



DEPARTMENT OF THE LEGISLATIVE COUNCIL

ANNUAL REPORT 2006-07

OUR MISSION

To pursue excellence in supporting the Legislative Council.

PRESIDING OFFICER

President of the Legislative Council
Hon Nick Griffiths MLC

ACCOUNTABLE AUTHORITY

Clerk of the Legislative Council

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**DEPARTMENT OF THE
LEGISLATIVE COUNCIL**

ANNUAL REPORT 2006-2007

Message from the President

2007 marks the 175th anniversary of the first meeting of the Legislative Council on 7 February 1832. The Legislative Council formed Western Australia's first governing and legislative body, originally consisting of five appointed Members and presided over by the Governor of the Colony. Today, the Council comprises 34 Members elected from six multi-member, regional electorates. The most recent elections, held in February 2005, saw Members elected from four political parties, an indication that the political diversity of the people of Western Australia is reflected in the constitution of the Legislative Council.

In June 2007, Mr Paul Grant was appointed as Clerk Assistant (Committees) filling the vacancy resulting from the appointment of Ms Mia Betjeman as Clerk of the Legislative Council and Clerk of the Parliaments.



During the financial year the House sat for approximately 334 hours over 20 sitting weeks. Sittings of the House operated under two different procedural regimes - the Sessional Orders adopted in 2006 which expired at the conclusion of sittings on 7 December 2006, and the Standing Orders which the House returned to following the expiration of the Sessional Orders. Recent annual and statistical reports of the Department indicate the beneficial impact of Sessional Orders on the consideration of business.

While the Council Budget for 2006-07 saw an improvement in the Council's operations, it is still under funded. I am committed to supporting the Clerk in seeking to address this situation.

The 2007-08 Budget Statements disclose the following operational funding for the Houses of Parliament:

	2007-08	2008-09	2009-10	2010-11
	\$000	\$000	\$000	\$000
Legislative Council	3,446	3,492	3,568	3,659
Legislative Assembly	4,324	4,393	4,501	4,612
TOTAL	7,770	7,885	8,069	8,271

The Legislative Council has a further element of complexity through its function of holding the Government to account, unlike the Legislative Assembly where the Government is formed and holds a majority. It is an added requirement that the functions of the Clerk of Parliaments be provided for within the existing Legislative Council budget.

On behalf of Members of the Thirty-Seventh Parliament, I thank all Council staff for their contributions during the year.

Hon Nick Griffiths MLC
President of the Legislative Council

September 2007

Letter of transmittal



Hon Nick Griffiths MLC
President of the Legislative Council
Parliament House
PERTH WA 6000

Dear Mr President

I have pleasure in submitting to you, for presentation to the House, the Annual Report on the operations of the Department of the Legislative Council for the period 1 July 2006 to 30 June 2007.

The report addresses matters arising from the Clerk's powers, duties and functions as Accountable Officer under the *Financial Management Act 2006*, as well as matters pertaining to the operations of the Department, the Chamber and its committees.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Peacock', written on a light blue background.

Malcolm Peacock
Clerk of the Legislative Council

27 September 2007

LIST OF DEFINED TERMS AND ACRONYMS

Assembly	Legislative Assembly
ANZACATT	Australia and New Zealand Association of Clerks-at-the-Table
Cash Report	Western Australia, Legislative Council, Hon George Cash MLC, <i>Reflections on the Legislative Council Committee System and its Operations During the Thirty-Sixth Parliament: Discussions with the Chairs and Deputy Chairs of Parliamentary Committees</i> , Tabled Paper 367, 19 May 2005
Clerk	Clerk of the Legislative Council
Commission	Crime and Corruption Commission
Committee Office	Legislative Council Committee Office
CPA	Commonwealth Parliamentary Association - Western Australian Branch
Council	Legislative Council
CRC	Classification Review Committee
Department	Department of the Legislative Council
EDRMS	Electronic Document Records Management System
ERP	Emergency Response Planning Committee
Finance	Finance Unit of the Parliamentary Services Department
FTE	Full Time Equivalent
IT	Information Technology
JCC	Joint Consultative Committee
KPIs	Key Performance Indicators
MEC	Management Executive Committee comprising the President, Speaker, Clerks of both Houses and Executive Manager, PSD
Ombudsman	Parliamentary Commissioner for Administrative Investigations
Procedure Office	Legislative Council Procedure Office
PSD	Parliamentary Services Department
Treasury	Department of Treasury and Finance
WA	Western Australia

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FOREWORD

Clerk's Foreword

The year 2007 marks the 175th anniversary of the first sitting of the Legislative Council on 7 February 1832. At that time the Council was constituted of five Members and its principal business was the establishment of a Civil Court having the powers of the Courts of King's Bench, Common Pleas, and Exchequer. Other matters which mainly occupied the attention of the Council in 1832 were the shortness of provisions, the need of more livestock, and relations with the indigenous peoples.

One hundred and seventy five years later the Council now has 34 Members and, as illustrated by Council Minutes and Departmental Reports, many more matters require our attention.



Parliamentary departments have a range of duties and responsibilities quite different from our predecessors. A modern Parliament requires Members, Officers and staff to be aware of many matters essential to the smooth operation of Parliament as the ultimate forum for our democratic system. We are vested with many functions, responsibilities and powers under legislation, our Constitutions, Standing Orders and conventions. We need to expand our knowledge of the foundations and principles of parliamentary procedure as well as adopt exemplary administrative practices to ensure the efficient and effective operation of Parliament.

Corporate governance is an essential function of any organisation and we continue to pursue good governance. The Department is the first Western Australian parliamentary department to establish Key Performance Indicators. We continue to develop policies and standards including publication of the Department's Procurement Policy and Procurement Guidelines in October 2006.

Matters outside the traditional "core business" of providing services to the chamber and standing committees, significantly impact on the Department's work. These include continuing records management, liaison with external consultants appointed to undertake evaluations of position classification across Parliament, initiatives relating to governance, public education and outreach programs and the professional development of Members and staff.

Despite limited resources, the Department has increased its activities in these areas while at the same time maintained support for the House and its committees. A number of short briefing papers on matters relevant to the work of committees and the Parliament generally were distributed to Members. These include the *Legislative Council Member's Briefing Notes* series on matters of procedural or parliamentary interest. Projects include: completion the Council Chamber air-conditioning project as part of the Parliament's capital works program; implementation of several recommendations of the 2005 review of the committee system and

its operations; internet broadcasting of Council proceedings throughout the Parliament with the addition of captioning indicating the matter before the House; launching of the pilot "Table Training" project to train parliamentary staff on Table duties to better service the needs of Members; the implementation of a Pilot Project for records management. In addition wider parliamentary liaison occurred with the Office of the Auditor General, the Ombudsman and other Parliamentary Officers, and we jointly hosted (with the Legislative Assembly) the 37th Presiding Officers & Clerks Conference (July 2006) and the 8th Professional Development Seminar of the Australian and New Zealand Association of Clerks-at-the-Table (January 2007).

The welcome improvement to the funding of the Council's operational activities during 2005-06 provided the funding to partly address then existing demands and requirements. During the reporting period the Department was required to provide support, within its current budget, to seven standing committees and four select committees. The reality is that promoting accountability and strategic planning, and providing Members with the support and tools that they require to perform their functions as duly elected representatives of the people requires adequate resources. The challenge of providing services to meet the needs of Members within budget remains.

It is again a testament to staff, and their commitment to the Council that the Department has been able to do so in a year of increasing parliamentary activity and scrutiny. The Department's financial statements indicate some funds are being rolled over - this is due mainly to the timing of committee activities and the awareness programs, with significant expenditure planned for the first quarter of 2007-08.

During the reporting period the Department was successful in obtaining initial funding of \$1 million for a capital works program for the committee office accommodation project. Since July 2006 the Department, together with Parliamentary Services Department, have endeavoured to locate, secure and plan fit out for alternative committee office premises in conjunction with the Department of Housing and Works, and Treasury. The project is coming to fruition. New premises will more appropriately house Council committees and their staff. The design accommodates meetings of formality or informality and will provide an important point of connection for the public of Western Australia with the upper house.

Parliament is a unique environment where the majority of skills must be "learnt on the job". There is no single course of study or degree that equips one for the various parliamentary roles. The need for parliamentary departments to adopt strategies for succession planning, staff retention, and professional development of Members and staff remains pivotal. The Department supports participation in seminars, conferences and courses.

Staff are encouraged to take significant ownership in the process of reviewing and improving services. This has taken time but is important to the acceptance of outcomes and the implementation of any change. In September 2006 and February 2007 team building and communication exercises were held as precursors to a wider functional review process. In June 2007 independent external consultants were engaged to commence the functional review process. The review will provide an opportunity to refine and enhance management structure, teams and systems and other governance matters.

A pivotal aim of such programs and initiatives is to ensure that Members are provided with the services that they require and desire. We endeavour to ensure the effective operation of the chamber and committees and to enhance services to Members.

It is pleasing to receive many positive comments from Members as to how helpful they found the assistance provided by the Department. The Department set a goal of 85 percent for procedural advice. This figure has been exceeded for the past three financial years by achieving an overall rating from the Members of 90 percent for the House and 88 percent for the committees.

It is with a degree of sadness that I bid farewell to the Department that has been my home for over nine years. It has been a privilege to water the seeds of development sown by my predecessors and it is with pride that I have sown seeds of innovation to be reaped for the future benefit of all. I look forward to hearing of the Department's achievements in the future. I wish Members and my parliamentary colleagues good fortune with their endeavours.



Mia Betjeman

Clerk of the Legislative Council

14 March 2006 - 7 September 2007

CHAPTER 1 GOVERNANCE

INTRODUCTION

The Department of the Legislative Council (**Department**) is committed to raising its level of accountability and has continued to refine its corporate governance. Some initiatives that occurred during this financial year were foreshadowed in the Department's Annual Reports for 2004-05 and 2005-06.¹

ABOUT US

The Department is one of three departments which serve the Parliament of Western Australia, and is accountable under the provisions of *Financial Management Act 2006*.² The Department is not a department or agency of the Crown under the *Public Sector Management Act 1994*. This is reflective of the long established and necessary independence of Parliament from the Executive.

The Department is not the same as the Legislative Council (**Council**). The latter refers to the elected Members of that body.

Our business

The role of the Department is to provide services to the 34 elected Members of the Council to assist them in performing their legislative and constituency responsibilities irrespective of their political affiliation.³ In doing so, it supports a broad, high level goal that reflects a governance role for all Western Australians.⁴

The two main service areas of the Department are procedural services and administrative services. Procedural services include:

- advice on parliamentary law, practice and procedure and the custom and usages of the Council and its committees. This is achieved through the provision of impartial and professional advice in both written and oral form to the President, Ministers, Members and committees; and
- recording the proceedings of the Council and its committees through the preparation of Minutes of Proceedings and the provision of business papers.

Administrative services include:

- the provision of support to Officers and Members of the House; and
- managing personnel functions and Council and departmental records.

¹ Western Australia, Department of the Legislative Council of Western Australia, *Annual Report 2004 - 2005*, November 2005; and *Annual Report 2005 - 2006*, September 2006.

² The *Financial Management Act 2006* commenced on 1 February 2007 and replaced the *Financial Administration and Audit Act 1985*.

³ See Appendix 1 for a list of the Members for the Thirty-Seventh Parliament.

⁴ That goal is reflected in the budget papers as developing and maintaining a skilled, diverse and ethical parliamentary workforce serving the Council with consideration of the public interest.

Our Mission and Values

The Department's mission and value statements are:

Our Mission

To pursue excellence in supporting the Legislative Council.

Our Values

Independence

To provide services in an objective, diligent and impartial manner.

Integrity

To be accountable and act in a professional, honest, ethical and equitable manner.

Improvement

To improve the quality of services by exploring new ideas and opportunities.

Respect

To promote a fair workplace that encourages contributions and values diversity.

Co-operation

To co-operate with, support and assist colleagues.

Departmental divisions

The Department has four functional divisions: President's Office, Clerk's Office, House Division and Committee Division. As at 30 June 2007 the Department consisted of 31 Full Time Equivalents (**FTEs**).

New management provides an opportunity for the Department to review and refine its functions. In September 2006 and February 2007 team building and communication exercises were held as precursors to a wider functional review process. In June 2007 independent external consultants were engaged to commence the functional review process. Their brief includes providing the Department with an independent and balanced review of the corporate goals and strategic objectives and their relationship to the Department's current functions; a critical assessment of how the Department's functions can be best delivered within current and expected future budgetary and human resources limitations; a review of core business processes, corporate governance arrangements, corporate policies and systems; and advice on structuring the Department to more effectively achieve the corporate goals and strategies. See Chapter 2 Overview for further detail. The review will provide an opportunity to refine and enhance management structure, teams and systems and other governance matters.

Management structure

A copy of the organisational chart is attached as Appendix 2.

President

The President is the political head of the Department. Together with the Speaker of the Legislative Assembly (**Assembly**), the President is responsible for the overall management of the Parliament. The President's administrative role is to:

-
- determine major policy;
 - approve budgets;
 - be the employer of staff;
 - determine service provision; and
 - supervise the management and delivery of services.

The President's Office is managed by the Secretary to the President.

Clerk

The Clerk's main role is to provide policy, procedural and management advice to the President and Members of the Council on all matters relating to the operations of the Council and its committees.

The Clerk, as Chief Executive Officer, has overall responsibility for the financing, staffing and administration of the Department and is the Accountable Authority under the *Financial Management Act 2006*.

The Clerk is also the Clerk of the Parliaments. In this role the Clerk is responsible for preparing and certifying Bills that have been passed by Parliament for Royal Assent.

Deputy Clerk

The Deputy Clerk's role is to supervise the day-to-day operations of the Department. The Deputy Clerk reports directly to the Clerk and assists with management of the Clerk's Office.

Clerk Assistants

The Clerk Assistant (House) and Clerk Assistant (Committees), as Divisional Leaders, manage the two principal divisions within the Department - the House Division and the Committee Division. They report directly to the Clerk. The House Division is comprised of the Council Procedure Office (**Procedure Office**) and the Legislation Group. The Committee Division comprises the Council Committee Office (**Committee Office**). The Clerk Assistants share management responsibilities with the Usher of the Black Rod (Procedure Office) and the Executive Officer (Committees) (Committee Office).

Management teams

Two management teams support the President and the Clerk - the Executive Management Team and the Financial Risk Management Team.

The roles and membership of these teams are detailed in Appendix 3.

Management systems

Planning

The Department (in consultation with the other departments) undertakes planning at both strategic and operational levels. These plans form the basis of its activities, budgeting, performance management and reporting.

Performance management

A number of mechanisms measure and monitor performance:

- **Internal management reporting:** Divisional Leaders are required to report on financial and operational performance.
- **External review/evaluation:** the Department is subject to annual audit by the Office of the Auditor General and a private auditor.

Resource management

Policies and procedures are published for the management of all human, financial and information resources. Systems have been established and reviewed to manage revenue, expenditure, assets and liabilities, as well as protect information resources.

As part of the 2005-06 initiatives of the then Acting Clerk, the Clerk signed-off on the Department's procurement policy and procurement guidelines and deployed them to all Council staff.

Corporate management standards

The Department maintains a strong commitment to the development and maintenance of a culture of care, diligence, ethical behaviour, integrity, accountability and leadership.

This commitment is reflected in management standards covering workplace health and safety (*Occupational Safety and Health Act 1984*), risk management (whole of Parliament Risk Management Committee) and the Code of Conduct for employees of the Parliament.

TABLING OF AUDITED FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR YEAR END 2006-07

Audited Financial Statements and Key Performance Indicators (**KPIs**) were tabled on 25 September 2007. In addition the Department elected to table a document from the Auditor General relating to some findings on control issues. This enhances the transparency and accountability of the Department. The Department received clear opinions with no significant findings.

The Department is the first Western Australian parliamentary department to establish KPIs. These provide an overview of the critical or material aspects of outcome achievement or service provision pursuant to the *Financial Administration and Audit Act 1985*. The KPIs were approved by the Department of Treasury and Finance (**Treasury**) on 8 February 2006. The KPIs received clear audit opinions from the Auditor General.⁵

MAJOR INITIATIVES

Management structure

In June 2007 Paul Grant, previously Advisory Officer (Legal), was appointed Clerk Assistant (Committees).

Resource management

Substantial revision and updating of policies and procedures of the Department occurred. This requires co-ordination with other departments with a view to establishing consistency.

⁵ The audited financial statements and KPIs are attached as Appendix 4. See Chapter 3 for further discussion of KPIs.

LOOKING AHEAD

Area	Initiative
Department structure	Continue the functional review of the Department
Management systems	Develop strategic goals and operational plans using a corporate governance model
Resource management	Further implement, revise and update policies and procedures of the Department

CHAPTER 2 OVERVIEW

INTRODUCTION

This year marks the 175th anniversary of the first sitting of the Legislative Council on 7 February 1832. At that time the Council was constituted of five Members - the then Governor Captain James Stirling, the Senior Military Officer next in command, the Colonial Secretary, the Surveyor-General, and the Advocate-General. One hundred and seventy five years later the Legislative Council now has 34 Members. To acknowledge this historic occasion several projects and events occurred during the reporting period and more are planned for 2007.

DEPARTMENT FINANCES

During the reporting period the Department was successful in obtaining initial funding for a capital works program for 2007-08 of \$1 million for the committee office accommodation project. In addition the Department received ongoing recurrent funding of \$200,000 per annum from 2007-08 to meet the additional accommodation leasing costs.

There was an increase of 19 percent to the recurrent budget funding of the Council's operational activities in real term when compared to 1999-00, largely as a result of the annual injection of \$439,000 since 2005-06. In addition, funding was provided in 2006-07 to meet the wages impact of the Parliamentary Employees General Agreement and an annual amount of \$98,000 was also provided to meet the cost of awareness programs initiative. Leaving these additional amounts aside, shows a modest increase of 11 percent in real terms since 1999-00 compared with a 7 percent increase calculated on the same basis last financial year. The Department continues its efforts to provide efficient and effective services out of its recurrent budget.

MATTERS OF INTEREST

Parliamentary Privilege

During the reporting period the Council has been working cooperatively with the Corruption and Crime Commission (**Commission**) to ensure that both the privileges of the House are maintained, and that the operations of the Commission are not interrupted as a result of any doubt about the applicable law.

Three investigations by the Commission raised the issue of the scope of jurisdiction of the Commission and its possible impingement on parliamentary privilege. All have been accompanied by media publicity and may have implications for other jurisdictions. Two of those matters relate directly to the Council.

Public hearings have been held at the Commission in which members of Parliament have been summoned to attend to answer questions. These hearings are in relation to the Commission's inquiry into the influence of lobbyists in Western Australia.

These events are relevant to a number of actions and inquiries by the Council. On Tuesday 20 March 2007 the President made a statement to the House advising of some events that had occurred during the summer recess relating to the activities of the Commission and

upholding the principle of parliamentary privilege and Article 9 of the Bill of Rights 1689. Referrals were made by the Commission to the Presiding Officer under section 27A of the *Corruption and Crime Commission Act 2003*. In addition the Procedure and Privileges Committee addressed a request by the Commission for access to committee records, committee members and committee staff for the purpose of the Commission's investigations in relation to a proposed inquiry by the Council's Standing Committee on Estimates and Financial Operations.

Aligned to the same allegations of disclosure of committee deliberations, the Chair of the Standing Committee on Estimates and Financial Operations presented a report to the House raising the matters and moved the establishment of a Select Committee of Privilege to inquire into the matter. The Committee was appointed on 21 March 2007. The Committee is due to report on 30 August 2007.

Resignation of Member and replacement

The Legislative Council has a Standing Order that requires the attendance of members of the House. If a Member is absent without leave for more than 6 sittings days, he or she is deemed guilty of contempt. On 20 June 2007 the President reported to the House that the Hon Margaret Rowe had been absent for more than six sitting days without leave. The matter was referred to the Standing Committee on Procedure and Privileges and the House ordered the attendance of the Member to be examined by the Committee at a time and place nominated by the President.

On Tuesday 26 June 2007 the President reported to the House that the Member had written a formal apology to the House and that he had received a further letter indicating the Member had resigned due to ill health. No further action was taken.

Senate vacancy

The President received notification of a vacancy in the Senate caused by the resignation by Senator Ian Gordon Campbell from His Excellency the Governor on 5 June 2007. A Joint Sitting was held on 19 June and resolved that Mr Mathias Hubert Paul Corman fill the vacancy.

Annual reports: Council Chamber, and Council Committees

Divisional calendar year annual reports for 2006 were tabled:⁶

- Work of the Legislative Council Chamber 2006 (14 March 2006 to December 2006); and
- Work of Legislative Council Committees in 2006 (1 January 2006 to 31 December 2006).

HOUSE DIVISION

The House sat for 59 days during the financial year. Sittings operated under two different procedural regimes - sessional orders that lapsed on 31 December 2007, and standing orders.

⁶ Both reports can be found on the Legislative Council website: www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Legislative+Council (go to 'Publications of the Legislative Council').

The House passed 60 Bills, 28 of which were amended by the Council. See Chapter 4 and Appendix 6 for further detail on House Operations.

COMMITTEE DIVISION

The workload of the committee system increased with the establishment of two more select committees. This resulted in a total of four select committees requiring the appointment of Members and the provision of departmental support from existing resources during the reporting period. Thirty four reports were tabled. See Chapter 5 and Appendix 7 for further detail on Committee Operations.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

During the reporting period the Department had responsibility for the management and administration of the Commonwealth Parliamentary Association - Western Australian Branch (**CPA**). In accordance with the CPA Constitution and custom, the management of the CPA alternates between each House for each new Parliament. The Clerk of the managing House is appointed Honorary Secretary/Treasurer.

Departmental staff assist the Honorary Secretary/Treasurer with all arrangements for the CPA including Assembly and Council Members' and Officers' attendance at interstate and international conferences and seminars, Branch meeting agenda, minutes, and briefing papers. The Branch is also organising of the 17th Australian and Pacific Regional Seminar of the CPA to be held at Parliament House in October 2007.

SPECIAL EVENTS AND PROJECTS

175th Anniversary of the first sitting of the Council

This year marks the 175th anniversary of the first sitting of the Legislative Council on 7 February 1832. To acknowledge this historic occasion, events include foyer displays, a Student Parliament focusing on the role of the Legislative Council and a dedicated webpage including a timeline of parliamentary history. A special booklet entitled *The Legislative Council Celebrates 175 years* was published and provided to Members and visitors to Parliament.

The Parliamentary Education Office, Parliamentary Library and Information Technology Department are involved with these projects as part of their usual excellent services to the Council.

Projects are also occurring under the auspices of the Parliamentary History Advisory Committee and the Australasian Study of Parliament Group (WA Chapter), which have particular relevance to the Anniversary. These include respectively, the Legislative Council Minutes project (being the transcription of the handwritten minutes of Legislative Council 1832 - 1870) and, on 7th June 2007, a discussion on *The Effectiveness of the Legislative Council in reviewing actions of the Executive*.

Historical assets

Aligned to the 175th Anniversary celebrations the Department has implemented a program to identify, acquire and restore historical assets. The first major achievement was the location of the first printed copy of the Standing Orders of the 1830s. Other historical items have been located and efforts made to obtain copies for our records including the restoration of the Coat of Arms that is located in the entry to the Council chamber. A replica Black Rod was produced

and is provided on loan to the Parliamentary Education Office for use on the public tours and regional Parliaments.

37th Presiding Officers and Clerks' Conference

The 37th Presiding Officers' and Clerks' Conference was held in the Assembly chamber from 4 July to 7 July 2006. The successful conference saw over 50 attendees from all Australian jurisdictions, New Zealand and the Pacific Island Nations. The agenda included discussion of a wide range of topics illustrative of matters that face Parliaments in modern times including governance, accountability, parliamentary privilege, the disclosure of pecuniary interests, political party systems and electoral matters.

ANZACATT⁷ Publication *Parliament Matters*

ANZACATT's principal publication is a half yearly bulletin, containing reports from each House on matters of procedural and administrative significance as well as comments on relevant legal cases and short articles on topical matters. The Department makes regular contributions on the activities of the Council. In addition the publication's current editor is the Clerk assisted by an editorial committee of WA Legislative Council staff. In this manner the Department contributes to the greater sharing of parliamentary knowledge.

8th ANZACATT Professional Development Seminar

The Western Australian Parliament hosted this annual professional development seminar for Australian and New Zealand parliamentary staff and guests in January 2007. The theme of the conference was "*Committees: Investigations, Privilege and related matters*". The successful conference hosted over 80 Australian and international delegates.

Distinguished Visitors to Parliament House received by the President

During the reporting period a number of delegations and distinguished visitors made calls to the Council and were received by the President, the Hon Nick Griffiths MLC. For a full list of visitors see Appendix 5.

DEPARTMENTAL REVIEW

New management provided an opportunity for the Department to review and refine its functions. In September 2006 and February 2007 team building and communication exercises were held as precursors to a wider functional review process.

In June 2007 independent external consultants were engaged to commence the functional review process. Their brief included providing the Department with:

- an independent and balanced review of the corporate goals and strategic objectives and how these relate to the current functions performed by the Department;
- a critical assessment of how the Department's functions can be best delivered within current and expected future budgetary and human resources limitations;
- a review of core business processes, corporate governance arrangements, corporate policies and systems;
- advice on structuring the Department to more effectively achieve the corporate goals and strategies; and

⁷ ANZACATT is the Australian and New Zealand Association of Clerks-at-the-Table.

- a report providing details for the justification and cost of any structural changes.

The first stage of the review is expected to provide recommendations to assist the Executive Management Team in determining:

- the effectiveness of core functions in achieving key corporate goals and strategic objectives;
- the efficiency and effectiveness of current management and staff structures in meeting corporate goals and strategies; and
- the degree to which the current core business processes, corporate governance arrangements, corporate policies and systems enable the efficient and effective delivery of service and reduce risk.

INTERDEPARTMENTAL CO-OPERATION

Council staff are actively involved in a number of interdepartmental committees that help to foster communication and co-operation which assist in the better functioning of the Parliament.

Management Executive Committee

The operations of Parliament House are managed by a Management Executive Committee (**MEC**) comprising:

- the President and Speaker;
- the Clerks of both Houses; and
- the Executive Manager, Parliamentary Services Department (**PSD**).

The MEC meets to discuss, plan for, authorise and implement major projects. The MEC determines 'whole of Parliament' policies and projects for implementation.

Heads of Department meetings

The Clerks of both Houses and the Executive Manager, PSD, regularly meet to discuss issues such as service delivery and matters to be placed before the MEC for consideration.

Joint Consultative Committee

The Council participates in the Joint Consultative Committee (**JCC**). The JCC is an employee/management forum to consider issues impacting on the workplace and performance and make recommendations to the MEC.

The current Chair of the JCC is the employee representative of the Council.

Risk Management Committee

The Risk Management Committee formulates guidelines and disaster recovery plans.

Records Management Committee

Established in February 2005, the Records Management Committee continues to address records management issues on a 'whole of Parliament' basis. See Chapter 6 *Information Management* for further detail.

Emergency Response Planning Committee

The Emergency Response Planning Committee (**ERP**) is responsible for developing and implementing a business continuity plan capable of coping with various extremes of emergencies. The ERP is chaired by Michel Crouche, Finance Manager, PSD with three other members being: Chris Hunt, Usher of the Black Rod, Council; Kirsten Robinson, Clerk Assistant (Procedure), Assembly; and Ken Craig, Security Manager, PSD. The ERP has met several times during the reporting period and is currently awaiting responses from various Chief Executive Officers of proposed alternative chamber venues as part of the business continuity plan development.

Classification Review Committee

The Classification Review Committee (**CRC**) provides a forum for the assessment and recommendation of classification levels and reclassification for positions within the three departments of the Parliament of Western Australia.

The primary aim of the classification process is to recommend to the relevant Head of Department and/or Presiding Officer appropriate rates of remuneration to various positions within the departments, to assist with employee satisfaction and retention, and to facilitate recruitment.

COMMITTEE OFFICE PREMISES

An important project requiring interdepartmental co-operation is the Committee Office relocation project.

The Department has been considering its requirements for additional space over the past four years and has considered many options. Since July 2006 the Department, together with PSD, has endeavoured to locate, secure and plan fit out for alternative committee office premises in conjunction with the Department of Housing and Works, and Treasury. See Chapter 5 for further detail on Committee Operations.

LOOKING AHEAD

Area	Initiative
175 th Anniversary of the First Sitting of the Council	The Council will plan events throughout the remainder of 2007 to celebrate the 175 th anniversary
17 th Australian and Pacific Regional Seminar of the Commonwealth Parliamentary Association	The Western Australian Parliament and CPA will host this regional seminar in October 2007

CHAPTER 3 PERFORMANCE

INTRODUCTION

The Department continues to review and assess its performance. KPIs were used to measure the extent to which the specific goals set by the Department had been achieved. The KPIs provide an overview of the critical or material aspects of outcome achievement or service provision pursuant to the *Financial Management Act 2006*. The Department's audited performance indicators are attached as Appendix 4.

PERFORMANCE INDICATORS

Performance information, illustrated by measurement of performance indicators, assists interested parties, such as government, Parliament and the community, to assess performance in achieving desired outcomes and obtaining value for public funds from services delivered. The Department recognises the value of performance information and utilises it to understand its own performance, facilitate strategic planning, enhance resource management and highlight areas for improvement.

However performance indicators are particularly difficult to measure in the parliamentary environment as the Department is a service based organisation that assists with facilitating the business of the House irrespective of political affiliations. It does not set work outputs for sitting days other than to ensure that the business of the House is managed efficiently.

The Department continues to work on expanding the assessment of its performance in relation to the services offered to electorate offices and other relevant organisations. A survey model is in development to assess these services and the Department's performance in their delivery.

Key Performance Indicators

In addition to the Legislative Council Members' Survey (refer to page 14), the Department developed KPIs based on significant documents critical to its timely operation. The KPIs were approved by Treasury on 8 February 2006. The key performance indicators of effectiveness are:

- average member rating for procedural advice - House;
- average member rating for procedural advice - Committees;
- average member rating for administrative support; and
- proportion of parliamentary documents produced and delivered within agreed timeframes established by the House.

Chamber Documents

Consultation with the Office of the Auditor General assisted the Department to develop KPIs based on parliamentary documents that directly influence the work outputs of the House. The documents selected to measure the Department's performance relate directly to the operation of the House on sitting days. Each document was selected for its relation to work outputs by staff, impact on services provided, and critical timeframes affecting the business of the House.

The documents comprise the Weekly Bulletin, Business Program, Draft Minutes and the Notice Paper.

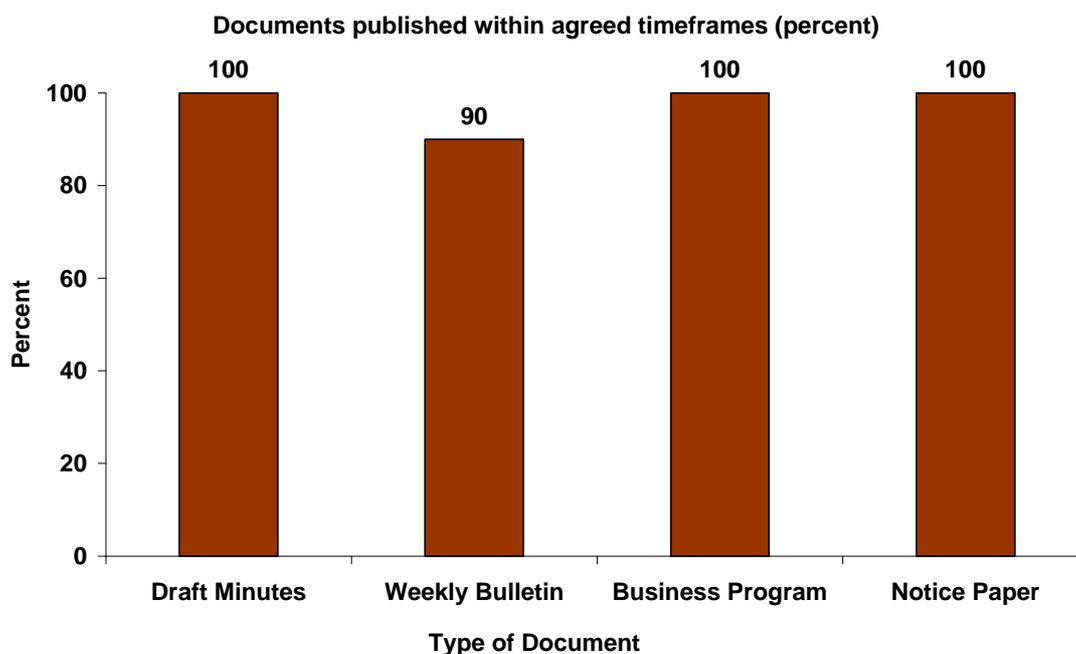
The Department collated statistics based on publication dates and times for each document type and tabulated the results. The statistics were assessed against agreed target timeframes to determine whether the publication goals had been achieved.

The agreed target timeframes for publication of each of the documents are as follows:

- Weekly Bulletin - 72 hours prior to the House sitting;
- Business Program - prior to the House sitting;
- Draft Minutes - 24 hours after the House rises; and
- Notice Paper - prior to the House sitting.

During the reporting period the Department produced 197 documents⁸ that are subject to measurement under KPIs. Outcomes are reported in Figure 3.1.

Figure 3.1



The objective of the Department is to meet agreed target timeframes for publication for 100 percent of the time. In instances where supporting documentation or data is unavailable, the Department takes the view that the timeframes are not met.

Members' Survey

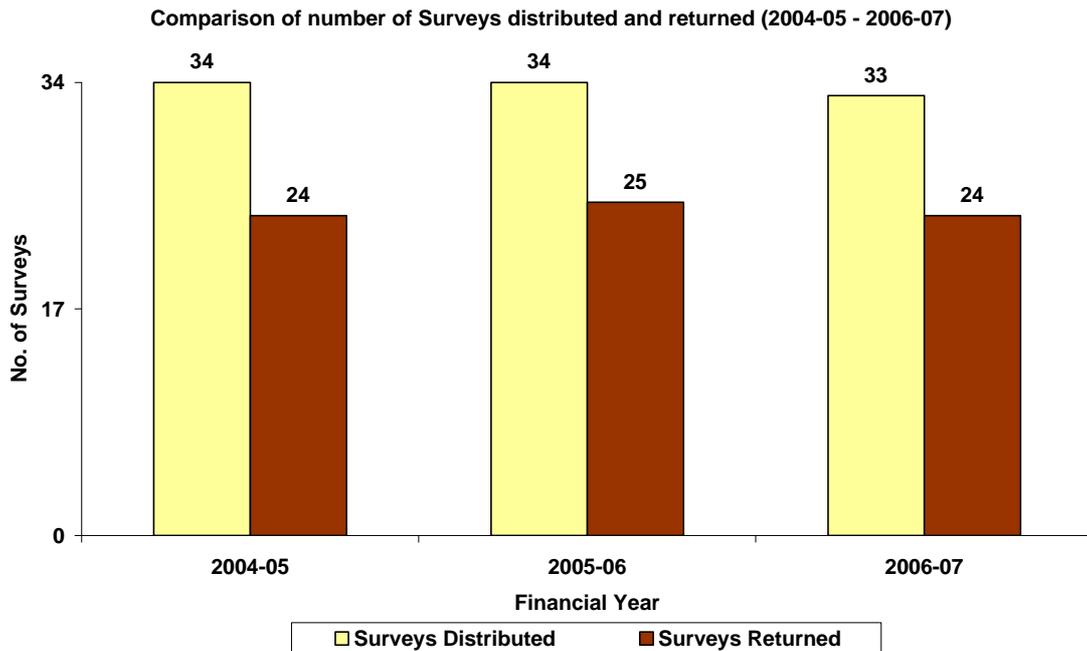
The Department provided 33⁹ Members of the Legislative Council with a Members' Survey relating to its provision of procedural advice and administrative services. For comparative purposes the survey model from previous years was used.

⁸ Some documents require the approval of the Office of the Leader of the House prior to publication. On two occasions this has delayed publication resulting in KPIs not being met. These instances were noted in the statistics produced and forwarded to the Office of the Auditor General.

Twenty-four of the 33 surveys, or 72.7 percent, were completed and returned to the Department for collation. The Office of the Auditor General has indicated that an appropriate result for a relatively small survey sample should see approximately 80 percent of surveys returned. However the Department is unable to influence the resulting return rate as the survey is conducted anonymously and voluntarily.

Figure 3.2 illustrates the trend in survey return rate from the 2004-05 financial year to present.

Figure 3.2



The results were compared to those for 2005 and 2006. The following comparisons indicate that the performance of the Department has remained relatively consistent.

Procedural advice

The Department set a goal of 85 percent for procedural advice. This figure has been exceeded for the past three financial years by achieving an overall rating from the Members of 90 percent for the House and 88 percent for the Committees.

Figure 3.3 represents the performance of the Department in relation to the provision of procedural advice to Members in the House.

⁹ On Tuesday, 26 June 2007 the President reported to the House that Hon Margaret Rowe had resigned due to ill health. The resignation reduced the membership of the Legislative Council to 33 until the swearing-in of Hon Brian Ellis on 19 July 2007.

Figure 3.3

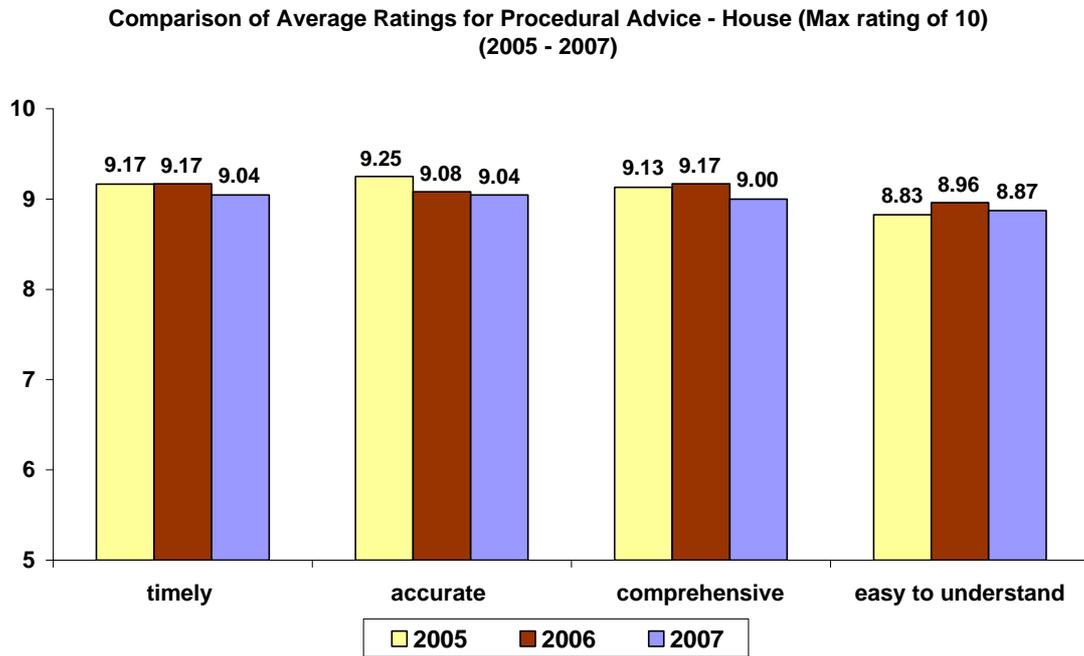
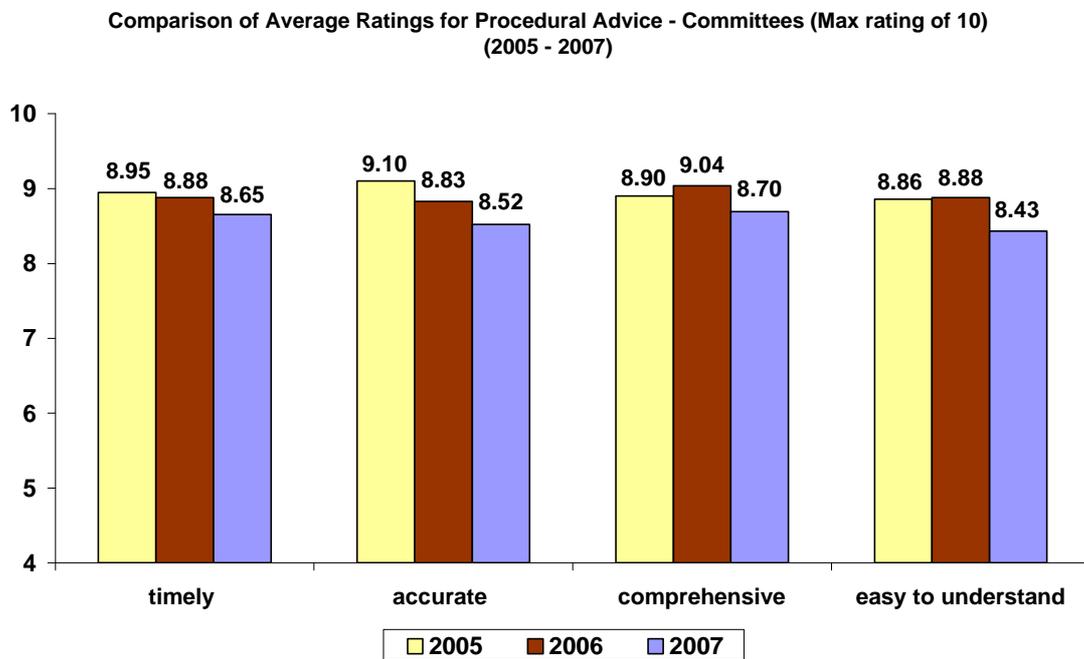


Figure 3.4 represents a comparison of the performance of the Department in relation to the provision of procedural advice to Members in Committees established by the House.

Figure 3.4

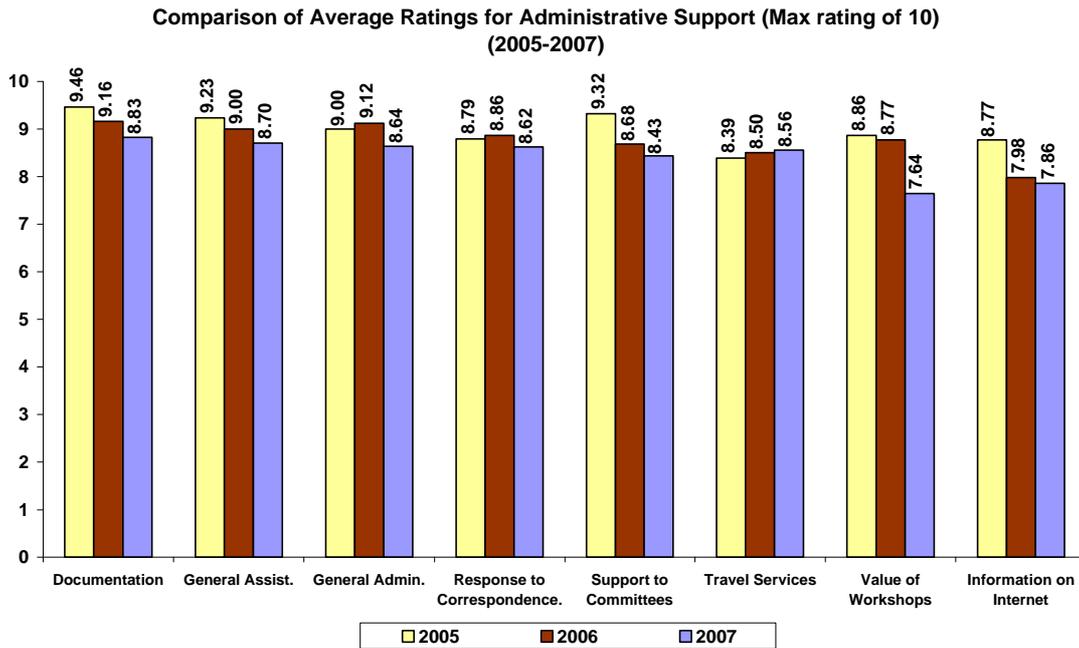


Administrative support

The Department set a goal of 85 percent for administrative support. An average rating by Members of 87.1 percent was achieved by the Department in relation to administrative support services provided over the past three financial years.

Figure 3.5 shows the Department’s performance in relation to the provision of administrative support.¹⁰

Figure 3.5



In addition the Department surveyed Members as to whether they would be interested in attending workshops on various subjects. Twelve respondents indicated interest. Although regular workshops have not been held, the Department commenced the publication of a series of *Legislative Council Members’ Briefing Notes* on matters of procedural or parliamentary interest.

LOOKING AHEAD

Area	Initiative
Survey	Refine and expand the survey process to include electorate officers and other stakeholders

¹⁰ In some cases Members declined to rate a particular service or rated it as zero with an explanation that they did not use the service. In these instances the Department excluded that rating from the sample.

CHAPTER 4 HOUSE OPERATIONS

INTRODUCTION

The House Division comprises the Procedure Office and the Legislation Group which provide the following services:

- chamber and Member support;
- document creation and record keeping;
- information and advice; and
- legislation processing.

The Procedure Office provides administrative support to the chamber during sittings of the House, and to the Department and Members during non-sitting periods. The Procedure Office also serves as a general inquiry centre.

The Legislation Group consists of the Table Officers and Usher of the Black Rod who are responsible for the procedural and administrative aspects of the legislative process in the Council. This includes advice on parliamentary law, procedure and practice, the approval for publication of proposed amendments, the communication of messages between the Houses, and preparing Bills for assent by the Governor.



The Council Chamber

HOUSE OPERATIONS

Sittings of the House

The House sat 59 days during the financial year.

The 2006 spring sittings commenced on 22 August 2006 and concluded on 7 December 2006. During the sittings, the House sat for 33 days with an average of 6 hours 12 minutes per day. The House sat for a total of 204 hours 24 minutes over eleven sitting weeks.

The autumn sittings commenced on 20 March 2007 and concluded on 28 June 2007. During the sittings, the House sat for 26 days with an average of 4 hours 59 minutes per day. The House sat for a total of 129 hours 31 minutes over nine sitting weeks.¹¹

Sitting patterns over the last five financial years are shown in figures 4.1, 4.2 and 4.3 below. Appendix 6 provides selected statistics.¹²

¹¹ These figures exclude a one day sitting in the Chamber on 21 June 2007 of the Standing Committee on Estimates and Financial Operations to consider the annual estimates of expenditure. This is not a sitting of the House.

Figure 4.1

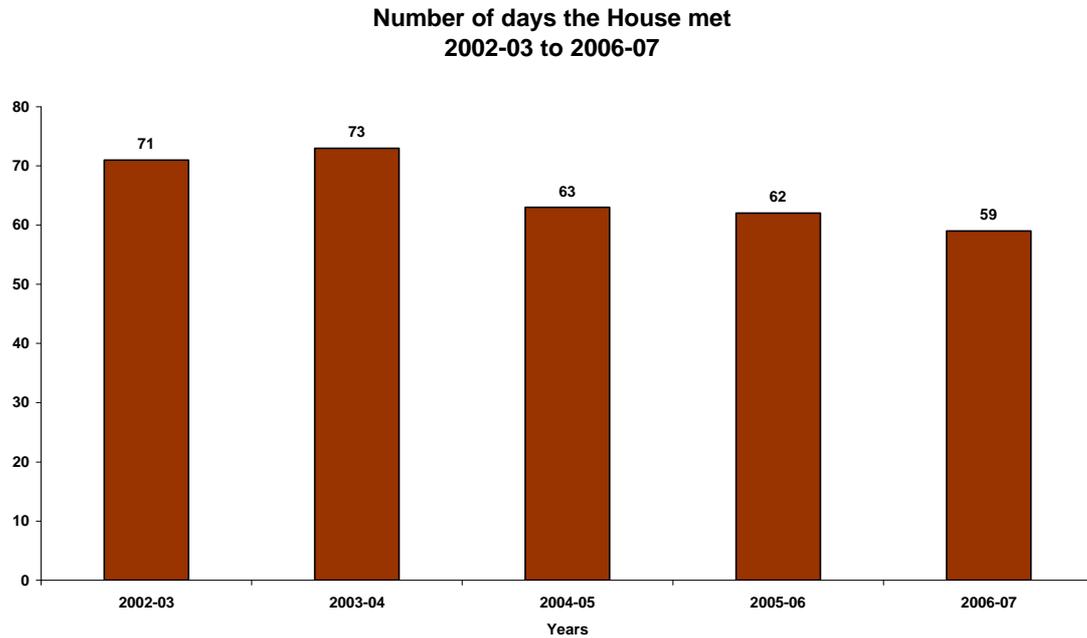
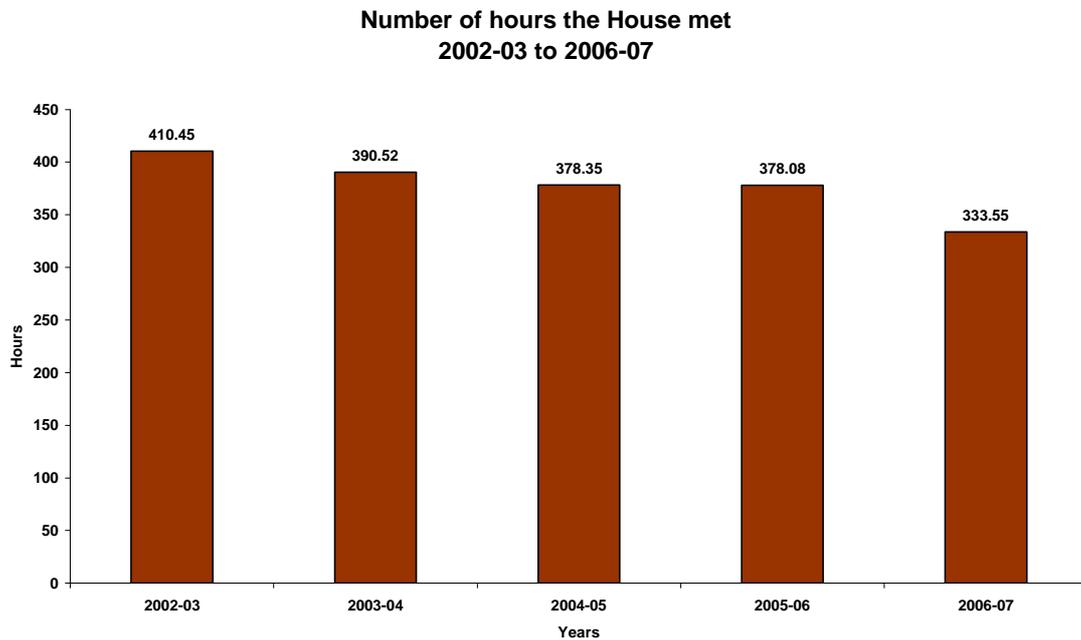
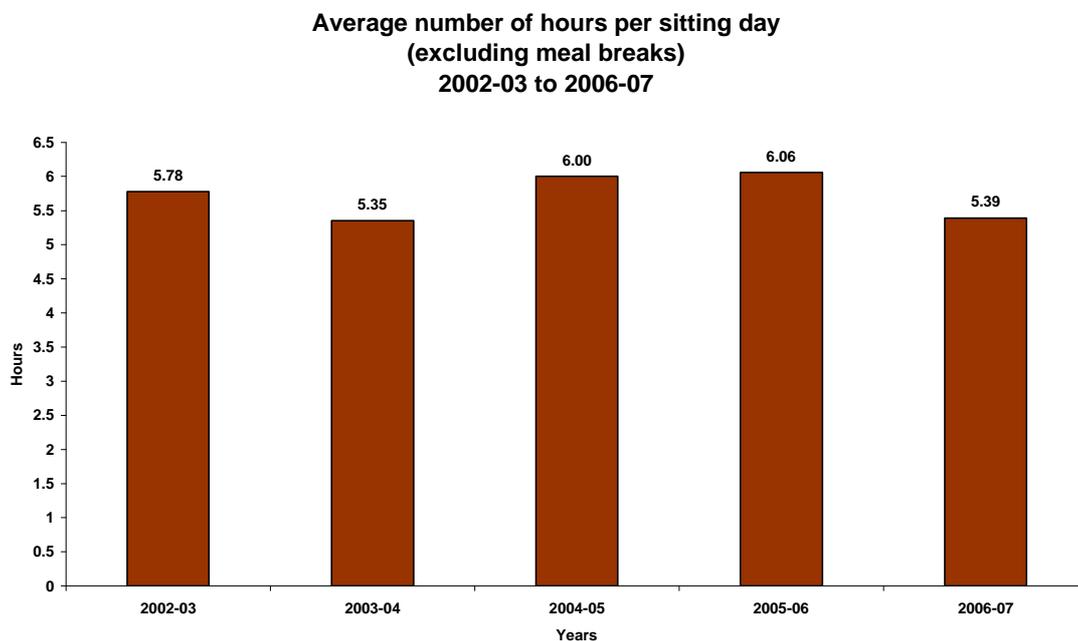


Figure 4.2



¹² Also see *Work of the Legislative Council Chamber 2006*. This publication contains statistical and procedural information on the operation of the House during the calendar year.

Figure 4.3

Practice and Procedure

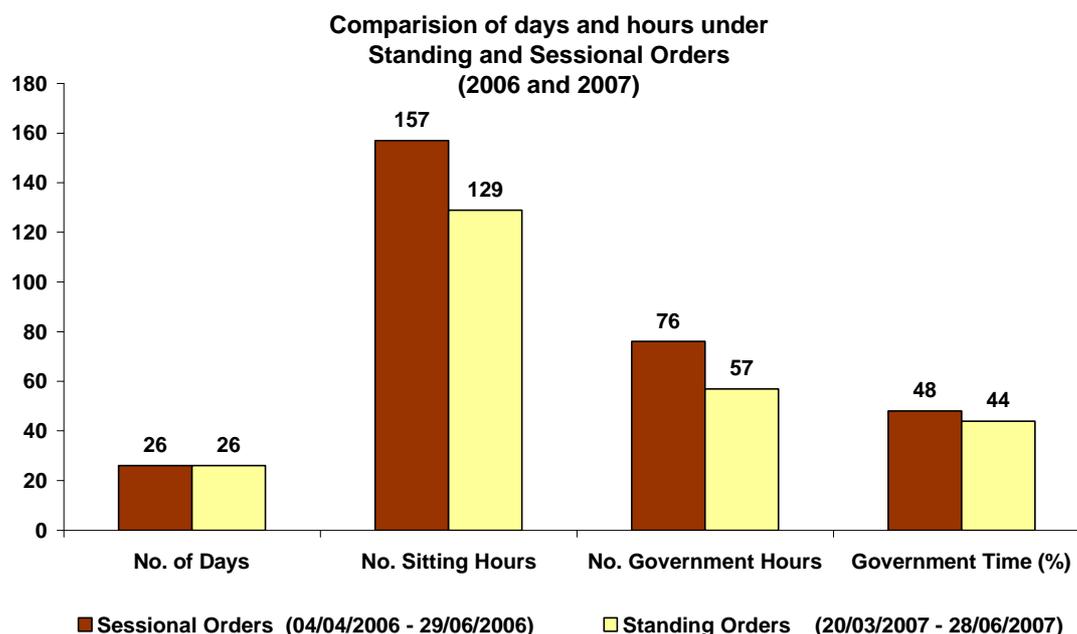
Sessional and Standing Orders

The 2006 Sessional Orders maintained the traditional three day weekly sitting pattern, which included two evening sittings on Tuesday and Wednesday, but altered the times of sitting so that the House commenced sittings earlier on a Tuesday (3:00pm instead of 3.30pm), Wednesday (2.00pm instead of 4.00pm) and Thursday (10.00am instead of 11.00am). Set times were scheduled for concluding business so that the House rose at 10.25pm at the latest on Tuesday and Wednesday and at 6.00pm on Thursday, unless the Sessional Order was suspended. The number of sitting weeks in the calendar year was increased when compared with the previous Sessional Orders to 22¹³, more closely resembling the number of sitting weeks scheduled when the House operated under Standing Orders.

At the start of autumn sittings in 2007 the Government did not extend the Sessional Order that expired on 31 December 2006 under clause 12. As a result, the House sat for 28 hours less for the same period.

Figure 4.4 illustrates the difference in the number of hours that the House sat under Standing and Sessional Orders for the autumn sitting periods in 2006 and 2007.

¹³ 2002 - 23 weeks; 2003 - 19 weeks; 2004 - 19 weeks; 2005 - 18 weeks; 2006 - 22 weeks.

Figure 4.4

The objects of the Sessional Orders since 2003 have been to provide:

- more time for Government business;
- a clear delineation between parliamentary work and electorate commitments; and
- more 'family friendly' hours whilst maintaining the previous total annual hours of sitting.

Sessional Orders allocated specified times for Government business, motions, non-official business (private Members' business) and consideration of ministerial statements and committee reports. Members' statements took the place of the traditional adjournment debate.

Sessional Orders have operated for 193 of the 374 sittings days since the Thirty-Sixth Parliament commenced on 1 May 2001.

Table 4.1 below shows the periods over which the Standing, Sessional and Temporary Orders have operated and the total number of hours and total time devoted to Government business.

Table 4.1

**Sitting hours under Standing Orders, Sessional Orders and Temporary Orders
2001 to 2007**

Session/Year	Period	Sitting Days	Sitting Hours	Govt. Hours (Approx)
1 st Session under Standing Orders (2001-02)	01/05/01 - 21/03/02	70	391	139
1 st Session and part 2 nd Session under Standing Orders (2002-03)	26/03/02 - 19/03/03	70	430	153
2 nd Session under Sessional Orders MKI (sittings 2003)	20/03/03 - 12/12/03	64	393	204
2 nd Session under Sessional Orders MKII (sittings 2004)	02/03/04 - 01/12/04	70	423	220
37th Parliament - 1st Session under Temporary Order	28/03/05 - 19/05/05	9	74	51
37th Parliament - 1st Session under Standing Orders	14/03/06 - 23/03/06	6	31	11
37th Parliament - 1st Session under Sessional Orders MKIV	04/04/06 - 07/12/06	59	362	204
37th Parliament - 1st Session under Standing Orders	20/03/07 - 28/06/07	26	129	57

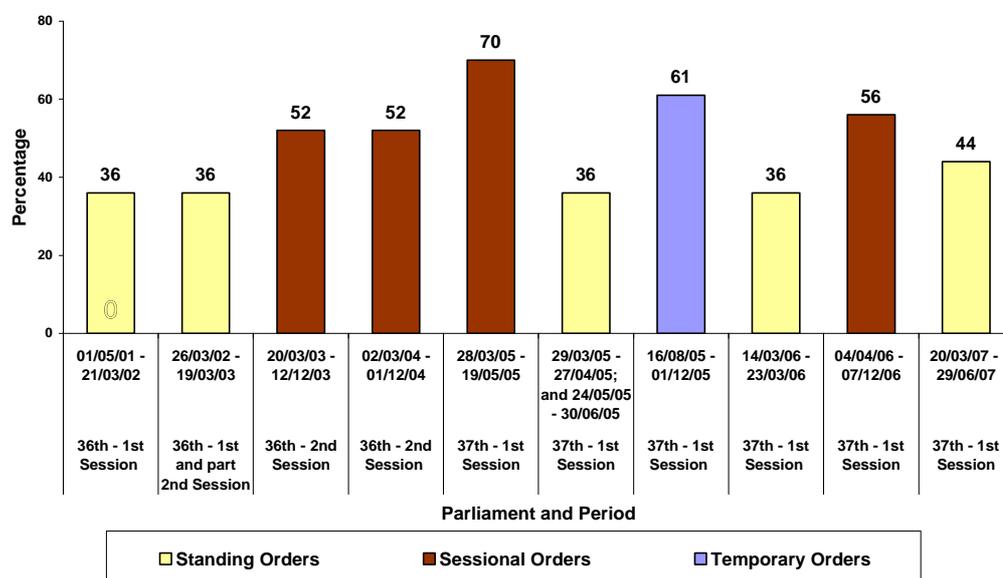
The Sessional Orders and the absence of an Address-in-Reply debate resulted in a significant increase in time devoted to Government business time.¹⁴ This is represented in Figure 4.5 below.

¹⁴

Under Sessional Orders, Government business time has been calculated as time other than that spent on motions on notice/urgency motions, disallowance motions, consideration of committee reports and ministerial statements, questions without notice, Members' Statements and non-official business. Not all non-official business time has been counted as during times allocated to members supporting the Government, the House has proceeded with Government business. Under Standing and Temporary Orders, Government business time has been calculated as time other than that spent on motions on notice/urgency motions, disallowance motions and the adjournment debate.

Figure 4.5

Government time as a proportion of total time 2001-07



Chamber publications

The House Division is responsible for the preparation and circulation of a number of chamber publications. Table 4.5 shows the publications issued in 2006-07:

Table 4.2

Chamber Publications 2006-07

Publication	Number
Weekly Bulletins	20
Business Programs	59
Notice Papers	59
Minutes of Proceedings	59
Tabled Papers Lists	58 ¹⁵
Supplementary Notice Papers (Amendments)	67
Questions Book (Questions on Notice)	59

¹⁵ On one occasion, no papers were tabled in the Legislative Council on a sitting day. This is the second instance in six years.

Outputs in key chamber processes over the last five financial years are shown in figures 4.6, 4.7 and 4.8 below:

Figure 4.6

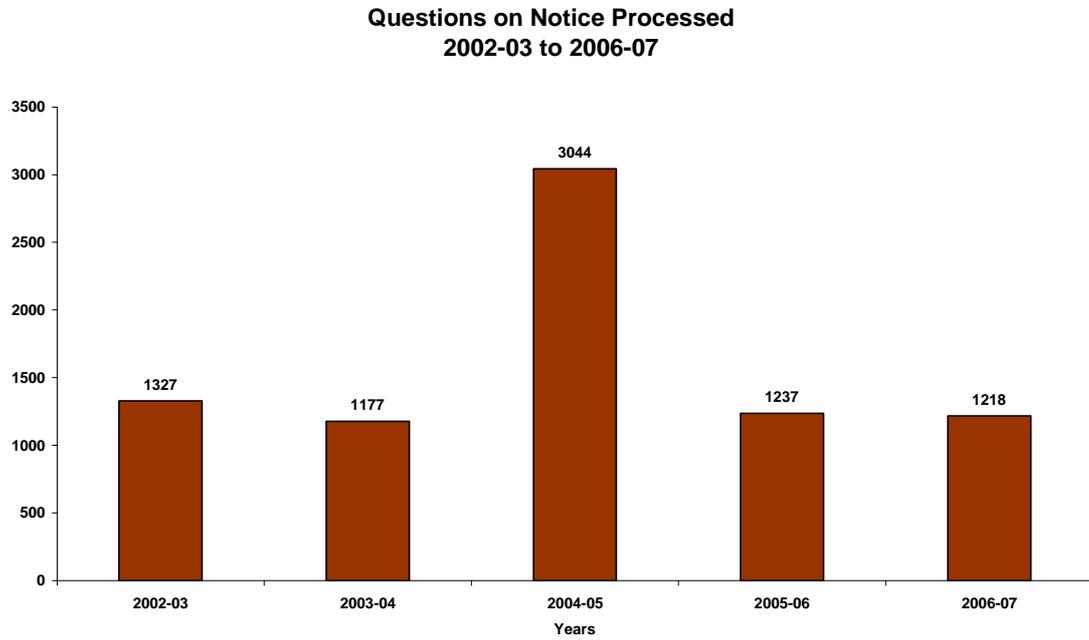


Figure 4.7

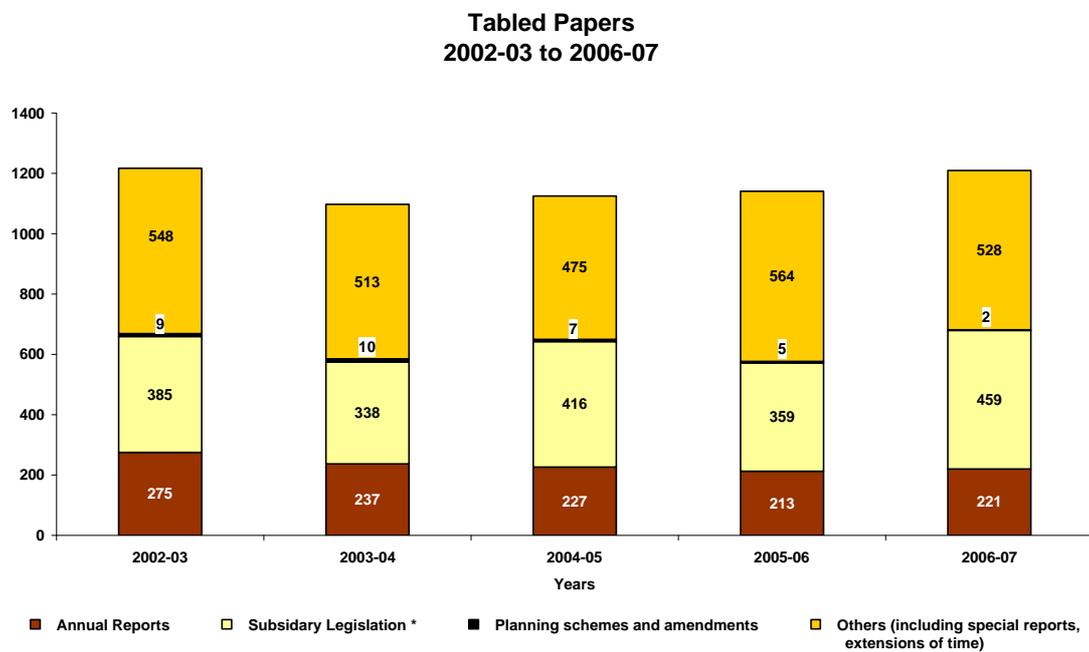
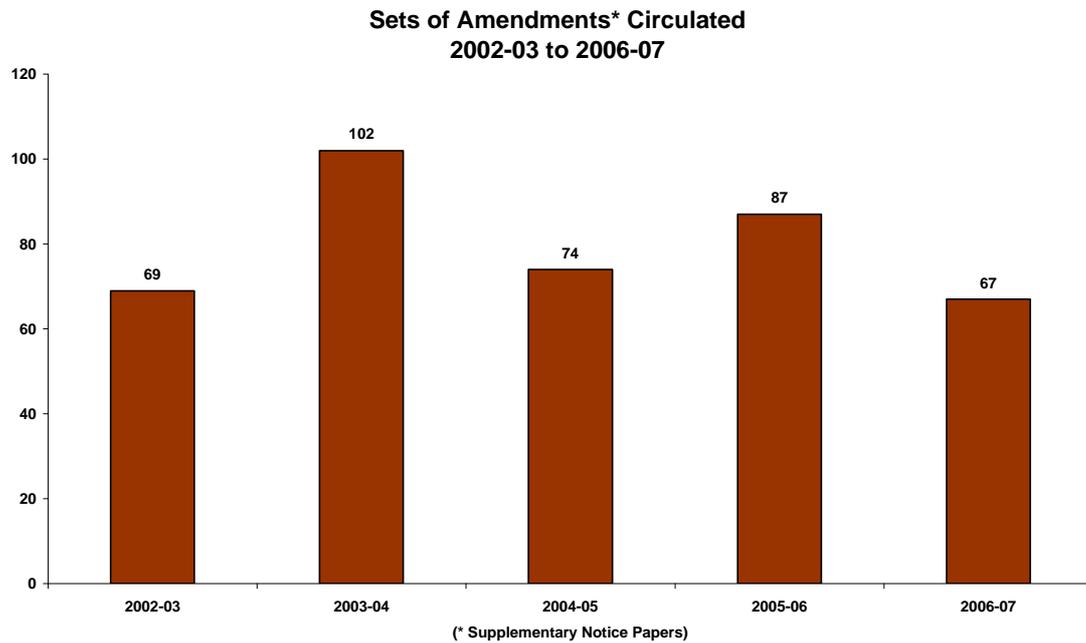


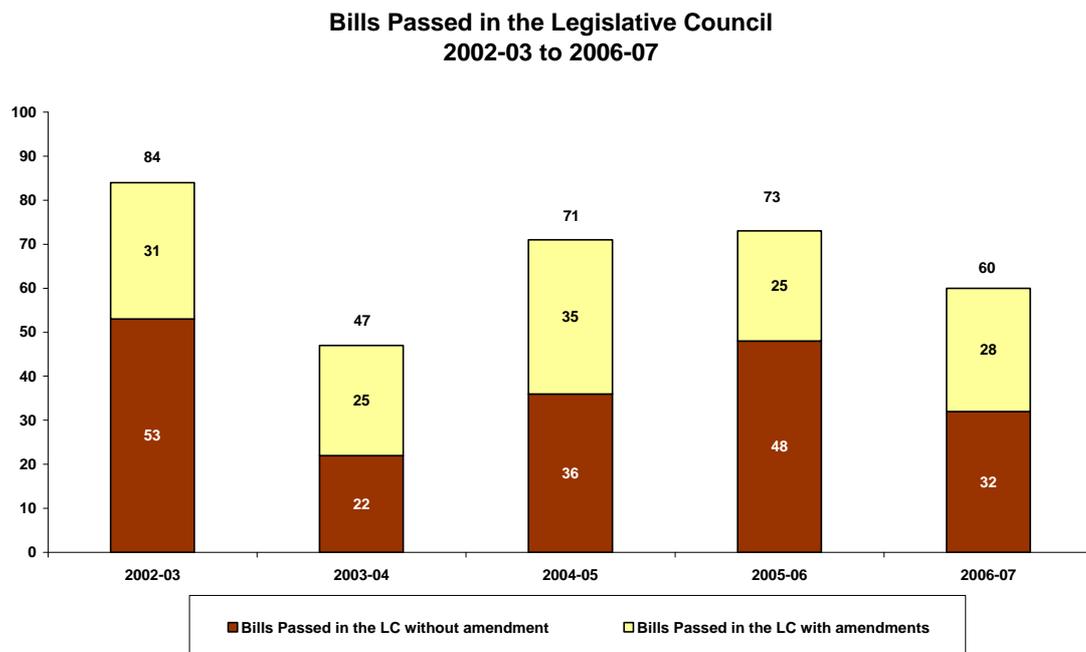
Figure 4.8



Bills passed and amended

During the reporting period the Council passed 60 Bills, 28 of which were amended by the Council. The high proportion of amendments reflects, in part, the absence of a Government majority in the chamber. Figure 4.9 shows the number of Bills passed in the Council during the last five financial years, together with the number that were amended.

Figure 4.9



Staffing

Staff Movements

The Procedure Office operated with four full time sessional Parliamentary Officers¹⁶, the Parliamentary Officer (Projects), the Usher of the Black Rod and the Clerk Assistant (House)¹⁷ during the reporting period. The increase in the level of staffing reduced the considerable pressure on the Procedure Office in the previous financial year to maintain its high standard of service to Members. This objective was achieved by the appointment of the Parliamentary Officer (Projects) in July of 2006 and the appointment of a full-time sessional Parliamentary Officer.

Staffing levels will have to be revised in the future with two additional Members being elected to the Legislative Council in 2009 as a consequence of electoral reforms brought about by the *Electoral Amendment and Repeal Act 2005*.

Workplace Team

Staff of the House Division are encouraged to take significant ownership in the process of reviewing and improving services via a formal Workplace Team process.

MAJOR INITIATIVES

Key Performance Indicators

The Department has devised and implemented KPIs based on the timeliness of the production of key documentation relating to the sittings of the House (see Chapter 3).

Standing Orders

During the 2006 summer recess the Procedure Office updated and reprinted the Standing Orders. There were 21 amendments to the standing orders since the last reprint in August 2002.

Historical assets

The Procedure Office implemented the acquisition of historical assets project. The first major achievement was the location of the first printed copy of the Standing Orders of the 1830s. A reproduced copy was presented to the President. Other historical items have been located and efforts made to obtain copies for our records.

Coat of Arms

During 2007 the Procedure Office, as part of the 175th celebration, sought advice from the Heritage Council on the restoration of the Coat of Arms that is located in the chamber entry. During the next financial year the next stage of the project will commence. It is hoped that the project will be completed to mark the 175th celebrations.

¹⁶ This is considered to be the minimum number required to maintain an appropriate level of service.

¹⁷ Sessional staff are those who are required to work during sittings of the House after 6:00pm pursuant to the *Parliamentary Employees General Agreement 2006*. The Usher of the Black Rod and the Clerk Assistant (House) were both appointed by the Governor in Executive Council and are also required to work during evening sittings.

Staff development

Training for Table of the House Duties

During 2006 a pilot program was instituted to provide training to staff selected via an expression of interest process. The object of the training is to provide a pool of staff with the procedural knowledge and skills to enable the more effective operation of the Chamber. Other benefits include the retention of valuable knowledge, employee retention via training opportunities and succession planning in this highly specialised area. Four employees are participating in this project.

Knowledge Retention

To ensure the retention of valuable knowledge and improve services, the Procedure Office developed or refined the following initiatives:

- **Operational manuals on chamber procedures:** refinement of the *Procedure Office Manual*.
- **Performance and professional development initiatives:** (see Chapter 7).
- **Operational manuals:** these are constantly under review.

Public awareness

- **Work of the Legislative Council 2006:** this publication contains statistical data and procedural matters of interest in relation to the operation of the Council in the 2006 calendar year.
- **Parliamentary Education Office Liaison:** the Chamber has been made available on a regular basis to the Parliamentary Education Office to enable role plays to be carried out on the floor of the House and to assist with educating the public on the role of the Council. Procedure Office staff assisted the Parliamentary Education Office with public tours. A replica Black Rod was produced and provided on loan to the Education Office for use on the public tours and regional parliaments.

LOOKING AHEAD

Area	Initiative
Members' development	<p><i>Procedural Briefings and Procedural Bulletins:</i> provision of procedural briefings to familiarise Members with practice and procedure. Continue publication of the procedural and parliamentary information series <i>Legislative Council Members' Briefings</i></p> <p>Publication of quarterly bulletins</p> <p><i>Members' Survey:</i> expansion of the survey, to include electorate officers and other stakeholders</p> <p><i>Chairman and Deputy Chairmen of Committee of the Whole Meetings:</i> regular meetings to improve the functioning of the committee stage</p>

Area	Initiative
Public Sector development	Further development of the Ministerial and Departmental Staff seminar series
Staff development and recruitment	<p><i>Updating operational manuals:</i> further refinement of internal operational manuals and precedents</p> <p><i>Part-time Parliamentary Officers:</i> recruit additional part-time Parliamentary Officers to assist in the chamber on sitting days</p>
Public awareness	<p>To promote the work of the House and its Committees</p> <p><i>Parliamentary Education Office Liaison:</i> continue to increase awareness of the roles of the Council and its committees</p>
Office and chamber accommodation	<i>Refurbishment of chamber and Procedure Office:</i> accommodation of additional staff, and two new Members in 2009
Historical assets	Continue with restoration and acquisition of historical assets

CHAPTER 5 COMMITTEE OPERATIONS

INTRODUCTION

The Committee Division comprises the Committee Office which is responsible for the provision of accurate and timely professional advice, research services and administrative support to Council committees and certain joint committees. The Committee Office staff facilitate the collection of evidence and research material, organise committee travel, and analyse and compile information for the production and publication of reports.

PARLIAMENTARY COMMITTEES

As at 30 June 2007, the standing committees administered by the Council were:¹⁸

- Environment and Public Affairs Committee (established 17 August 2005);
- Estimates and Financial Operations Committee (established 30 June 2005);
- Legislation Committee (established 17 August 2005);
- Procedure and Privileges Committee (established 24 May 2001);¹⁹
- Public Administration Committee (established 17 August 2005);
- Uniform Legislation and Statutes Review Committee (established 17 August 2005); and
- Joint Standing Committee on Delegated Legislation (established 28 June 2001).

Each year standing committees report an overview of their activities. All reports can be viewed on the Parliament Internet site: www.parliament.wa.gov.au.

During the reporting period the Committee Office supported the following select committees:

- Adequacy of Foster Care Assessment Procedures by the Department for Community Development Select Committee (established 21 September 2005 and reported on 24 August 2006);
- Public Obstetric Services Select Committee (established 24 May 2006);
- Department of Education and Training Select Committee (established on 15 November 2006 and reported on 7 December 2006); and
- Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations (established 21 March 2007).

¹⁸ Note that the Parliamentary Services Committee is not included in any statistical material as it is not supported by the Committee Office.

¹⁹ Table Officers provide research assistance to this committee, while the Committee Office assists with administrative support as required. The Procedure and Privileges Committee is included for statistical purposes, although, due to the ad hoc nature of its work, it does tend to have a negative impact on averages.

COMMITTEE OPERATIONS

Inquiries and Reports

Standing Committees tabled 34 reports during the reporting period. Sixteen of these reports dealt with legislation or delegated legislation and six were annual reports.

Standing Committees

The Environment and Public Affairs Committee continued its review of all petitions and tabled five reports, including one on a petition in relation to a proposed marina at Point Peron. The Committee also reported on the changes to local government elections contained in the Local Government Amendment Bill (No. 2) 2006.

The Estimates and Financial Operations continued its practice, established in the previous year, of holding ongoing hearings in relation to the Budget estimates throughout the year. This is in addition to a single, intensive, day of hearings shortly after the Budget papers are tabled in the Council. In March 2007 the Committee reported to the Council by way of a special report that an unauthorised disclosure of confidential Committee deliberations may have occurred. This matter is currently under inquiry by a Select Committee of Privilege.

The Legislation Committee reported on eight bills, including: the Criminal Investigation Bill 2005, Criminal Investigation (Consequential Provisions) Bill 2005 and the Criminal and Found Property Disposal Bill 2005; the Parental Support and Responsibility Bill 2005; the Biosecurity and Agriculture Management Bill 2006, Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006 and the Biosecurity and Agriculture Management Rates and Charges Bill 2006; and the Trans-Tasman Mutual Recognition (Western Australia) Bill 2005. The House has also referred the Criminal Law and Evidence Amendment Bill 2006 and a statutory review of the jurisdiction and operation of the State Administrative Tribunal to the Legislation Committee for report.

The Procedure and Privileges Committee tabled two reports, both relating to matters arising out of the activities of the Commission²⁰

The Public Administration Committee reported on its inquiry into the Management of Deliberate Self Harm in Young People; on a matter arising from its Annual Report with respect to the Management of Asbestos Containing Materials in Western Australian Schools; and the Water Resources Legislation Amendment Bill 2006. The Committee continued its inquiry into the Governance of Western Australia's Water Resources.

The Uniform Legislation and Statutes Review Committee tabled seven reports, including reports on four bills referred to it through its intergovernmental agreement and uniform legislation term of reference. The Committee reported on a self-initiated inquiry into the administrative practices and procedures and parliamentary processes involving treaties entered into, or proposed to be entered into, by the Commonwealth Government. The Committee is continuing its inquiries into the Statutes (Repeals and Minor Amendments) Bill 2006 and the Purpose and Process of Statutes Repeals and Minor Amendments Bills.

²⁰ Report 11, *Referral of Tabled Paper 2380 - Request by the Corruption and Crime Commission for Access to and Use of Parliamentary Proceedings*; Report 12, *A Request for Power to confer with a Select Committee*.

Table 5.1**Committee Reports 2006-07²¹**

Reports	DG	EF	EV	LS	PC	PP	US	Total	Avg
No of reports tabled	6	5	5	5	4	2	7	34	5
No of pages of reports tabled	138	123	190	560	303	12	405	1731	247
No of copies of tabled reports printed	325	304	355	356	195	94	305	1934	276
No of copies of tabled reports distributed	291	304	325	339	172	94	272	1797	257
No of Minority Reports tabled	0	0	0	0	0	0	0	0	0

Joint Standing Committee and Select Committees

The Committee Office supported the Joint Standing Committee on Delegated Legislation which continued its task of reviewing all regulations and local laws. The Committee tabled six reports - including one on issues of concern with respect to local laws. This report formed the basis of ongoing discussions for the Local Laws Working Group.²²

The Adequacy of Foster Care and Assessment Procedures by the Department for Community Development Select Committee reported in August 2006.

The Public Obstetric Services Select Committee continued its inquiry and is due to report in August 2007.

The Department of Education and Training Select Committee reported in December 2006.

The Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations is due to report in August 2007.

Procedural matters and other advice*Procedural Rulings by the President*

Committees are taking increasing advantage of the process provided for in SO 327 to seek a President's Ruling.²³ As rulings may relate to a committee's internal process or matters under deliberation they may be private to that committee. However where rulings have a generic application to other committees they are crafted in such a manner as to enable wider publication.

The President provided three procedural rulings to committees pursuant to SO 327. They included rulings on the ability of a committee to refer a petition to another committee; the

²¹ See page 95 for a key to the committee abbreviations used.

²² The Local Laws Working Group includes Members and staff of the Joint Standing Committee on Delegated Legislation, peak local government groups and the Department.

²³ SO 327 provides "The President may give procedural rulings if requested by writing signed by the Chairman."

application of SO 312(1)(d) (absence from three consecutive committee meetings by a Member without prior leave) and matters within the scope of a committee's terms of reference.

Procedure and Privileges Committee

Procedure and Privileges Committee Report 8 was debated on 20 September 2006. A number of amendments resulted to the Standing Orders which impact on the work of committees. In particular, the following changes were introduced:

- new SO 230B prohibits standing committees from inquiring into the policy of a bill unless such inquiry is ordered by the House;
- new SO 325 requires that the commencement of an own motion inquiry by a standing committee is to be notified to the House within 2 sitting days;
- SO 3 was amended to allow the following alternate titles to be used for the title 'Chairman' - 'Chairwoman', 'Chairperson', or 'Chair';
- SO 153 was amended to avoid the automatic disallowance of subsidiary legislation that is subject to a notice of motion of disallowance upon the prorogation of the Parliament;
- SO 230A was amended to clarify the process and timelines for the referral of uniform legislation to the Uniform Legislation and Statutes Review Committee; and
- the House authorised committees to allow members of the public attending committee proceedings to take notes.

Estimates and Financial Operations Committee

On Wednesday, 20 June 2007, a special adjournment of the House was successfully moved to enable the House to stand adjourned so that the annual budget estimates hearings could be held on Thursday, 21 June 2007.

On 8 May 2007 the House granted leave to enable the Estimates and Financial Operations Committee to conduct its regular meetings on a sitting Monday rather than on a sitting Wednesday (as is required under SO 302B).

Committee travel

In February 2007 the Public Obstetric Services Select Committee travelled to New South Wales and New Zealand as part of its inquiry. The Committee travelled to the South West of the State in November 2006.

The Estimates and Financial Operations Committee travelled to two conferences, and the Environment and Public Affairs Committee and Public Administration Committee travelled to one conference each. Another conference was attended by a staff member representing the Estimates and Financial Operations Committee.²⁴

Committee travel expenditure in 2006-07 was \$72,727.

²⁴ See Appendix 7 for statistics regarding committee travel.

Table 5.2**Travel Expenditure 2006-07**

	Intrastate	Interstate	International	Total
DG	\$0	\$0	\$0	\$0
EF	\$0	\$9,383	\$10,863	\$20,245
EV	\$0	\$4,427	\$0	\$4,427
LS	\$0	\$0	\$0	\$0
PC	\$0	\$0	\$11,418	\$11,418
PP	\$0	\$0	\$0	\$0
US	\$0	\$0	\$0	\$0
Select Committees	\$3,628	\$0	\$33,008	\$36,636
Total	\$3,628	\$13,810	\$55,289	\$72,727

Membership

On 20 March 2007 Hon Shelley Archer resigned from her membership of both the Estimates and Financial Operations Committee and the Joint Standing Committee on Delegated Legislation. The resulting vacancy on the Estimates and Financial Operations Committee was subsequently filled by Hon Sheila Mills, while the resulting vacancy on the Joint Standing Committee on Delegated Legislation was subsequently filled by Hon Ken Travers.

On 28 June 2007 the House resolved that:

- Hon Helen Morton replace Hon Nigel Hallett on the Standing Committee on Estimates and Financial Operations; and.
- Hon Nigel Hallett replace Hon Helen Morton on the Standing Committee on Public Administration.

During the reporting period Members were appointed to two new select committees. Members also continued their membership of two select committees established in the previous reporting period. This results in most members being members of more than one committee with a corresponding effect on workload and time available for other committee inquiries and inquiry related travel.

Staffing

The Committee Office ended the financial year with 16.3 FTEs comprising 19 staff. See Chapter 7 for details of flexible work practices.

In June 2007 Paul Grant, previously Advisory Officer (Legal), was appointed Clerk Assistant (Committees).

Due to a lack of office accommodation no articulated clerks were appointed this financial year.

Committee staff involvement in wider parliamentary matters

Committee staff have been given the opportunity to participate in a number of wider parliamentary matters through committee membership including: 175th Anniversary Steering Committee; ANZACATT²⁵ 2007 Conference (WA Parliament Steering Committee); ANZACATT 2007 Conference (WA Parliament organising sub-committee); Joint Consultative

²⁵ ANZACATT is the Australian and New Zealand Association of Clerks At The Table.

Committee; Committee to Assist the Clerk as Bulletin Editor of *Parliament Matters* ANZACATT Publication; Records Management Committee; and the Risk Management Committee.

Meeting venues and office accommodation

As has been noted in previous Annual Reports, the Committee Office has inadequate accommodation:

- there are insufficient meeting rooms to accommodate all meetings on a sitting Wednesday. Committees are being required to curtail meetings to enable the next committee to commence proceedings. On occasion, committees have to meet at Parliament House. This problem was particularly serious in 2006-07 due to the need to accommodate four select committees;
- there is not enough desk space to accommodate staff.
- the kitchenette facilities are too small to cope with the catering required for committee working lunches;
- a staff room is required; and
- the work room (photocopy) facilities are overcrowded.

Table 5.3

Committee Meetings 2006-07

Key Items	DG	EF	EV	LS	PC	PP	US	Total	Avg
No of meetings	24	28	29	39	25	11	21	177	25
No of hours of meetings	34	65	63	82	44	9	26.58	324	46

As a result of the above concerns with the current accommodation for the Committee Office, the Department began a process of assessing options for alternative accommodation in the vicinity of Parliament House. Preliminary plans were drawn up and funds sought to secure and fit out new premises. In addition to more appropriately configured meeting rooms for hearings, the plans included meeting rooms suitable for 'deliberative' meetings.

The Department, together with PSD, have endeavoured to locate, secure and plan fit out for alternative committee office premises in conjunction with the Department of Housing and Works and Treasury. The preliminary stage of the project is nearing completion.

MAJOR INITIATIVES

Committee Members' Development

The Chairman of Committees and the chairs of all of the standing committees serviced by the Department received a briefing in June 2007 on accommodation proposals for the Committee Office. This meeting is anticipated to be the first of regular *Committee Chairs' Forums* hosted by the Committee Office in conjunction with the Chairman of Committees, with the aim of improving the operations of committees.

A number of short briefing papers on matters relevant to the work of committees and the Parliament generally were prepared and distributed to all Members.

Staff development

The Committee Office, as a team, updates all operational manuals on an ad hoc basis - usually over major sitting breaks. Development of a formal Style Guide continued.

Three new team members were inducted over the reporting period, and experienced staff played a major role in their support. The Committee Office ran Standing Order Seminars and Professional Development Seminars on topics relevant to the work of the office.

A large number of staff attended the ANZACATT conference held in Perth in January 2007. Several staff presented papers and seminars at the conference.

Staff attended a number of intrastate and interstate seminars and conferences for professional development purposes.²⁶

Committee Office staff also joined with other staff of the Department in a day and a half of team-building workshops spread over two sessions (in September and December 2006) conducted by Australian Corporate Challenge.

LOOKING AHEAD

Area	Initiative
Committee Members' Development	<p><i>Committee Members' Guide</i>: publication of a formal Committee Members' Guide on general practice and procedure</p> <p><i>Committee Chairs' Forums</i>: in conjunction with the Chairman of Committees, the hosting of regular forums to improve operations</p> <p><i>Members' Briefings</i>: provision of ongoing briefings, as referred to in the Cash Report. Continue publishing the procedural and parliamentary information series <i>Legislative Council Members' Briefings</i></p>
Public Sector development	<p><i>Public Sector Seminar Program</i>: further development of the program to increase awareness of the roles and function of the Council and its committees</p> <p><i>Government Rules for Public Sector Employees</i>: liaison with the Ministry of Premier and Cabinet to update its guidelines in relation to public sector liaison with the Parliament and its committees</p>

²⁶

See Chapter 7 for details regarding professional development.

Area	Initiative
Staff development	<p><i>Consultants and secondments:</i> investigation of the use of specialist and consultant contract advisers, including public sector secondments</p> <p><i>Team Building:</i> fostering working relationships and communication within the Committee Office and throughout the Department</p>
Public awareness	To promote the work of the House and its Committees
Parliamentary Officers	Continue to foster links with the Office of the Auditor General, the Ombudsman and other Parliamentary Officers
Meeting venues and office accommodation	<i>Additional accommodation:</i> continuation of project for alternate committee office premises
Style Guide	Publication of a formal style guide for committee documents

CHAPTER 6 INFORMATION MANAGEMENT

INTRODUCTION

The Council works in conjunction with other departments and units of the Parliament in relation to information technology (IT) and records management.

INFORMATION TECHNOLOGY

Upgrades

During the reporting period:

- a colour photocopier was purchased for some in-house production, which also provides a software program called Paperport enabling all staff to scan documents and save them either as a Word document or PDF;
- tablet computers were purchased for use at the Table of the House;
- the ConnX system was upgraded; and
- the parliamentary questions database was redesigned to provide a more user-friendly streamlined system.

Website statistics

Statistics relating to the number of visits that the Parliament of Western Australia web-site received is represented in Appendix 8. The top ten most viewed pages and downloads are also represented.

Other changes

- a plan was developed to turn the Legislative Council Library into a work area for two FTE's, each requiring a personal computer, with work to begin in the winter recess;
- the IT Department changed the way in which both Houses link to 2nd Reading Speeches in the Bills database, initially from 1 May 2007, and planned to later re-link all 2007 Bills during the Winter Recess using the new method;
- as part of the 175th Anniversary of the Legislative Council program a Timeline project was developed and a basic version placed on the Parliament Internet site; and
- a captioning system identifying parliamentary debates for display on all parliamentary monitors was trialled.

RECORDS MANAGEMENT

Current status

Development on the Records Keeping Plan has begun, as required by the *State Records Act 2000*, and is to be completed and submitted to the President by November 2007. Temporary resources have been employed in order to undertake the project. The Department has been working closely with staff from the State Records Office and acknowledge their assistance over the reporting period.

The Department has not been able to address the obsolete and inadequate electronic file management system. The system was developed in 1996 and is no longer supported as the company that provided the system no longer exists. This system is critical to the Department's operations and must be addressed. A recommendation has been made to the Heads of the Departments of Parliament for an Electronic Document Records Management System (**EDRMS**) to replace the system. A budget submission was made to Treasury for funding the project, however this was not approved.

As the integrity of the Department's records and knowledge systems are pivotal to its operations, where possible the Department has endeavoured to progress this project on its own within current resources. During 2007 the Department reviewed and planned staged implementation of across-Parliament filing conventions, in preparation for installation of the EDRMS including completion of a proposed AAA thesaurus. This is for a pilot project commenced in the Clerk's Office with a view to deploying the project to other Divisions.

Archives continue to be stored offsite, but no longer by AusDoc Information Management (AIM) as they were taken over by Recall Information Management. Recall Information Management can now enable Internet access to Legislative Council archives via ReQuest Web.

Records Management Committee

The Parliament appointed a Parliamentary Records Management Committee in February 2005 in order to address records management from a 'whole of Parliament' approach. A report was presented in October 2006.

LOOKING AHEAD

Area	Initiative
Legislative Council Library	Replace as a work area for two FTE's
175 th Anniversary of the Legislative Council Timeline project	Further material to be continually added
Captioning system for webcasting proceedings of the House	To be reviewed
2007 Records Keeping Plan	To be finalised and presented to the President
Records Management	To continue the Records Management Committee's work and endeavour to implement a Keyword AAA Thesaurus and EDRMS
Implement a new file management system	As a temporary solution for the old file management system, IT will migrate the data into a Lotus Notes Database until a proper EDRMS is implemented

CHAPTER 7 HUMAN RESOURCES

INTRODUCTION

The Department is a knowledge based organisation whose greatest asset is its staff. The Department assists staff to develop high professional standards through training and mentoring. The key to the Departments' success is the commitment demonstrated by its staff, which leads not only to better outcomes, but also to a workplace that exhibits a desire to continuously improve and perform at a high standard. This is dependent on maintaining and developing a workplace culture that embraces the Department's values.²⁷

The Human Resources Unit of PSD offers support and advice in areas including recruitment, induction, training, flexible work practices and performance development and review. See Appendix 9 for statistics in relation to staff of the Department.

DEPARTMENTAL STAFF

As at 30 June 2007 the Department consisted of 28.7 FTEs, an increase of two FTEs from 2005-06. This was due to three vacancies being filled in the 2005-06 financial year.

FLEXIBLE PRACTICES

The Department supports flexible work practices where they can be accommodated. During the reporting period the Council committed to further home based work, part time employment and flexible hours. The Department uses electronic tools to facilitate work outside of the office.

Performance Development and Review, and Training Needs Analysis

The Department conducts voluntary staff performance and development reviews with the object of identifying goals, training needs and obtaining feedback for improving services. Reviews occur on six-monthly and annual bases. This process demonstrates our commitment to ensuring our staff are well skilled to perform their roles.

PROFESSIONAL DEVELOPMENT

In the unique parliamentary environment training is a high priority. Despite its limited budget, the Department has increased its involvement in professional development this period while at the same time maintained support for the House and its Committees. Major initiatives included:

- **Australian Corporate Challenge:** During the reporting period the Department provided staff with customised team building and communication skills, held on Wednesday 6 September 2006. The aim was to introduce key aspects of the Legislative Council's *Vision for the Future*, to emphasise the importance of being the best at what we do, teamwork, good communication and respect for each other, establishing a culture with a collegiate spirit and enjoying our work at the Council. On Wednesday 21 February 2007 a follow up session was undertaken to briefly review "What we do well"; consider strategies to address Communication (one of the key

²⁷ Refer to Chapter 2 for a discussion of the Department's Mission and Values.

concerns of “What we don’t well” that arose from the previous Team Building); look at our work/life balance; and review other concerns raised in the “What we don’t do well”. The team building exercises were precursors to the functional review process discussed in Chapter 2.

- **Interdepartmental liaison:** Regular meetings were held between the Committee Office and the Procedure Office and other parliamentary departments.
- **Committee Office seminar series:** There are limited external training providers in parliamentary practice and law. The Committee Office has developed and operates an in-house seminar program for staff with two main streams: *Standing Orders*, and *Professional Development*. Committee Office staff prepare and present the sessions and invitations are extended to other parliamentary staff.
- **Conferences and courses:** Staff attend seminars conducted by the Institute of Public Administration Australia, Law Society, Australian Institute of Administrative Law, ANZACATT and the Australasian Study of Parliament Group as the opportunity arises. Committee staff attend conferences relevant to a committee’s practice area. Clerks attend conferences held by the Presiding Officers and Clerks’ Association, and the Society of Clerks-at-the-Table.
- **Information about the House.** In previous years a short report was published to staff on matters of relevance to each committee at the end of each sitting day. A review of circulation lists has resulted in links between the House and the Committee Office being facilitated in a different manner. In addition to the direct live feed access of Chamber proceedings to the desk tops of all staff, each evening Chamber staff electronically circulate information to Committee staff on the House’s proceedings and resolutions.

Work experience and Articled Law Clerk program

The Department supports Articled Law Clerks and work experience students. The experience is mutually beneficial as it:

- provides a generalist or legal research resource for the Department;
- increases community knowledge of the operation of the Council and its committees; and
- creates a future pool of applicants for the Department.

LOOKING AHEAD

Area	Initiative
Professional development and team work training	Further progress on the professional development and team work training
Secondments	To further secondment opportunities with other Parliaments and the public sector
Performance development and review	Reviewing the process and continuing six-monthly and annual reviews of staff performance and feedback

Area	Initiative
Training opportunities	<i>Training needs analysis:</i> continuing use of the training needs analysis process <i>Table duties at the House:</i> training of selected officers in Table duties
Work experience	To implement a work experience program for students in the House Division
Courses and conferences	The involvement of staff in external seminars and other activities including those conducted by ANZACATT

CHAPTER 8 FINANCIAL REPORT

INTRODUCTION

The Clerk is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing financial statements, and complying with the *Financial Management Act 2006*.

The financial statements consist of the Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Summary of Consolidated Account Appropriations and Income and Estimates, and the Notes to the Financial Statements. Also included are the *Performance Indicators of the Legislative Council for the year ended 30 June 2007*. See Appendix 4.

Management of the Department's financial responsibilities is supported by the Financial Services Unit of PSD (**Finance**). Finance, in partnership with the Clerk, provides the following services:

- management of the budgeting and financial reporting functions;
- administration of Members' salaries and allowances;
- strategic commercial and financial advice to ensure efficient and effective use of allocated resources;
- maintenance of financial systems and internal controls; and
- preparation of management reports and statutory financial statements.

FINANCIAL POSITION

There was an increase of 19 percent to the funding of the Council's operational activities in real terms when compared to 1999-00, largely as a result of the annual injection of \$439,000 since 2005-06 following a major review of the operational funding requirements of the Legislative Council. In addition, funding of \$115,000 was provided in 2006-07 to meet the wages impact of the Parliamentary Employees General Agreement and an annual amount of \$98,000 was also provided to meet the cost of the awareness programs initiative. Leaving these additional amounts aside, shows a modest increase of 11 percent in real terms since 1999-00 compared with a 7 percent increase calculated on the same basis last financial year.

PROCUREMENT POLICY

As part of the 2005-06 initiatives of the then Acting Clerk, the Clerk signed-off on the Department's procurement policy and procurement guidelines and deployed them to all Council staff.

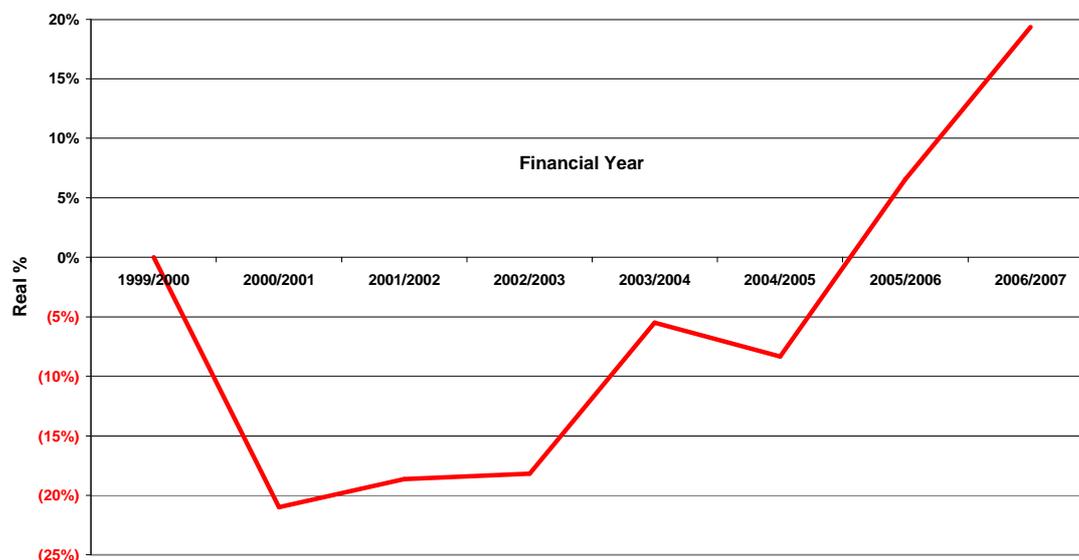
COMMITTEE OFFICE ACCOMMODATION

As stated in the annual report of 2005-06 there was an urgent need for additional committee office accommodation. A supplementary funding submission was submitted to the Treasurer for new accommodation at 32 Parliament Place. This was approved in November 2006 with an initial capital funding allocation of \$1 million towards fit-out, refurbishment and relocation costs

as well as ongoing recurrent funding of \$200,000 per annum from 2007-08 to meet the additional accommodation leasing costs.

Figure 8.1

Real adjustment to operational budget 1999-2000 to 2006-07

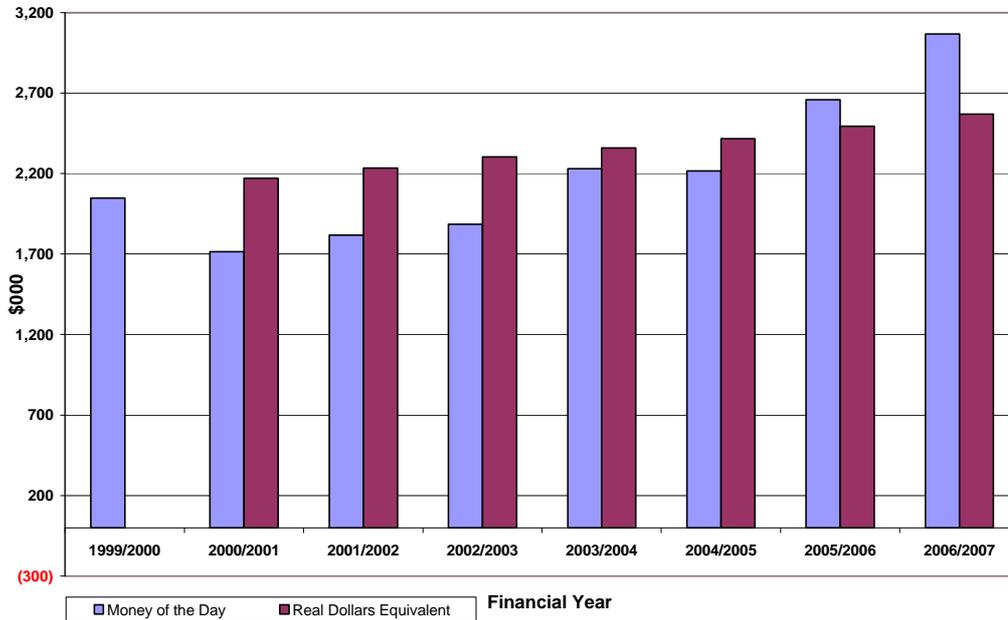


In 2006-07, the unaudited total cost of services was lower than revenues received from the State of WA by \$214,000 (or 1.34 percent), due to the timing of committee activities and the awareness programs, with significant expenditure planned for the first quarter of 2007-08.

Of the total amount expended of \$17.754 million (unaudited), \$7.839 million related to Members' salaries and allowances. These are funded separately to the Council's operational funding. An amount of \$4.755 million (unaudited) related to the Council's arbitrary component of the costs of PSD apportioned to both Houses of Parliament based on the number of Members of Parliament.

Figure 8.2

Operational expenditure (real change since 1999-2000)



The actual cost of running the House and its committees was \$2.122 million (unaudited), some \$275,000 less than budgeted due to the timing of committee activities and the awareness programs, with significant expenditure planned for the first quarter of 2007-08.

There was an increase of \$87,000 (unaudited) in the total assets of the Council, primarily relating to the preparatory work associated with the proposed relocation of the Committee Office and the acquisition of a photocopier.

LOOKING AHEAD

Area	Initiative
Budget issues	<p>To re-establish the budget to be aligned with the Assembly in order to provide the same level of service to the Members of the Legislative Council.</p> <p>To ensure adequate funds are available for the accommodation of the Committee Office, in consultation with the Department of Housing and Works and Treasury.</p>

