TOTAL					\$17,488.57

Appendix 4

MLC attendance at Legislative Council committee meetings 2009/2010

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	Law & Social Justice Issues	State Dev	GPSC1	GPSC2	GPSC3	GPSC4	GPSC5	Rec Fishing	Taxi Industry	Privileges	Total	
GOVERNMENT MEMBERS	Catanzariti		4		16		1	12	10			43	
	Della Bosca												
	Donnelly	13	7		14	12	3*	1*		11	8	69	
	Fazio	1			1*	10	9*				3	24	
	Foley												
	Griffin				9	2*	1*	20	3*		9	44	
	Kelly												
	Macdonald												
	Moselmane					10	1	2	1*			14	
	Obeid				1*			1*	3*			5	
	Primrose												
	C Robertson	13		3		24	1*			10		51	
	J Robertson												
	Sharpe	1#			12	1*	1	1*			11	27	
	Tsang							9	1*			10	
	Veitch		8	4	1*	1*	2*	11*		1	6	34	
	Voltz	9				1*	1	12	16	9		48	
West		9		7				4*		8	28		
Westwood		1		5*	2*	7		17			32		
OPPOSITION MEMBERS	Ajaka	10				7	2*	1*		11		31	
	Clarke	13			1*	1*	4*	4	1*			24	
	Colless			4					16	9		29	
	Cusack					2*			1*			3	
	Ficarra		7			17	1*	1*	1*			27	
	Gallacher				1*		1*	1*				3	
	Gardiner							24			10	34	
	Gay							2*	2*			4	
	Harwin				2*	1#	1*	1*	1*		8	14	
	Khan		8		5*		4	3#	1*		11	32	
	Lynn				2*	1*	3*		9	3		18	
	Mason-Cox			4	6		1*		1*			12	
	Parker					27						27	
	Pavey				1	2*		2*	2*			7	
	Pearce				4*	4*	1*	11*	2*			22	
	CROSS BENCH MEMBERS	Brown							17	10			27
		Cohen					3*		1*	19	9		32
Hale		9				3*	4*	17	1#			34	
Kaye			9		5	16*	1*	3*	2#			36	
Moyes						22						22	
Nile				4	12		1*				7	24	
Rhiannon					6*	3	7			11		27	
Smith					2*	8	21	1*	9		41		

Appendix 5

MLC Membership of joint committees administered by the Legislative Assembly in 2009/2010

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' Annual Report 2009/10.

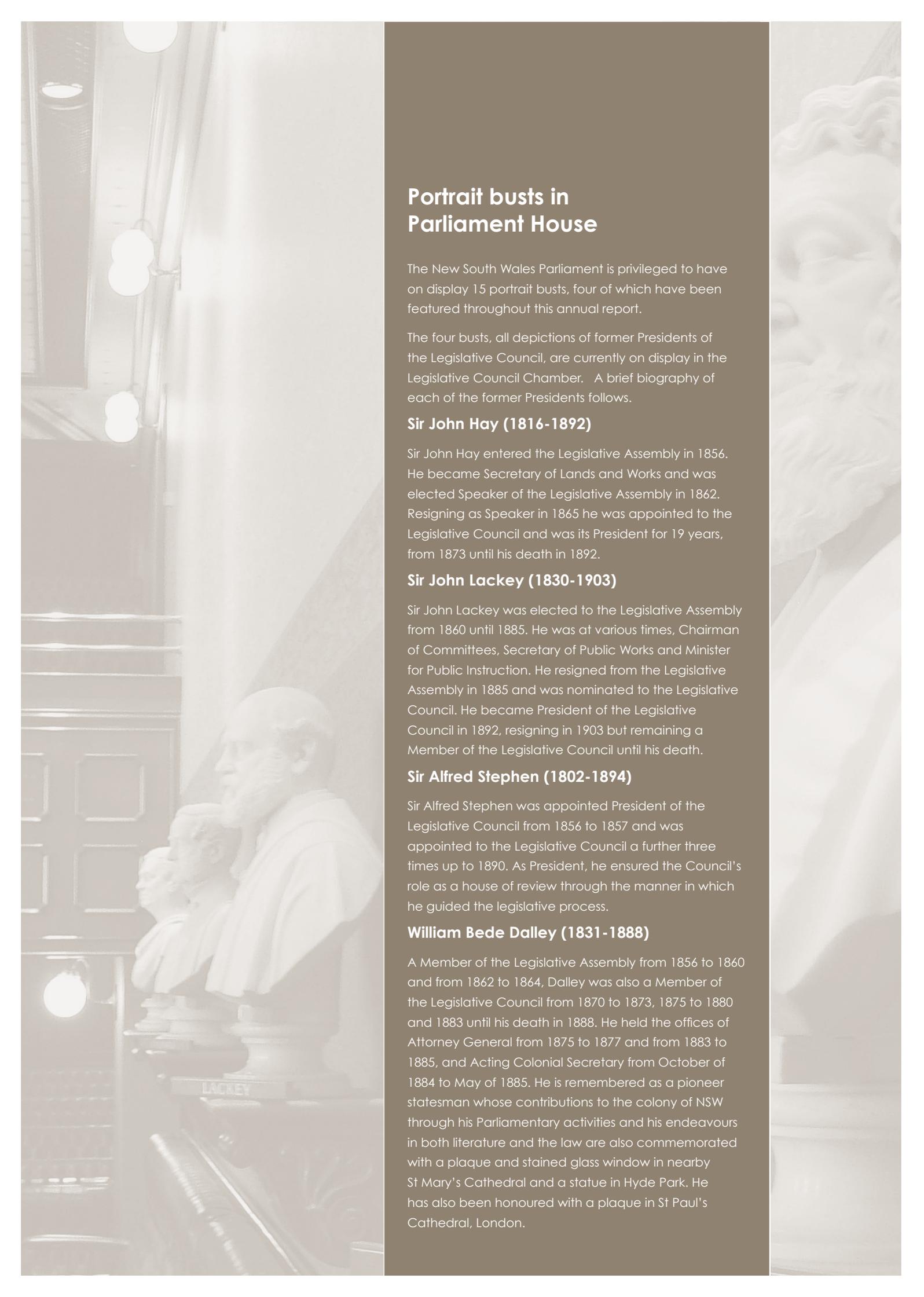
Member	Committee on Children and Young People	Committee on Electoral Matters	Committee on Health Care Complaints	Committee on the ICAC	Legislation Review Committee	Office of the Valuer General	Office of the Ombudsman and the PIC	Road Safety (Staysafe)
GOVERNMENT MEMBERS								
Donnelly		•						
Foley		•					•	
Griffin	•			•				
West								•
Westwood			•					
Ajaka	•							
Clarke			•					
Collins								•
Gardiner		•						
Harwin		•						
Khan				•				
Lynn							•	
Mason-Cox						•		
Brown								•
Hale					•		•	
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	38	Legislation on altruistic surrogacy in NSW	27/05/09	27/11/09	18/12/09
	39	Adoption by same sex couples	08/07/09	08/01/10	06/01/10
	40	Second review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council	03/03/10	03/03/10	02/03/10
	41	The use of victims' DNA	16/12/09	16/06/10	16/06/10
Social Issues	42	Homelessness and low cost rental accommodation	24/09/09	24/03/10	24/03/10
	43	Substitute decision-making for people lacking capacity	25/01/10	25/07/10	N/A
State Development	34	New South Wales planning framework	10/12/09	10/06/10	-
GPSC 1	34	Budget Estimates 2009/2010	09/03/10	N/A	N/A
GPSC 2	30	Governance of NSW universities	01/06/09	01/12/09	01/12/09
	31	Budget Estimates 2009/2010	12/11/09	N/A	N/A
	32	Bullying of children and young people	12/11/09	12/05/10	12/05/10
	33	Review of the Inquiry into the management and operations of the Ambulance Service of NSW	30/04/10	30/10/10	N/A
GPSC 3	21	The privatisation of prisons and prison-related services	05/06/09	05/12/09	03/12/09
	22	Budget Estimates 2009/2010	26/11/09	N/A	N/A
GPSC 4	21	Badgerys Creek land dealings and planning decisions	20/11/09	20/05/10	20/05/10
	22	Badgerys Creek land dealings and planning decisions – Second report	25/02/10	N/A	N/A
	23	Budget Estimates 2009/2010	09/03/10	N/A	N/A
GPSC 5	30	Budget Estimates 2009/2010	17/12/09	N/A	N/A
	31	Rural wind farms	16/12/09	16/06/10	16/06/10
Privileges Committee	47	A memorandum of understanding with the ICAC relating to the execution of search warrants on members' offices	24/11/09	N/A	N/A

A photograph of several white marble portrait busts of men, likely former Presidents of the Legislative Council, displayed on a dark wooden shelf in a room with large windows and modern lighting fixtures. The busts are arranged in a row, and the background shows a window with curtains and a modern light fixture with three circular bulbs.

Portrait busts in Parliament House

The New South Wales Parliament is privileged to have on display 15 portrait busts, four of which have been featured throughout this annual report.

The four busts, all depictions of former Presidents of the Legislative Council, are currently on display in the Legislative Council Chamber. A brief biography of each of the former Presidents follows.

Sir John Hay (1816-1892)

Sir John Hay entered the Legislative Assembly in 1856. He became Secretary of Lands and Works and was elected Speaker of the Legislative Assembly in 1862. Resigning as Speaker in 1865 he was appointed to the Legislative Council and was its President for 19 years, from 1873 until his death in 1892.

Sir John Lackey (1830-1903)

Sir John Lackey was elected to the Legislative Assembly from 1860 until 1885. He was at various times, Chairman of Committees, Secretary of Public Works and Minister for Public Instruction. He resigned from the Legislative Assembly in 1885 and was nominated to the Legislative Council. He became President of the Legislative Council in 1892, resigning in 1903 but remaining a Member of the Legislative Council until his death.

Sir Alfred Stephen (1802-1894)

Sir Alfred Stephen was appointed President of the Legislative Council from 1856 to 1857 and was appointed to the Legislative Council a further three times up to 1890. As President, he ensured the Council's role as a house of review through the manner in which he guided the legislative process.

William Bede Dalley (1831-1888)

A Member of the Legislative Assembly from 1856 to 1860 and from 1862 to 1864, Dalley was also a Member of the Legislative Council from 1870 to 1873, 1875 to 1880 and 1883 until his death in 1888. He held the offices of Attorney General from 1875 to 1877 and from 1883 to 1885, and Acting Colonial Secretary from October of 1884 to May of 1885. He is remembered as a pioneer statesman whose contributions to the colony of NSW through his Parliamentary activities and his endeavours in both literature and the law are also commemorated with a plaque and stained glass window in nearby St Mary's Cathedral and a statue in Hyde Park. He has also been honoured with a plaque in St Paul's Cathedral, London.



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